

MARJORY STONEMAN DOUGLAS HIGH SCHOOL  
PUBLIC SAFETY COMMISSION MEETING

BB&T Center, Chairman's Club  
1 Panther Parkway  
Sunrise, Florida 33323

July 10, 2018

8:30 a.m. - 5:30 p.m.

COMMISSION MEMBERS/ATTENDEES:

SHERIFF BOB GUALTIERI, Chair

JASON JONES, PSC General Counsel

CHRIS NELSON, Chief of Police - City of Auburndale

BRUCE BARTLETT, Chief Assistant to State Attorney -  
Sixth Judicial Circuit

RICHARD SWEARINGEN, Commissioner - Florida  
Department of Law Enforcement

MAX SCHACHTER, Parent of Victim

LARRY R. ASHLEY, Sheriff - Okaloosa County (via  
phone)

MELISSA LARKIN SKINNER, CEO - Centerstone of Florida

CHRISTI DALY, Secretary - Department of Juvenile  
Justice

MICHAEL CARROLL, Secretary - DCF

JAMES HARPRING, Undersheriff/GC - Indian River  
County

GRADY JUDD, Sheriff - Polk County

LAUREN BOOK, Senator - District 32

RYAN PETTY, Parent of Victim

DANIEL GOHL, Chief Academic Officer - Broward County  
Schools

CHIEF JULIUS HALAS, Director of Florida State Fire  
Marshall's Office

CHIEF OTTO DROZD, Fire Chief - Orange County Fire  
Rescue

CHIEF MICHAEL LONG, District Chief - Palm Beach  
Office

1 SECRETARY JUNIOR

2 DR. MARY CLAIRE MUCENIC, Director of Exception  
3 Student Learning Support - Broward County Public  
4 Schools

5 DR. LINDA ALATHARI, Chief of the National Threat  
6 Assessment Center - U.S. Secret Service

7 DONNA MICHAELIS, Manager of the Virginia Center for  
8 School and Campus Safety

9 Also present:

10 RONALD BARISH

11 W.R. CARNEY

12 JULIE GANAS, Veteran Broward County Elementary  
13 School Teacher

14 MICHAEL SIRBOLA  
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1 (Thereupon, the following meeting was had:)

2 CHAIR: Good morning, everybody. We'll go  
3 ahead and call the meeting to order. If you  
4 would please stand with me for a moment of  
5 silence and the pledge.

6 (Thereupon, a moment of silence was had.)

7 CHAIR: Please join me in the pledge.

8 (Thereupon, the pledge of allegiance was had.)

9 CHAIR: Because you should have received  
10 prior to the meeting a copy of the minutes from  
11 our last meeting in June. Does anybody have  
12 any suggested revisions, additions to the  
13 minutes? Okay, hearing none, I'll take a  
14 motion to approve the minutes.

15 SEN. BOOK: Chair --

16 CHAIR: Senator Book with a motion.  
17 Second? Sheriff Judd with a second. All in  
18 favor, aye.

19 (Aye.)

20 CHAIR: Any opposed, same? That motion  
21 passes, and the minutes are approved from the  
22 June meeting, and we'll get those posted to the  
23 website. I'll turn it over here for a second  
24 to our general counsel, Jason Jones, for just a  
25 reminder about the Sunshine Law, and another

1 topic that he wants to discuss. So, Mr. Jones.

2 MR. JONES: Yes, please. Just remember  
3 that we are governed by the Sunshine Law, so no  
4 conversations about things that we're going to  
5 talk about in the open meeting with side  
6 conversations. And also, this is going to be  
7 the first meeting that we start getting into  
8 real confidential and exempt information, so  
9 please remember that everything that we receive  
10 that is confidential and exempt must be held as  
11 confidential and exempt. And that pertains to  
12 either stuff that we hear through testimony, or  
13 items that you're provided in a paper copy or  
14 electronically.

15 CHAIR: All right, thank you. Just a  
16 couple of housekeeping items, so as to try and  
17 keep you informed here as we go forward. I  
18 believe that we will be good to meet here for  
19 our August meeting. There may be some  
20 scheduling conflicts for September and later;  
21 but we're still trying to work that out, and  
22 we'll let you know, and keep you apprised as we  
23 find out; but for the August meeting you should  
24 be back here at the BB&T Center.

25 I'm still working with the Governor's

1 office to replace to Mr. Pollack on the  
2 Commission. I don't have any update for you on  
3 that as of yet, but we're working on a  
4 replacement for Mr. Pollack. Commissioner  
5 Stuart couldn't be with us for this meeting,  
6 she's attending an important conference in  
7 Orlando recognizing Florida's teacher of the  
8 year, which is important for her to attend, so  
9 she won't be able to join us for this meeting.  
10 And Commissioner Dodd has a School Board  
11 meeting today, but he'll be here for tomorrow  
12 and Thursday, so he will be joining us  
13 tomorrow.

14 Just to update you on some things since we  
15 last met, we continue to work closely with the  
16 Broward County Sheriff's Office, with the Coral  
17 Springs Police Department, and the Broward  
18 County School Board, and many others. There  
19 have been many meetings over the last month.  
20 We continue to receive and review documents and  
21 evidence, and we've also obtained a lot of new  
22 video and other crime scene evidence over the  
23 last month.

24 Everybody remains cooperative with our  
25 investigators, and with our efforts. We are

1 running into a situation where the unions who  
2 are representing the officers and deputies are  
3 requiring subpoenas for the people they  
4 represent to be interviewed, so we're going to  
5 have to work through that. Not a big deal, we  
6 will. But overall everybody continues to be  
7 cooperative. Just know that we've got  
8 seventeen people assigned as investigators and  
9 other staff on the commission, and they're  
10 working hard every day full time to pore  
11 through all this evidence and take us to where  
12 we're going to begin here in a little bit  
13 during this meeting, but especially in August  
14 as we begin to get into the meat of things, and  
15 to get into an analysis of that evidence. And  
16 they're preparing for many more interviews over  
17 the next month.

18 We are in the process of preparing three  
19 very detailed and critical timelines. One  
20 timeline will detail every relevant in Cruz's  
21 life from birth through February 13, 2018; so  
22 that's how we're approaching this from an  
23 investigative standpoint, is that everything  
24 that has the slightest bit of meaning, the  
25 slightest meaning from the time he was born

1 through February 13th, then the next timeline  
2 is going to be from midnight on the 13th  
3 through the time of his arrest February 14th.  
4 Also, we're doing a separate chronology or  
5 timeline that details the entire first  
6 responder law enforcement response, and that  
7 means every CAD, or computer aided dispatch  
8 entry from the Broward County Sheriff's Office  
9 and the Coral Springs Police Department, every  
10 radio transmission, so we can see exactly who  
11 did what when, and then find out what knowledge  
12 they had or didn't have when as they were  
13 acting.

14 So, three separate important chronologies  
15 that are in the process of being prepared,  
16 birth through the 13th, 13th up until the time  
17 of his arrest, and then the law enforcement  
18 response. And those will be very helpful to us  
19 as, you know, we begin dissecting this more  
20 specifically in August.

21 At the last meeting commission members  
22 requested certain documents, and one of those  
23 documents that you requested was the FSSAT. If  
24 you remember that's the Florida Safe Schools  
25 Assessment Tool. If you recall we had a

1 presentation on it last time, and that was an  
2 instrument that was created as a result of  
3 legislation in 2014, and every district, every  
4 district was required to do an assessment, a  
5 site threat assessment, or a risk assessment,  
6 and it was at a district level but necessarily  
7 at a school level, and those were reported.  
8 And in SB7026 it now requires that the FSSAT,  
9 and that the site security risk assessment be  
10 done at every single school, charter,  
11 elementary, middle, and high school, and those  
12 are in the process of being done, and they have  
13 to be submitted to the Department of Education  
14 by August 1st.

15 You all requested a copy of the current  
16 FSSAT, and that will be posted to the  
17 commission members only password protected  
18 website this morning, and as Mr. Jones just  
19 mentioned in his remarks is, is that that is a  
20 document under Florida Law even in blank form  
21 that is confidential, it is exempt from  
22 disclosure. So, we're sharing it with you  
23 because you asked, but you have to not share  
24 it, not disclose it outside of the commission,  
25 and to others that aren't legally entitled to

1       it. So, we're posting it this morning, you'll  
2       have access to it in blank form, but please  
3       respect what the law requires and keep it  
4       confidential. So, you'll have access to that.

5           You also asked at the end of the meeting  
6       the last time several questions. We have  
7       responses to the majority of those questions,  
8       and those responses will be posted to the  
9       commission website this morning as well, so  
10      you'll be able to go onto the website and view  
11      the responses. If those responses are not  
12      responsive, or are not adequate, don't answer  
13      your questions, let us know and we'll probably,  
14      we won't do it at the end of this meeting, the  
15      same thing we did last time, and take any  
16      questions that you have so we can get answers  
17      back to you on those. So, make notes of  
18      anything that you see on there if you have a  
19      chance over the next couple of days, or  
20      afterward, after the meeting, next week take a  
21      look, and if you have any follow up that you  
22      need let us know and we'll make sure that we  
23      get those questions answered, and we'll  
24      continue to update that.

25           As far as the FSSAT is concerned, take a

1 look at it, and I do anticipate that that will  
2 be a topic that we address again at our August  
3 meeting. We are in the process of going  
4 through that, but I think it warrants some  
5 further discussion, and we'll talk more about  
6 that as we get into August.

7 I mentioned to you at the last meeting  
8 that I had sent a letter to FBI Director  
9 Christopher Wray requesting their documents  
10 regarding the complaints they received about  
11 Cruz, and they're the subject of a number of  
12 inquiries as to why that was not followed up  
13 on, and I had mentioned to you at the last  
14 meeting I had just sent the letter and had not  
15 received a response. I have since in the last  
16 couple of weeks had discussion with Director  
17 Wray's office. He is personally aware of the  
18 request, and of my correspondence. The  
19 assistant director with whom I spoke said that  
20 they are absolutely committed to cooperating  
21 with this commission, they're working on  
22 providing us with the documents that they can,  
23 and I discussed with him having somebody from  
24 the FBI potentially testify in September or  
25 October, and that seemed to be a time frame

1           that they thought that they could make work.

2           So, I can share with you that the FBI  
3           remains cooperative, they've expressed on  
4           behalf of the director himself a desire to be  
5           transparent, fully cooperate. They do have  
6           some internal reviews that are ongoing, and I  
7           think they want to try and work through some of  
8           that in the next couple of months, but  
9           hopefully we'll have documents from them as  
10          soon as they can provide them, and then we'll  
11          hear from somebody from the FBI this Fall.

12          On another topic, the Broward County  
13          School Board engaged a consultant to evaluate  
14          its dealings with Cruz, and how it handled  
15          things with Cruz through the entire time that  
16          he was enrolled in the Broward County public  
17          schools. That report is complete, although it  
18          hasn't been released. There's some legal  
19          opposition to it by Cruz's defense lawyers, and  
20          that is being litigated in the courts.

21          Nonetheless, last week we served a  
22          subpoena on the Broward County School Board for  
23          that document, and they will provide it to us,  
24          and I hope to be able to share it with the  
25          commission once we receive it. But again,

1       that's another document that is confidential,  
2       it is exempt, it can't be disclosed, it can't  
3       be shared, but hopefully we'll have that  
4       document here soon, and then we'll share it  
5       with you after we take a look at it, and either  
6       at or before the next meeting I hope to be able  
7       to share that with you.

8               We're monitoring the Florida Department of  
9       Law Enforcement's executive investigation. You  
10      all are aware that the Governor requested FDLE  
11      to conduct an investigation into the law  
12      enforcement response. We've met with the EI,  
13      the executive investigation team, and continue  
14      to have dialogue and coordinate with them to  
15      try and eliminate redundancies. They are in  
16      the process of conducting interviews. We're in  
17      the process of conducting interviews. We need  
18      to conduct a lot more interviews, but there's  
19      no sense in redoing what's already been done,  
20      to the extent that we can use anything that  
21      they have, or that they can help us to  
22      eliminate those that aren't most material and  
23      relevant. And the same thing goes on our side.  
24      So, we continue to work closely with EI and  
25      share to the extent we can, although the scope

1 of the executive investigation is much narrower  
2 than what we're doing, so we'll continue to  
3 coordinate with them.

4 At the same time, I think most of you are  
5 aware, the Broward County government has  
6 engaged the Police Foundation out of Washington  
7 DC to conduct a review, and I continue to  
8 coordinate with them just to make sure that  
9 there are no impediments for us with what  
10 they're doing so that we can meet our statutory  
11 investigative mandate. And again, they are  
12 cooperative, and they've been retained to do a  
13 certain thing, but I don't see any conflicts,  
14 and we continue to share information.

15 So, as we outlined in the last meeting  
16 we're going to continue over these next three  
17 days focusing on providing a knowledge base for  
18 commission members on the investigative topics  
19 that we approved at our first meeting in April,  
20 and those topics that we are required to  
21 investigate by statute.

22 In our last meeting we heard presentations  
23 on several different topics over two very full  
24 days. As you recall we weren't able to fit  
25 everything in last time, and some of those had

1 to be rescheduled for this meeting, and some of  
2 those topics were on mental health and gun  
3 purchase disqualification law, so you'll hear  
4 about that this week. So, during the next  
5 three days of meetings you're going to hear  
6 seven different presentations from about  
7 twenty-three different presenters during about  
8 twenty-two hours of testimony.

9 Again, largely but not totally these  
10 presentations are to help develop that  
11 knowledge base against which we will measure  
12 the investigative results, but during this  
13 meeting you're going to start to hear some of  
14 the investigative results, and I think the  
15 shift will occur in August where it's primarily  
16 going to be investigative, and we'll just mop  
17 up some of the background information. So,  
18 this will be the last meeting where it is  
19 primarily background information.

20 I do want to mention a couple of things  
21 about the August meeting. I believe that it's  
22 essential that we conduct as much of our  
23 business in open public meetings as we possibly  
24 can. Transparency leads to public confidence,  
25 and that our conclusions are fair, and that

1       they're objective, and that they're accurate.  
2       And simply put the public is entitled to know.  
3       However, some of what we consider has to be  
4       closed because we're hearing confidential  
5       information that is prohibited or exempt from  
6       public disclosure by law, and of course we got  
7       to follow the law in that respect.

8               I anticipate that a portion of the August  
9       meeting will not be public. I also anticipate  
10      in August that we'll begin to look at some of  
11      the crime scene evidence, and some of that  
12      crime scene evidence will likely include some  
13      of the video, and there's a lot of it, and that  
14      will occur during non-public portions of the  
15      meeting. Those presentations will be clearly  
16      identified on the agenda, and any commissioner  
17      who chooses not to view the video is of course  
18      excused from attending those portions of the  
19      meeting. Some of you may not want to view some  
20      of that, it's completely understandable, and  
21      we'll note it on the agenda, so you know when  
22      it will be, and if you choose not to attend  
23      that's fine.

24             We're going to begin our meeting today  
25      with a follow up from a topic that garnered

1 much discussion last meeting, and that's the  
2 PROMISE program, and I hope that we can come to  
3 a decision on the PROMISE program's relevance  
4 to our investigation. We're going to end on  
5 Thursday with a closed session learning the  
6 investigative results from Cruz's contact and  
7 treatment by, contact with and treatment by  
8 Henderson Behavioral Health.

9 Again, much has been made of Cruz and his  
10 involvement with Henderson in the media, and  
11 we're going to provide facts to the commission,  
12 as opposed to what some of you may have been  
13 led to believe by what you've heard through  
14 word of mouth and/or what has been published in  
15 various media accounts. Now, I really wish  
16 that the Henderson presentation could be open  
17 to the public because it's vital that this  
18 community have accurate factual information,  
19 however as I just mentioned some of these  
20 presentations, and this one included on  
21 Thursday, will contain protected health  
22 information that we are required to keep  
23 confidential, so we're going to have to have  
24 that meeting in private, because we're going to  
25 get into his health records and information

1           that we received from Henderson.

2           Nonetheless, we will be able to release  
3           some of the conclusions at the appropriate time  
4           that are based on facts we have developed, and  
5           I hope that these conclusions by this  
6           independent commission will clarify some  
7           important aspects of what occurred or did not  
8           occur between Cruz and Henderson.

9           So, as we begin the presentations again  
10          please remember that this is largely background  
11          by subject matter experts. We're generally not  
12          going to get into the specifics of what  
13          happened at Marjory Stoneman Douglas, or  
14          leading up to it, so please keep that in mind  
15          with your questions, that some of the  
16          presenters today may not be in a position to  
17          have knowledge as to what happened at MSD on  
18          February 14th, and they're here to educate us  
19          on some of the processes or systems in their  
20          area of expertise that will help us to evaluate  
21          the evidence as we begin to hear about that.

22          Now, that premise doesn't hold true about  
23          the first topic we're going to discuss this  
24          morning, and that is the PROMISE program, and  
25          it doesn't hold true about which we're going to

1 talk about on Thursday as far as Henderson is  
2 concerned, we're going to get into the meat of  
3 things, and you're going to hear very specific  
4 information. So, we are on a tight schedule,  
5 and we're going to ask as we did last time, I  
6 think it worked out well, if you can during the  
7 presentations, if you would hold your questions  
8 to the end, and some of the questions that you  
9 have will be answered as the presenters move  
10 through their PowerPoints and their  
11 presentations, but we'll have plenty of time at  
12 the end of all the presentations for you to ask  
13 as many questions as you want, and make sure  
14 that you're able to get the clarity that you  
15 need to be fully informed.

16 So, we're going to begin this morning --  
17 yes, Mr. Schachter?

18 MR. SCHACHTER: I just wanted to -- before  
19 we get started today I wanted to thank all the  
20 commissioners for being here, taking a lot of  
21 time out of their day, and their life, and  
22 being away from their families. And I also  
23 wanted to thank the FDLE. I think that you  
24 guys are doing a tremendous job, and I just  
25 wanted to thank you from the bottom of my

1 heart. There is nothing that is more important  
2 in, in my life, and I hope a lot of, a lot of  
3 other people's lives than this investigation.  
4 Not only will this affect our lives down here,  
5 but the entire world is watching.

6 So, Alex's birthday was yesterday, and  
7 that's what this is all about, is to make sure  
8 that all these seventeen beautiful soles did  
9 not die in vain. So, thank you for working  
10 hard. Thank you, Chairman.

11 CHAIR: Thank you. Anybody have anything  
12 else before we get started? Okay. I'm going  
13 to ask Dan Gohl, who is the Chief Academic  
14 Officer for the Broward County Schools, just to  
15 come up to the podium here. I'm going to run  
16 through this presentation on the PROMISE  
17 program, and I've asked Mr. Gohl to be here to  
18 answer any questions that you may have as I run  
19 through it, or after I run through it. And as  
20 I've said what I hope that we can do this  
21 morning as a result of this is to make a  
22 decision about the relevance of the PROMISE  
23 program, and whether we need to do anything  
24 else with it at all, or whether this is  
25 something that we can put to rest and move onto

1 other topics.

2 So, I'm going to run through this. You  
3 have a copy of this PowerPoint, it's in your  
4 material. And just to recap, the PROMISE  
5 program, as you know, is a Broward County  
6 public schools alternative to external  
7 suspension, or as it's called AES, and a  
8 juvenile pre-arrest diversion program. So, the  
9 reason why it's an AES and a PAD is, is because  
10 some of the conduct that is enumerated in the  
11 PROMISE program criteria would result in an  
12 external suspension from school, so it's an  
13 alternative to the kid being booted out of  
14 school for a couple of days and sitting at  
15 home.

16 And some of the conduct is not criminal,  
17 like one of the offenses, if you will, is  
18 harassment, well, that's not a crime, but it is  
19 a violation of the student code of conduct, and  
20 it could subject the child to an external  
21 suspension. So, it's an alternative to  
22 external suspension, and an alternative to  
23 arrest and involvement in the juvenile justice  
24 program.

25 In 2013 Broward County schools established

1 PROMISE through a collaborative agreement with  
2 numerous stakeholders, and those stakeholders  
3 here in Broward County include the Department  
4 of Juvenile Justice, the Broward State  
5 Attorney, the Public Defender, the Chief  
6 Judges, the signer on the agreement, and the  
7 law enforcement agencies throughout Broward  
8 County, among others. That original agreement  
9 was entered on the 5th of November in 2013, and  
10 that's an important date, and you'll see why  
11 here, because the agreement took effect at the  
12 beginning of the school year in 2013.

13 It was at the beginning of that school  
14 year, is when Cruz had his involvement with the  
15 PROMISE, so it was very early on. It was at  
16 the incipient stages of the PROMISE program, so  
17 that's an important thing to remember as we go  
18 through this. There's also an updated  
19 agreement that took effect in October of '16.

20 So, we're going to focus on the pre-arrest  
21 diversion nature of the PROMISE program, not so  
22 much concerned about the alternative to  
23 external suspension, because the question that  
24 we've had, the question before us, the question  
25 that has been presented largely in the public,

1 and in the media, is should Cruz have been  
2 offered the PROMISE program, and if he was  
3 offered it, and if he did complete it, or if he  
4 didn't complete it, what bearing did that have  
5 on his ability either to buy or possess a  
6 firearm, or would his non participation in  
7 PROMISE have affected, or had a potential to  
8 affect the outcome of this in any way. So,  
9 that's why we're going to focus this on the  
10 pre-arrest diversion aspect of it, and not so  
11 much on the alternative to external suspension.

12 So, all pre-arrest diversion programs, I  
13 think a general premise, I don't think anybody  
14 would disagree with this, the target is  
15 generally first time minor non-violent  
16 offenders. I don't know if any program around  
17 doesn't do that. It gives them an opportunity  
18 to remediate their misbehavior without  
19 establishing a criminal record. Now, some of  
20 these things that I'm going to go through, and  
21 this is an example of it, the pre-arrest  
22 diversion program concept, I'm not asking you  
23 to agree with this. Many of you have different  
24 views, and many people have different views on  
25 pre-arrest diversion, and diversion in general.

1 I'm not asking you to agree with it, but I'm  
2 just saying, I'm just telling you this is the  
3 concept of these programs, and the concept is,  
4 is that young people misbehave and commit minor  
5 crimes, such as taking a \$50 thing from the  
6 mall, or committing a vandalism, or having one  
7 joint of marijuana, or whatever it is, and they  
8 need consequences for those things, but  
9 arresting them, and placing them in the  
10 juvenile justice system is unnecessary for  
11 those minor first time, maybe second time  
12 offenders.

13 And one of the big reasons that supporters  
14 of these pre-arrest diversion programs state is  
15 because young people do stupid things, they  
16 make mistakes. Yes, they're crimes, but  
17 they're minor crimes, and sometimes by  
18 arresting them and putting them in the juvenile  
19 justice system it actually makes things worse,  
20 and it is a barrier to their future success.  
21 Now, again, some of you have different views on  
22 this. That's fine, everybody is entitled to  
23 their opinions. I'm just telling you what the  
24 premise is, and the supporters of the concept  
25 will tell you are their reasons for supporting

1           it.

2           So, successful pre-arrest diversion  
3           programs generally will limit the number of  
4           eligible offenses to minor crimes, and they'll  
5           limit the number of times that somebody can  
6           participate, because there comes a point in  
7           time where it's ridiculous, you give somebody,  
8           you know, so many bites at the apple, they're  
9           not getting the message, it's time for  
10          consequences, it's not time give them a break.

11          Now, the Broward County PROMISE program,  
12          as you heard last time, allows multiple  
13          referrals to the PROMISE program in a school  
14          year, and eligibility is reset each school  
15          year. That's very unique, and it's something  
16          that I think at the end of this presentation we  
17          can have more discussion about, but under state  
18          law that was in effect prior to July 1 of 2018,  
19          the state's civil citation pre-arrest diversion  
20          program allowed juveniles to participate in  
21          pre-arrest diversion up to three times, so the  
22          fact that a kid gets three opportunities at  
23          pre-arrest diversion, and that the Broward  
24          County PROMISE program allowed multiple  
25          diversions in a school year, it was absolutely

1 consistent with state law, because state law  
2 said that you could have up to three.

3 Now, the difference is, is that the  
4 PROMISE program allowed multiple diversions,  
5 and it got reset every school year. Now that's  
6 something, probably some healthy discussion  
7 could be had about, about whether that's a good  
8 idea. But as it relates to giving multiple  
9 opportunities state law permitted it. As of  
10 July 1st, a few days ago, Florida law changed,  
11 and Florida law changed to require that in the  
12 twenty judicial circuits in the State of  
13 Florida that the State Attorney in conjunction  
14 with the law enforcement agencies, and the  
15 other stakeholders in each circuit, establish a  
16 juvenile pre-arrest diversion program.

17 And it's up to the stakeholders in each  
18 circuit in the state of Florida to develop and  
19 implement criteria for each program, so it will  
20 allow individual community tolerances, desires,  
21 and what the community thinks is the best  
22 practice to occur in different areas, because  
23 Florida is not a one size fits all, is, is that  
24 there are different things that are better in  
25 one community than in another; so if a

1 community thinks, hey, we're going to have a  
2 pre-arrest diversion program but it's one time  
3 and done, and another community thinks, okay,  
4 we're going to have a pre-arrest diversions  
5 program but, as an example, you get five bites  
6 at the apple, then if that works in that  
7 community, and that's the consensus, and  
8 they're all signatories to the agreement, then  
9 that's the way it will be done in that circuit.

10 So, that's the change that took effect on  
11 July 1st. As I said, PROMISE, largely  
12 consistent with the law prior to July 1, and  
13 going forward I don't know what the criteria  
14 will be here in Broward County. I don't know  
15 what the criteria will be in the various of the  
16 twenty circuits. I'm not aware of a circuit  
17 that has yet to develop its criteria, although  
18 the law took effect on July 1, so we'll have to  
19 see as that plays out.

20 One of the things that I think again at  
21 the end of this we can have some discussion  
22 about, should have some discussion about, is  
23 that the PROMISE data and a student's  
24 participation is not integrated. Remember last  
25 time you heard about DJJ's prevention web?

1       There's two sides to the house in the  
2       Department of Juvenile Justice as it relates to  
3       data in this respect. There's JJIS, which is  
4       the juvenile justice information system, so  
5       when a kid gets arrested and enters the  
6       juvenile justice system the information goes in  
7       JJIS, but when there's diversion, and for  
8       tracking purposes it goes into prevention web,  
9       and prevention web is just for generally  
10      statistical tracking purposes, and is not  
11      something that creates a criminal record for  
12      the kid, and is not something that would be  
13      released in a public records request, so it  
14      isn't that barrier, that impediment to that one  
15      time stealing a necklace at the mall for that  
16      thirteen year old girl.

17           But nonetheless, it allows for tracking of  
18      information, and I suggest to you most  
19      importantly is it allows for good decisions to  
20      be made by law enforcement officers, and by  
21      criminal justice system stakeholders if that  
22      kid has subsequent contact, because when you  
23      have these pre-arrest diversion programs that  
24      operate in silos, is that you can have  
25      multiple, multiple bites at the apple, and you

1 have a kid that falls through the cracks  
2 because they really are having some serious  
3 problems but nobody is able to connect that.  
4 So, as a result in Broward County you could  
5 have a kid that participates in the PROMISE  
6 program three times in the school year because  
7 he stole something, he broke something, and  
8 because he got in a fight, then during the  
9 summer he goes to the mall and he steals three  
10 things, and you could have, potentially you  
11 could have six diversions in one year.

12 I think most people would think that's a  
13 little ridiculous, and too much, and there's a  
14 problem here, and you shouldn't have it, but  
15 there's no connecting to the dots because at  
16 the mall in the summer, when that officer, or  
17 that deputy is going to the mall, and they're  
18 encountering that kid, they can't check a  
19 system and see, well, that kid just got out of  
20 school in May, this is now June, and he got  
21 three diversions in the PROMISE program in the  
22 last three months, and he can say, whoa, we're  
23 not going to do this diversion thing, we're  
24 going to go ahead and arrest him and put him  
25 into the system because he needs it.

1           So, the same holds true, where if it's  
2           August, two days before school starts, and a  
3           kid steals something at the mall and he gets  
4           diversion, he gets a civil citation, and then a  
5           week into school he does something, is the  
6           school isn't checking prevention web to see if  
7           the kid had any contact during the summer. So,  
8           these programs most likely would be better off  
9           if they were required to be reported to DJJ and  
10          entered into prevention web. But we'll come  
11          back to that here in a minute.

12          So, generally speaking recidivist behavior  
13          warrants criminal changes. Neither PROMISE nor  
14          any pre-arrest diversion program is appropriate  
15          for high recidivist offenders, and certainly  
16          not for prolific offenders, so to the extent  
17          that anybody is under the impression that these  
18          programs would allow in any kid that commits  
19          anything other than a non-violent misdemeanor  
20          first or second, in some cases maybe third time  
21          offense, that's not the case.

22          These kids that are the worst of the  
23          worst, these kids that are committing serious  
24          crime aren't even eligible and aren't  
25          considered, and I know of no evidence, no proof

1 anywhere under any circumstances in this case  
2 or anywhere else that any high recidivist  
3 prolific offenders are entering into diversion  
4 programs. If anybody does, you're welcome to  
5 bring it forward, but I don't know of anywhere  
6 where that's occurring.

7 So, according to the Broward County public  
8 schools during the '16/'17 school year 89.1% of  
9 the students referred to PROMISE for a first  
10 time received no further referrals, so that's a  
11 one time and done. You got not 89% of the kids  
12 that meet one of those thirteen offenses,  
13 they're referred to PROMISE, they probably did  
14 three days in Pine Ridge in the alternative  
15 program, and they were never referred again so  
16 the program worked, and did what it was  
17 designed to do, and to keep them from  
18 reoffending without establishing a criminal  
19 record.

20 So, how's it work? When a kid commits one  
21 of those thirteen offenses, there's a referral  
22 done, the child is then assigned to Pine Ridge  
23 Educational Center for between two and ten  
24 days, as determined by the discipline matrix.  
25 At Pine Ridge they receive on-site intervention

1 services. Once they get done with their  
2 between two and ten days of classroom at Pine  
3 Ridge, they then go back to their home school,  
4 and there's longer term monitoring that takes  
5 place once they get back. Some of the  
6 programming at Pine Ridge in that classroom in  
7 the two to ten days includes coping skills,  
8 conflict resolution, and pro social behaviors,  
9 depending upon what the kid did and what they  
10 need, because there's an assessment. You'll  
11 see here in a second there's an assessment done  
12 as soon as they get there on the first day.

13 So, I think that there is, when you read  
14 the PROMISE agreement, and that collaborative  
15 agreement, there is some limits on officer  
16 discretion in that agreement, because it says  
17 that an officer should not arrest a student for  
18 a first offense unless it's one of those  
19 thirteen offense, so should not arrest, and  
20 before an arrest is made the officer shall  
21 follow certain steps to assure the arrest is  
22 necessary, so officer discretion is limited.  
23 Now, is it restricted, is it prohibited, is it  
24 abrogated, no, but a plan reading of the  
25 agreement, and any officer reading it, or any

1 agency reading it, and there is some concern  
2 that we've heard from agencies down here that  
3 officer discretion is limited, and some will  
4 say that it's abrogated, I don't think, by  
5 reading the agreement I don't think it's  
6 abrogated, but there's no doubt that it is  
7 limited because it says officers should not  
8 arrest for a first offense, and before you can  
9 arrest you shall follow certain steps, so there  
10 is a limitation on it for those thirteen  
11 offenses.

12 Now, it also goes on to state in the  
13 collaborative agreement that nothing in the  
14 agreement limits an officer's discretion, yeah,  
15 for anything other than the thirteen offenses,  
16 but officer discretion is limited for those  
17 thirteen, and across the board they're  
18 encouraged to consider other alternatives.

19 This last bullet on here is I think the  
20 crux of our discussion here this morning, and  
21 what we need to keep in mind, is that there is  
22 not one, not one of those thirteen offenses  
23 that is in that collaborative agreement, and  
24 you got a list of those at the last time, at  
25 the last meeting, and you all had that

1 information available to you, you know what  
2 those are, they're very minor things,  
3 vandalism, theft, fighting, harassment, some of  
4 them aren't even crimes, but there's not one of  
5 those that if criminally charged would ever  
6 under any circumstance whatsoever result in the  
7 disqualification from purchasing, owning, or  
8 possession a firearm.

9 So, the offense that Cruz was referred to  
10 PROMISE for was an offense of vandalism, and  
11 under Florida law that's formally known as  
12 criminal mischief. Under Florida law, it is a  
13 misdemeanor when the damage to the property is  
14 under \$1,000. And again, that is one of the  
15 offenses that is in the collaborative  
16 agreement. Under that criteria, if a student  
17 commits a vandalism first time the school  
18 administrator is not required to consult with  
19 law enforcement, they can just refer the kid  
20 right to PROMISE. A second, or subsequent  
21 vandalism, mandates consultation with law  
22 enforcement, and then law enforcement would be  
23 able to make a decision whether they were going  
24 to charge the kid or allow the kid to proceed  
25 in PROMISE. So, the only time there is, if you

1 will, un-law enforcement involved decision  
2 making is for that first-time misdemeanor  
3 vandalism. And without law enforcement  
4 intervention, a student who commits that  
5 vandalism on campus is assigned to PROMISE, and  
6 it's a three-day assignment to Pine Ridge.

7 A student who doesn't complete PROMISE  
8 could be arrested and referred to the juvenile  
9 justice system, so if the kid's referred and  
10 doesn't go, or the kid goes and doesn't stay,  
11 or doesn't complete the requirements, then they  
12 could be arrested and referred to the state  
13 attorney for prosecution.

14 Now, in this case there's no evidence that  
15 Cruz was referred to PROMISE more than once, so  
16 it just didn't happen, is, is that to the  
17 extent that anybody has received any  
18 information, or there's information out there  
19 in the public realm that Cruz got multiple  
20 bites at the apple, or there are multiple  
21 referrals to PROMISE, or that somehow PROMISE  
22 had some effect on his future, future decisions  
23 that were made regarding him, is that it was  
24 one time. And as you'll see it was one time in  
25 2013 when he was at Westglades Middle School.

1           Now, as we said whether it should allow  
2 multiple referrals, we'll get to that, and  
3 there's also evidence that multiple PROMISE  
4 referrals has led to unintended negative  
5 consequences affecting school safety. If  
6 anybody has any knowledge, or any information  
7 to that affect, bring it forward, but we have  
8 uncovered nothing where somebody was  
9 inappropriately referred to PROMISE, that  
10 somebody who didn't meet the criteria, somebody  
11 who was prolific offender, somebody who was a  
12 recidivist, somebody that was a danger to the  
13 community was referred to PROMISE, and somebody  
14 who shouldn't have participated did, is that we  
15 have uncovered none of that.

16           So, getting into the specifics, PROMISE  
17 began in 2013. On November 25, 2013 Cruz was  
18 fifteen, and he was an eighth-grade student at  
19 Westglades Middle School. Now, he was  
20 required, because of some on campus behavioral  
21 issues he was required to be escorted by a  
22 behavioral specialist, and he had gone into the  
23 boy's bathroom at Westglades Middle School, and  
24 when he was in the boy's bathroom is, is that  
25 for some reason, is that he damaged the faucet

1 to a sink in the bathroom, and somebody  
2 reported it to that monitor who was standing in  
3 the hallway, and they found that he damaged the  
4 faucet in the sink. That's all he did, and it  
5 was minor damage. Why he did it, we don't  
6 know, but he damaged the faucet.

7 Once it was reported to the behavioral  
8 specialist it was reported to an assistant  
9 principal. The assistant principal followed  
10 the established criteria that was in place and  
11 had the information entered into a computer  
12 system. When you enter the data into a  
13 computer system based upon the student's  
14 history and other criteria the computer system  
15 would tell them whether the student was PROMISE  
16 eligible. The computer system showed that he  
17 was PROMISE eligible, and at that point it  
18 requires consultation with the student's  
19 parent, and if they accept the referral to  
20 PROMISE then that is in lieu of an external  
21 suspension, and it is in lieu of proceeding  
22 with any criminal charges.

23 So, there was communication with Linda  
24 Cruz, Nicholas Cruz's mother, she consented,  
25 and he was assigned to the PROMISE program.

1 Now, this is around the Thanksgiving holiday in  
2 2013, so this happened on the 25th of November.  
3 He was assigned to attend PROMISE on the 26th,  
4 and because of the Thanksgiving holiday his  
5 second and third day were December 2nd and  
6 December 3rd.

7 Because this was the first year, remember  
8 PROMISE is brand new, it had just started, the  
9 database used to track PROMISE participants was  
10 not the Broward County public school's  
11 attendance system, which they call TERMS, and  
12 it wasn't used for PROMISE in 2013. What they  
13 were using in 2013 at Pine Ridge was a File  
14 Maker Pro database, and this was just a  
15 database that was unique to the PROMISE  
16 program, and unique to Pine Ridge, so that the  
17 database for attendance in 2013 when this first  
18 started was not connected to the overall  
19 attendance database used by the rest of the  
20 school system. So, you had the TERMS database  
21 for attendance, and then you had at Pine Ridge,  
22 when the kids went there they kept the  
23 attendance records in a separate database.

24 They were silos, in that one couldn't see  
25 the other, one didn't talk, so that things that

1        were in PROMISE weren't viewable to the users  
2        of TERMS, and vice-versa, you actually had to  
3        go into the two separate ones, they didn't  
4        interface at all. So, the TERMS system shows  
5        that Cruz was present at the Westglades Middle  
6        School on November 26th. That's his first day  
7        when he was assigned to PROMISE. The File  
8        Maker Pro system shows that Cruz was present at  
9        Pine Ridge in the PROMISE program on the 26th.  
10       Well, obviously the kid can't be in two places  
11       at once, and the district cannot determine  
12       where Cruz was on November 26th.

13                Staff members have no recollection whether  
14       he was at Westglades or at Pine Ridge. Now,  
15       when a kid is assigned to the PROMISE program  
16       it's mandated that they take district  
17       transportation, so you can't drive your car,  
18       mom and dad can't take you, you can't walk, you  
19       have to take district transportation, it's part  
20       of the process. District transportation  
21       records don't reflect anything as far as them  
22       transporting Cruz on the 26th. There's just a  
23       void there. It shows other kids were  
24       transported, but it doesn't show that Cruz was  
25       transported. It's not dispositive. We can't

1 say that he was transported, or he wasn't  
2 transported. But, on that same day, there are  
3 intake documents and an assessment that is done  
4 by a staff member at Pine Ridge that's an  
5 assessment of Cruz. And I'm happy to share  
6 that with any of you, I've read it, and the  
7 answers to some of the questions in that  
8 assessment are consistent with answers that  
9 Cruz would have given, so it appears that he  
10 was either there, and showed up, and the  
11 assessment was done, but the person who  
12 prepared the documents has no independent  
13 recollection of Cruz and has no independent  
14 recollection of doing that assessment in  
15 November of 2013. They're not saying that they  
16 did it, they're not saying that they didn't do  
17 it.

18 Now, it shouldn't have been done, but is  
19 it possible that that person called and talked  
20 to Cruz on the phone on the 25th or on the 26th  
21 before him coming? I guess it's possible, but  
22 nobody knows. So, he's supposed to be there on  
23 the 26th. Westglades and Pine Ridge show he  
24 was at both places. He couldn't be at both  
25 places. Transportation records are not

1 helpful. There is no video. And the person  
2 who did the assessment has no recollection, but  
3 she clearly asked him questions that he  
4 responded to.

5 For December 2nd the records show Cruz is  
6 absent at Westglades and at the PROMISE  
7 program. Now, the way that the TERMS system  
8 works, the TERMS system began as the attendance  
9 record system used by the school board, so the  
10 attendance records system TERMS used by the  
11 school board is recording attendance at  
12 Westglades, but that system is what they call a  
13 proactive, or an exception based attendance  
14 system, so what that means is, is that  
15 everybody who assigned, everybody is present  
16 unless somebody goes into the system and  
17 denotes them as not being present, so it's a  
18 default present system.

19 So, the PROMISE records though are  
20 probably, I say probably, more credible in this  
21 respect because it's manual, so how it would  
22 work is the teacher whose class Cruz was  
23 assigned in at Pine Ridge back then in '13  
24 either would manually on a piece of paper, or  
25 use some other internal system, keep

1 attendance, it would be transferred to the  
2 office at Pine Ridge, and a clerk in the office  
3 at Pine Ridge in File Maker Pro would have  
4 denoted him as absent. At Westglades he's  
5 present unless somebody went in and said he  
6 wasn't there. So, the next question is, is  
7 that what does the teacher say whose class Cruz  
8 was in. Well, unfortunately he's deceased, we  
9 can't ask him, he passed away.

10 So, there's a note though from a counselor  
11 at Westglades who was involved in dealing with  
12 Cruz, that he was absent because she looked for  
13 him on December 2nd. So, what it looks like is  
14 that he wasn't in either place on December 2nd,  
15 is what it looks like, but we can't tell for  
16 sure because the teacher says he wasn't there,  
17 somebody went into the system at Westglades in  
18 TERMS and affirmatively said he wasn't there,  
19 the counselor says he wasn't there, and the  
20 records at the PROMISE program somebody denoted  
21 him as absent, which would require an  
22 affirmative action by somebody to do that, so  
23 he probably wasn't there.

24 This is, and I copied it in here for you,  
25 this is the Pine Ridge attendance records, and

1       you can see is, is that on the first day it  
2       shows that he was present, and then absent, and  
3       absent, so somebody actually had to -- and  
4       Johnny Jones is his teacher, and unfortunately  
5       Mr. Jones is deceased. So, on the 3rd it shows  
6       that Cruz was present at Westglades but absent  
7       from the PROMISE program. You know, I can't  
8       tell you, and I don't know, and nobody does, it  
9       does look like he was not at the PROMISE  
10      program because somebody affirmatively denoted  
11      on that record you have in front of you, but it  
12      shows that he was present at Westglades, but  
13      again that's a default present system, and best  
14      we can tell more than likely he wasn't there on  
15      the 3rd and somebody probably just didn't go in  
16      and change it from present to absent, because  
17      he returned to Westglades on the 4th, and there  
18      are records showing he came back on the 4th.

19           There are also forms that should have  
20      accompanied him when he came back showing that  
21      he completed the PROMISE program, and there are  
22      no forms showing that he completed the PROMISE  
23      program or its follow up, so the records are  
24      inconsistent. Beginning in 2014 Broward County  
25      schools began capturing the PROMISE attendance

1 in TERMS so the likelihood of this  
2 inconsistency happening again is slim and none.  
3 It happened because of two different databases  
4 being used. That was a contributing factor  
5 during the startup of the PROMISE program.

6 So, consider all of that against this, is  
7 that under Florida law criminal mischief is a  
8 misdemeanor, can be up to one-year  
9 incarceration. Actual penalties are not  
10 applied according to statutory maximums. If  
11 Cruz in reality had been arrested initially, so  
12 when he came out of that bathroom after  
13 damaging the faucet if he hadn't been referred  
14 to that PROMISE program at all he likely would  
15 have been, if he had been arrested he likely  
16 would have been referred to a DJJ diversion  
17 program for first time misdemeanor offenders,  
18 and if he had not been referred to any  
19 diversion program and the system had dealt with  
20 him reality is the most he would have received  
21 is community service, or some comparable  
22 sanction for first time misdemeanor offenders.

23 If he had been arrested and taken to the  
24 juvenile booking facility, it's called the  
25 juvenile assessment center, and my

1 understanding down here in Broward County is,  
2 is that because the JAC center is so far away  
3 from Parkland is, is that very few kids are  
4 even taken there. They're usually just, even  
5 if they are arrested and there's a referral  
6 done it's usually a release to the parents at  
7 the street level anyway. And if he had been  
8 taken to the JAC center he absolutely would  
9 have been just released to his mother, because  
10 under the law, and under the DRE, is that he  
11 would not have scored detention. He would not  
12 have been permitted to be kept in custody, he  
13 would have been immediately released.

14 So, if the case had been prosecuted by the  
15 State Attorney's Office, either because Cruz  
16 was arrested initially or because he failed to  
17 complete the PROMISE program is, is that it  
18 would have had no legal relevance on any  
19 subsequent contact law enforcement had with  
20 Cruz, and it would never ever have affected  
21 Cruz's legal right to buy, own, or possess a  
22 firearm. So, to the extent that his purchase  
23 of any one of the numerous firearms that he  
24 bought after he turned eighteen in September of  
25 2016, if there's any question about whether

1           this had any impact on that, it absolutely did  
2           not, and could not have.

3           So, that's what I can tell you factually  
4           we know about the PROMISE program, and about  
5           Cruz's involvement in the PROMISE program. So,  
6           any questions anybody has of me or of Mr. Gohl,  
7           who's here from the school district, we're  
8           happy to answer those questions. And then I'm  
9           going to suggest to you that this is something  
10          that we can make some recommendations on, but  
11          overall that this is something we put to rest  
12          and we move on from. Sheriff Judd.

13          SHER. JUDD: Thank you, Sheriff. I think  
14          you did an admirable job, and I completely  
15          agree with you. This is a philosophical issue  
16          because the evidence, the clear evidence you've  
17          presented to us today we, we understand what  
18          the issues are. They have created a PROMISE  
19          program that gives student bite after bite  
20          after bite of the apple. In fact, they can eat  
21          the whole apple three or four times. That  
22          doesn't even click the criminal justice  
23          diversion programs that are in place in most  
24          places, then they get some more apples to eat,  
25          not just bites at the apple.

1           I think as long as the community  
2           understands that you're not holding kids  
3           accountable for criminal conduct, that's their  
4           business, but clearly there was a system in  
5           place, it's called the criminal justice system.  
6           There is a statewide database where if we would  
7           put, we set, we set aside another database  
8           system, which is another philosophical thing,  
9           but if we put everybody in the, quote/unquote,  
10          criminal justice system, and that way we could  
11          query that database all across the state, and  
12          then when these kids turn eighteen and you see  
13          their minor transgressions simply have a law  
14          that blankets, it wipes everything out. They  
15          chose not to do that.

16          For the purposes of this commission I  
17          believe that we need to move forward, because  
18          quite frankly I don't think this event in and  
19          of itself, breaking a handle off of a faucet,  
20          had anything at all to do with the mass  
21          shooting later on. The issue of the PROMISE  
22          program is a local issue. I think it's a train  
23          wreck. I think it creates, and harbors, and  
24          encourages, or at least, not encourages,  
25          scratch that, enables kids to go on with

1 inappropriate criminal conduct when it's not  
2 married or integrated with the other systems.  
3 But I think you've captured it all.

4 I completely agree that is an issue that  
5 the Broward community needs to settle, about  
6 how many bites at the apple, or how many apples  
7 they want to give them to eat, because clearly  
8 the way the system is created it blocks the  
9 child, and then it wipes it all out and starts  
10 over. And I guess my only question is when it  
11 wipes the issues out and you start a new year  
12 do you still have a record of the previous  
13 year's activity. But once again that's still  
14 another issue. I think we've got too much to  
15 deal with, we just accept that this needs a lot  
16 of oversight, but that's oversight that needs  
17 to be happening with communities or committees  
18 in Broward County.

19 CHAIR: Mr. Schachter.

20 MR. SCHACHTER: Thank you, Chairman. You  
21 know in the last hearing we heard testimony  
22 that, as Sheriff Judd just mentioned, they can  
23 have four, five, six offenses without an arrest  
24 because the testimony was they were referred to  
25 the District Attorney and the District Attorney

1 never arrested them, so obviously that's a  
2 concern. And then I have seen reports in the  
3 media that there thirty and forty interactions  
4 over, you know, a year's period of time, and  
5 mentioned that he was only referred to PROMISE  
6 one time. Can you explain those disparities?

7 CHAIR: Yeah, see, I think you're mixing  
8 up a few things here. First is that we're  
9 going to get into this, is, is that under the  
10 discipline matrix for Broward County schools,  
11 and Mr. Gohl can touch on this, under the  
12 discipline matrix is that, when you read the  
13 matrix it does allow, and I think it takes it  
14 up to, and without pulling it out here off the  
15 top of my head, I think it does allow up to  
16 four or five different times that there can be  
17 referrals, but I think what was testified to  
18 last time, I think that there's a limit though  
19 at three or four someplace in there, but that  
20 is referrals to the PROMISE program, and so  
21 there is no, no evidence whatsoever that Cruz  
22 engaged in any conduct after 2013 that was  
23 PROMISE eligible conduct, that he committed any  
24 crimes.

25 There were, and you'll hear about this,

1       there were behavioral issues, but there's a  
2       difference between behavioral issues and  
3       criminal issues, or criminal conduct, and that  
4       he was never referred, and there was never any  
5       consideration of anything that could have gone  
6       to the State Attorney's Office, or could have  
7       gone to the juvenile justice system, or  
8       anything for which he could have been arrested  
9       or prosecuted.

10               Now, getting into the, the question you  
11       have as far as Cruz's other contact with the  
12       criminal justice system, with the law  
13       enforcement, you mentioned thirty or forty  
14       contacts, we're going to get into those, but I  
15       can tell you that a whole bunch of those were  
16       family trouble type incidents.

17               MR. SCHACHTER: I saw thirty to forty  
18       inside, inside the school.

19               CHAIR: No, inside the school.

20               MR. SCHACHTER: Different than law  
21       enforcement.

22               CHAIR: There are -- there's definitely  
23       behavioral issues, behavioral issues inside the  
24       school, and we're going to get into all that.  
25       That's part of, remember I told you the

1 chronology that is in the process of being  
2 prepared? Right now, it's up to about seventy-  
3 five pages that lays everything out from the  
4 school records, so you're going to get to see  
5 all of that, but none of that is PROMISE.

6 Mr. Gohl, is there anything you want to  
7 add on that?

8 MR. GOHL: Good morning, Chair. Good  
9 morning, commission members. Thank you for  
10 your comments and your question. The Sheriff  
11 has laid out very clearly that there are  
12 records of behavioral incidents, including  
13 other disciplinary actions. There is only one  
14 PROMISE eligible, and that is the incident that  
15 you have been discussing here today. What you  
16 will find in the record, and we have conveyed  
17 all the behavioral and disciplinary records to  
18 the commission investigators, and, yes, we do  
19 keep records of every previous incident so that  
20 they will be part of the chronology which the  
21 commission has established.

22 Our independent commission, which is being  
23 withheld because of the legal issues the  
24 Sheriff referenced earlier also reviews many of  
25 those issues. When one counts, and I've

1 without violating the FERPA constraints that  
2 are preventing us from releasing our external  
3 investigation, I will give some examples. If  
4 you swear that is a behavioral issue that can  
5 become a disciplinary issue, if you swear at a  
6 teacher or another community member. That is  
7 not a PROMISE eligible offense, and you will  
8 find in the record of this individual numerous  
9 behavioral incidents across the course of his  
10 navigating the Broward County public schools.

11 Those do not rise to a level of PROMISE  
12 eligible. There are some of those behavioral  
13 incidents which imposed an alternative to  
14 external suspension, or AES system. They are  
15 non-criminal in nature, so at no point within a  
16 school year did the AES assignments result in  
17 an AES of ten days or more, which would have  
18 necessitated a manifestation hearing given the  
19 individuals exceptional student education  
20 status.

21 So, we have a number of bureaucratic  
22 constraints that show whatever behaviors were,  
23 that is also his diagnosis, so oppositional  
24 behavior had to be determined, was it  
25 associated with his behavioral determination,

1 or was that not related, and therefore eligible  
2 for standard punishment. So, we have  
3 behaviors, we have discipline, and then we have  
4 consequences. You will see the record of how  
5 those were implemented across his enrollment.

6 CHAIR: Sheriff Ashley.

7 SHER. ASHLEY: You mentioned FERPA, but I  
8 thought that was just protection of education  
9 documents, not behavioral issues. Can you  
10 distinguish between the two, or is there a  
11 distinction between those two, behavioral  
12 issues and educational documents, grades, that  
13 sort of thing?

14 MR. GOHL: So, within the confines of the  
15 school year, within the confines of the school  
16 day we are in local parentis, and therefore  
17 anything that affects the placement of the  
18 student for his educational services, which we  
19 are required to do, is encompassed. So, his  
20 medical visits to the nurse, his behavioral  
21 consequences through discipline, his academic  
22 records, are all part of his student record,  
23 and FERPA is written very large, largely in  
24 order to protect the privacy of individual  
25 students and enable the parents to have control

1 of that information, so all of these discipline  
2 records do fall under that.

3 SHER. ASHLEY: Is that an interpretation,  
4 or is that what the law says?

5 MR. GOHL: It's been well litigated.

6 SHER. ASHLEY: Again, if we're -- if this  
7 body is going to make recommendations I think  
8 FERPA has to be looked at in regards to  
9 everybody else's right to be safe at school,  
10 whether somebody's got tuberculosis, or whether  
11 somebody's got behavioral issues, psychosis,  
12 schizophrenic, whether they're on psychotropic,  
13 all those things, I think we've set up all  
14 these privacy barriers that put the rest of us,  
15 or the rest of students possibly in danger  
16 without even knowing it. So, again for this  
17 body's sake I think that we need to examine  
18 that further.

19 CHAIR: So, Sheriff Ashley, we had  
20 originally, because we're kind of a little bit  
21 behind, and that's why we added the third day  
22 this time accordingly, is that we had  
23 originally planned to have a presentation  
24 during this three- day meeting on FERPA, HIPAA,  
25 and all the privacy laws, and we had to push

1           that, so we're going to have that in August.  
2           That will be an important part of the August  
3           meeting, so I encourage you when we have that  
4           presentation to ask all the probative  
5           questions, and then we can make decisions about  
6           from there if we want to recommend changes, but  
7           we're going to have a whole section on FERPA  
8           next meeting.

9           Commissioner.

10          MS. LARKIN SKINNER: I think perhaps the  
11          relevance here maybe with talking about Cruz is  
12          that this was a missed opportunity in his life  
13          to encourage behavioral change if we assume  
14          based on what you presented that he didn't  
15          participate. I just kind of wanted to put that  
16          out there.

17          CHAIR: Yeah, you know, and I think you'll  
18          -- and you'll form your own conclusions in your  
19          opinion after you see more of what was going on  
20          around that time. There was a lot of stuff  
21          going on with him, and there's a lot of  
22          contacts, and a lot of behavioral issues.  
23          Unfortunately, I think when you look at it, the  
24          School Board had a tough situation in trying to  
25          differentiate between what was related to his

1 status and acting out or was it some higher  
2 level. And there's a lot of contact that they  
3 had with him, but, you know, whether this one  
4 time at PROMISE if he had for three days, and  
5 whether Mr. Jones at that time would have had  
6 -- who knows, right? So, but you'll get to see  
7 a clearer picture of it as we move this  
8 forward. Other questions?

9 MR. BARTLETT: Mr. Chairman, will it be  
10 reflected then on the timeline, the behavioral  
11 issues, so when we get the ultimate timeline be  
12 able to see what he had with regard to the  
13 PROMISE program, but then also how it  
14 interacted with the behavioral issues?

15 CHAIR: Yes. So, what we're going to --  
16 we're starting on that timeline into that  
17 chronology, is from birth, and at this time and  
18 the records we have begin when he attended  
19 preschool, and I can tell you that there are in  
20 those records, there are indicators of  
21 behavioral issues in preschool, where he wasn't  
22 getting along with kids, where he was fighting,  
23 where there were anger issues all the way back  
24 in preschool, and so we are going to make sure  
25 that we are painstakingly detailed, that every

1 single contact, whatever it was is in that  
2 chronology, and you'll be able to see exactly  
3 what was happening.

4 There were other things that were  
5 happening around the time that he was referred  
6 to the PROMISE program, and one of the things I  
7 can tell you that happened after he came back  
8 on the 4th, so he came back on December 4th of  
9 2013, is, is that when he came back, is that  
10 there was an interim IEP meeting and then he  
11 was, a couple of months later he was moved out  
12 of Westglades and he was moved to an  
13 alternative school. So, there's all kinds of  
14 things that are flip flopping back and forth  
15 during this time period.

16 Is there anything, I don't want to put you  
17 on the spot, but is there anything that you  
18 want, you know, as the Chief Assistant State  
19 Attorney, the legal system and all maybe, is  
20 there anything that you want to talk about, as  
21 far as do you see anything here based upon what  
22 you've heard that is different than what we've  
23 presented, as far as would anything here have  
24 had to be buried in the system on Cruz's, a  
25 subsequent contact, conduct, contact, or his

1 ability to buy, possess, or own a firearm?

2 MR. GOHL: No, I don't see anything, Mr.  
3 Chairman. I mean it appears that, you know,  
4 each, each geographical area kind of handles  
5 their diversion programs, or juvenile  
6 referrals, or things of that nature  
7 differently, but they are consistent in the  
8 manner that they make every attempt they can to  
9 prevent them from becoming part of the system,  
10 and they take many, many opportunities to do  
11 that, and more so now based on even recent  
12 legislation that's been enacted, so I don't see  
13 how from our perspective anybody did anything  
14 inappropriate that potentially caused him to be  
15 able to buy that firearm that would not have  
16 already occurred anyway under normal system  
17 circumstances.

18 CHAIR: Senator Book.

19 SEN. BOOK: Thank you, Mr. Chair. I think  
20 that one of the things that you had said in the  
21 outline, and perhaps we'll go through it when  
22 we delve into this individual's history a  
23 little bit more, that a behavioral specialist  
24 escorted him to the bathroom.

25 CHAIR: Right.

1           SEN. BOOK: So, clearly there was, and you  
2           said just now pre-kindergarten, a pattern of  
3           behaviors that seemed to have been escalating.  
4           And I know Commission Petty several times, and  
5           we all have talked about monitoring patterns of  
6           escalating behavior, and so perhaps your, your  
7           suggestion that this PROMISE program had no  
8           bearing on the, on his ability to purchase a  
9           firearm, but I think that we would be remiss in  
10          not making recommendations on PROMISE, but also  
11          behavior matrix, and how entities should be  
12          monitoring some of those, and if there are  
13          enough flags somebody else is picking up on it,  
14          because it is alarming.

15          CHAIR: Yeah, I agree with you. And one  
16          of the things, again, is that, you'll form your  
17          own opinions when you see a lot of this, the  
18          way I would describe some of this early on with  
19          him, I'm trying to figure out the best way to  
20          characterize it, but I'll do it this way. It's  
21          death by a thousand cuts, is, is that it's a  
22          lot of stuff, and it's a lot of little stuff,  
23          and when it's viewed in the aggregate it  
24          probably is more than a lot of little stuff,  
25          but when it's a lot of little stuff at the

1 time, there weren't the policies, protocols,  
2 laws, tools, resources that would have allowed  
3 anybody to do anything different than what they  
4 did at the time with what they had, and so that  
5 will raise a question probably about whether  
6 there should be somebody, or some entity is in  
7 a position to take more of a global 360 view  
8 when there is a lot of these types of generally  
9 minor things, that they really do need to be  
10 viewed in the aggregate. And I think -- is  
11 that the sum of what you're talking about?

12 SEN. BOOK: Yes, Mr. Chair, I think that  
13 you're right. If, you know, we look at  
14 somebody doesn't get along, they don't share  
15 well in kindergarten, okay, but if we continue  
16 to track and monitor that behavior through time  
17 at the level, and we give proper tools to  
18 individuals, and we're able to track it, and  
19 track that data, track those behaviors, I think  
20 that's an important piece where, you know,  
21 we're talking about missed opportunities for  
22 intervention and, you know, prevention, and  
23 that way you're being more proactive.

24 CHAIR: Yeah. And you'll hear on  
25 Thursday, you know, is that there are a whole,

1 whole lot of people that tried very hard to  
2 have an impact on Cruz, and to change him, and  
3 change his behavior. You'll hear on Thursday,  
4 and I believe the number is somewhere around a,  
5 you know, short period of time, that Henderson  
6 Behavioral Health had about a hundred and forty  
7 contacts with him. They were at his house  
8 multiple times a week for two and plus hours at  
9 a time.

10 There were school counselors that were  
11 spending hours with him, so there's a whole  
12 bunch of effort being made, but it just didn't  
13 get it there. So, this is not a situation  
14 where there wasn't Yeoman's work being done by  
15 a whole bunch of people to try and get this guy  
16 off the path that he was on, but it just wasn't  
17 being effective.

18 And some of it, I'm just going to say it,  
19 some of it, you'll see this, some of it was his  
20 mother. His mother was an enabler, and his  
21 mother contributed to this significantly, to  
22 the point where at one time when they said that  
23 he wanted to buy a gun and the counselors said  
24 that, from the school, said he shouldn't have a  
25 gun, his mother said I don't care, if he wants

1 a gun he can have a gun. So, you know, that  
2 all comes into play in this.

3 SEN. BOOK: And then my follow up to that  
4 is something we talked about last time, when we  
5 need to give other entities resources, and at  
6 what point does the inaction become neglect,  
7 abuse, and, you know, it's enabling, but it's  
8 also where do we draw that line.

9 CHAIR: Right. Secretary Daly.

10 SEC. DALY: Thank you, Chair. And I think  
11 my question is probably for the school  
12 district. When you all track kids that come  
13 into PROMISE there are some offenses that are,  
14 you know, criminal in nature, and some that are  
15 against the code of conduct, do you track those  
16 kids differently in your system?

17 MR. GOHL: So, in 2013 they were just  
18 PROMISE eligible at that time, so subsequently  
19 we have been able to mature the system to be  
20 able to do so today, but not at that time.

21 SEC. DALY: Okay, thank you.

22 CHAIR: Mr. Schachter.

23 MR. SCHACHTER: So, you maintained he was  
24 only referred to PROMISE once, but there's all  
25 these different disciplinary actions. What do,

1 does the school district offer, or do we offer  
2 for children that don't, it's not elevated to  
3 that, you know, threshold, but still there's a  
4 lot of problems?

5 CHAIR: Mr. Gohl, do you want to answer  
6 it?

7 MR. GOHL: So, the discipline matrix was  
8 reviewed by Ms. Pope at our last presentation,  
9 and I begin by referring there. One of the --  
10 let me begin in the abstract and then get to  
11 the particular. In the abstract we try and  
12 make sure that we intervene with consequences  
13 for any misbehavior at any time, and the  
14 consequences are attenuated to the  
15 circumstances and the incident which occurred.  
16 Repeat incidents escalate the consequences, and  
17 can result in removal from the education,  
18 including external suspension.

19 We have guidelines for every administrator  
20 to follow, they are trained against those  
21 guidelines. There is discretion, as Ms. Pope  
22 described last time, given that they can go up  
23 or down one level of the discipline matrix for  
24 the consequence. They still must do something.  
25 They cannot give a pass. That is not what an

1 administrator has the right to do, but they can  
2 modify by one level on the discipline matrix.

3 In the particular case we have a situation  
4 where the discipline may or may not have been  
5 associated with the condition that resulted in  
6 an ESE assignment, and so when it is a  
7 behavioral issue, and he did have a behavioral  
8 therapist assigned to him at times, including  
9 in the eighth grade at Westglades, he then  
10 would have had immediate support to either  
11 regulate his behavior or remove him from the  
12 situation.

13 If a discipline, if a behavior resulted in  
14 a discipline referral then he went into that,  
15 unless the AES was for more than ten days.  
16 Every student gets a consequence. There is no  
17 opting out of it, even with an ESE status. The  
18 consequence can be changed, or attenuated based  
19 on that ESE status, because what we need to  
20 address are two things. One, restorative  
21 justice, and two, getting to the root cause, be  
22 that a disability or an oppositional behavior,  
23 which must have behavioral consequences.

24 MR. SCHACHTER: Yeah, I mean obviously I'm  
25 trying to get at this kid had a lot of

1 problems, and you weren't helping him, you  
2 know, or the system that we have did not help  
3 him. He got progressively more violent, and  
4 because he didn't hit that threshold, I don't  
5 know, the system just failed him, you know, I  
6 don't know what the answer is.

7 CHAIR: All right, Commissioner  
8 Swearingen.

9 COMM. SWEARINGEN: When you say every kid  
10 gets a consequence, I think this case  
11 illustrates they don't. This kid was referred,  
12 he didn't even attend, so what was the  
13 consequence he received?

14 MR. GOHL: So, the consequence for this  
15 student was played out over time. One, it was  
16 initially a referral to PROMISE. The non-  
17 attendance in PROMISE resulted in his return to  
18 Westglades, and as the Sheriff just alluded to  
19 there was a subsequent process outside of  
20 PROMISE, which is why it has not been the focus  
21 of the Sheriff's presentation today, which  
22 resulted in a placement change, because the  
23 behavior was viewed as enough of a  
24 manifestation of his underlying issues that the  
25 placement at Westglades was no longer the

1 appropriate placement for him as a student, and  
2 therefore he changed schools as a result of  
3 this.

4 COMM. SWEARINGEN: So, is this an anomaly  
5 with this kid, where he was allowed not to  
6 complete the program and yet just come back to  
7 school? Does that happen often? I mean what  
8 are the percentages here? How many kids are  
9 assigned, and I agree, Sheriff, I don't think  
10 PROMISE had anything to do with this particular  
11 incident, but as a program overall if it's not,  
12 if you're not following through, and these kids  
13 are not being provided with consequences for  
14 not even their -- this is a privilege, their  
15 being allowed to do this rather than face  
16 criminal prosecution of expunction to begin  
17 with, so they're given a bite at an apple. If  
18 they don't take that bite and yet there's still  
19 no follow up or no consequence what lesson are  
20 we really teaching them? So, is there, is  
21 there a measurement on how many kids are put  
22 into this PROMISE program that don't even  
23 bother to complete the two days, or the three  
24 days, or whatever, and then what is the general  
25 follow up to that if they don't?

1           MR. GOHL: I would ask you to give me just  
2           a moment to respond to your very serious  
3           concern. Here in 2018, we are looking back at  
4           something that was present in 2013 in its  
5           infant stage. During the summer of 2014 the  
6           TERMS program was rewritten to prevent the  
7           need, or to exclude the need for a separate  
8           database. They system, the comprehensive  
9           system was matured, so that what occurred here  
10          in their being a gap in records would no longer  
11          be able to occur.

12          So, now we need to say, to narrow the  
13          scope of your question, how often did this  
14          occur during the 2013/'14 school year, right?  
15          We are doing sample-based analysis. We find  
16          that for most of the cases, no a hundred  
17          percent, this case being one of them, there are  
18          mixed attendance records. Again, Broward  
19          County, most schools in Florida, and most  
20          schools in the country, have a default present  
21          attendance system, right, so we do find by  
22          comparing attendance records that there are  
23          places where a student was recorded as present  
24          at both PROMISE and their home school, and we  
25          have records of students who served

1 consequences for not showing up in PROMISE, so  
2 not all students who missed PROMISE were given  
3 a pass.

4 What we don't know because of the absence  
5 of Mr. Jones and Mr. Nicholas Cruz's mother is  
6 what if any conversation occurred upon the  
7 completion of the intake form, right, he was  
8 there in some form on the 26th, what was done,  
9 because they did agree to an inner MIAT meeting  
10 leading to a change in placement immediately  
11 after the Thanksgiving holiday. I wish I knew,  
12 but I do not.

13 COMM. SWEARINGEN: So, you're saying that  
14 you can, you can move it up one level or down a  
15 level is admin realized that this guy, this  
16 kid, this monster was still having these  
17 disciplinary problems. Could he have moved it  
18 up one level, would that have triggered him to  
19 go into PROMISE?

20 CHAIR: What do you mean by up one level?

21 COMM. SWEARINGEN: You were saying that --

22 MR. GOHL: On the disciplinary matrix.

23 COMM. SWEARINGEN: Yeah.

24 MR. GOHL: So, this infraction, and the  
25 one that was one level above it, it was the

1 consequence, not the incident, so the incident  
2 was damaging the sink --

3 COMM. SWEARINGEN: I'm just saying all the  
4 other things, but that, that up one level, down  
5 level, that would not trigger PROMISE, right,  
6 that's different?

7 MR. GOHL: Correct.

8 COMM. SWEARINGEN: Oh, and also there were  
9 two incidents of vandalism. Why were there  
10 only one report, one processed in his record at  
11 Westglades?

12 MR. GOHL: So, I don't want to get into  
13 his entire disciplinary history, as we have  
14 turned that over, and the investigators will  
15 get into it, but there are different levels of  
16 vandalism which go into it, and what we have  
17 here is a less than \$1,000. You can have  
18 vandalism that has no physical damage, and you  
19 will have all of those records. All those  
20 records have been turned over.

21 COMM. SWEARINGEN: There was a second  
22 incident of vandalism, correct?

23 MR. GOHL: In his record in a previous  
24 year I believe there was, but that again --

25 COMM. SWEARINGEN: Do we know why that was

1 not referred, or --

2 MR. GOHL: I am --

3 CHAIR: Remember PROMISE didn't start  
4 until '13. PROMISE wasn't in existence then.

5 COMM. SWEARINGEN: Got it.

6 CHAIR: That's why, because there was no  
7 PROMISE program. PROMISE -- PROMISE started,  
8 and the dates on the collaborative agreement,  
9 the date that it's signed, and they're signed,  
10 because there's a bunch of signatories to it,  
11 it shows November 5th. It actually took effect  
12 when school came back in August, and everybody  
13 didn't sign it until various times, so the date  
14 is the 5th, which is only a few weeks before  
15 this incident on the 25th. It actually took  
16 effect in August when that school year started,  
17 so anything prior to that, and there are some  
18 things prior to that, but they have no bearing  
19 on his referral because there was nothing to  
20 refer him to. You'd have to use the old  
21 discipline matrix in order to find out whether  
22 what they did was consistent or inconsistent  
23 with the matrix of that time.

24 COMM. SWEARINGEN: Thank you.

25 CHAIR: Sheriff Judd.

1           SHER. JUDD: Based upon your presentation  
2 and our understanding wouldn't it be better for  
3 this commission to make a statement that  
4 PROMISE needs to have an outside intervention  
5 and investigation, and push that away from our  
6 operation here, because once again there's no  
7 way independently that tearing off the handle  
8 of a faucet leads to a mass shooter? And I can  
9 tell you because we are the safe school  
10 organizer for our county with over a hundred  
11 thousand kids, kids are doing silly stuff every  
12 day, and it's that death by a thousand cuts you  
13 talked about. This little incident does not  
14 tweak anybody's memory, so who is surprised  
15 that no one can remember four and half years  
16 ago.

17           The key to this is to push this PROMISE  
18 thing off, let, in my estimation, one  
19 commissioner's, and say our recommendation is  
20 that there is a thorough investigation, and  
21 either a revamp of or a doing away with the  
22 PROMISE in the form as we understand it, and go  
23 on to our core mission, because I think,  
24 Commissioner, you'll see there's a  
25 manifestation over time of, of this conduct.

1 And I say that without ever seeing the reports.  
2 I just know when we have these problem kids  
3 that they're evident all through their life,  
4 and finally they commit enough serious crime  
5 that it tweaks the system and they end up, they  
6 end up later on in prison for it.

7 CHAIR: Secretary -- Secretary Carroll, go  
8 ahead.

9 MR. SCHACHTER: Those --

10 CHAIR: Hang on, Mr. Schachter, one  
11 second. Let Secretary Carroll go ahead.

12 SEC. CARROLL: Thank you, Chairman. I  
13 just want to weigh in really quickly, because I  
14 agree with what Sheriff Judd is saying. I  
15 believe we need to move on from this issue. I  
16 think the PROMISE program I think inherently is  
17 a good thing. I do think there needs to be  
18 improvements made in it, and I think you folks  
19 recognized it yourself when you presented. I  
20 think you've made improvements to it, both in  
21 2014, 2016, and you probably should go back and  
22 continue to look at it.

23 But the data that the Sheriff presented,  
24 nine of ten kids get one referral and they're  
25 done. I don't want every child who breaks off

1 a handle in the water faucet charged and have a  
2 criminal mischief charge follow them for the  
3 rest of their life. If you have nine in ten  
4 where it's a one and done thing I think that's  
5 inherently a good thing. I am happy to hear,  
6 because I was concerned about this, what the  
7 Sheriff also said, there's no indication and no  
8 evidence that they could uncover that this  
9 program is being used inappropriately for high  
10 recidivism folks, where folks are being  
11 inappropriate referred there, or you have this  
12 ongoing recidivism.

13 I think with this child, and I think what  
14 we're talking about now is everything is  
15 getting kind of mixed up, because this child  
16 had behavioral issues which went down a  
17 disciplinary track, and he had a lot of  
18 services in place that they were dealing with  
19 that. We had the one connection to the PROMISE  
20 program where he potentially could have been  
21 arrested. We had outside contact with law  
22 enforcement, we'll hear about later, where he  
23 had family type issues at home. Again, if you  
24 looked at them in isolation one by one not  
25 anyone of them was a big thing. The question I

1 think becomes what we're going to hear about  
2 later, is having a sophisticated enough threat  
3 assessment that somebody can sit down and put  
4 all these things together and decide that based  
5 on the unique circumstances of that child that  
6 threshold has reached a point where we have to  
7 go to the next place to intervene.

8 What I don't want to do is make policy  
9 around all these little things that added up,  
10 because we'll be putting all kinds of things on  
11 kids that we've tried to move away from, which  
12 I think is a good thing. What we're missing  
13 the boat on I think is connecting the dots of  
14 all that information that was available, who  
15 has the dot on that, to connect all those dots  
16 and make an assessment and say, hey, all these  
17 little things have now reached a point where  
18 it's unsafe and we need to go to the next  
19 level. And I don't think the PROMISE program  
20 was ever that point that did it, I think it's  
21 something we'll hear about later.

22 And so, while I agree there needs to be a  
23 look at the PROMISE program, a continued look  
24 for continued improvement, I don't want to see  
25 programs like that dismantled because I think

1 for the most part they work. Anyway, thank  
2 you.

3 CHAIR: Yeah, so -- and I agree with you.  
4 I think when in, I hope which will be the end  
5 forever of our discussion about the PROMISE  
6 program but allotted this amount of time  
7 because I knew of the discussion last time, and  
8 the importance to everybody with it, and I want  
9 to make sure that everybody has an opportunity  
10 to get everything out that they want about it  
11 so that we can hopefully put it to rest. So,  
12 that's why we're kind of beating a little bit  
13 of a dead horse here, but I want to make sure  
14 that everybody does have that opportunity to  
15 get every answer about PROMISE. But to your  
16 point, we should keep it focused on PROMISE  
17 because that's what we're talking about right  
18 now.

19 We will hear this week, we're going to  
20 hear a lot about threat assessment, and  
21 hopefully bring what you just commented on to  
22 the forefront, because that is extremely  
23 important as to where we're going forward. All  
24 right, does anybody have any other question? I  
25 do -- what I'm going to -- I'll take any other

1        questions you have on this, you know, I want to  
2        make sure you have full opportunity to be heard  
3        on it. I have -- my suggestion is, and I'm  
4        going to throw out three or four things to you  
5        that I'm going to suggest should be part of our  
6        report.

7                We're already beginning, and Heather Pence  
8        who is over here from FDLE is going to help, is  
9        going to be the drafter of the report, at least  
10       the initial drafter, and we're going to spend  
11       some time this week talking about it a little  
12       bit because we need to get it going. But what  
13       I'd like to do is as it relates to the PROMISE  
14       program, is to include in the report what we've  
15       talked about, what it is, what our findings  
16       are, and I'm going to suggest to you that we  
17       could make a few recommendations, and specific  
18       recommendations.

19               And let me just provide you what I think  
20       could be three or four recommendations from us.  
21       If we concur then we can have Heather include  
22       it. You will also have time when the report  
23       drafts come out to have input on the report  
24       itself, and to concur or object to what's in  
25       there. But here's -- here's a few things that

1 I think that would be probative and beneficial  
2 for us to make recommendations on.

3 First is that all juvenile pre-arrest  
4 diversion programs in the State of Florida must  
5 be part of the established criteria set by the  
6 State Attorney in conjunction with the  
7 stakeholders that's required under SB1392,  
8 including school-based pre-arrest diversion  
9 programs. So, in other words as of July 1st  
10 it's required in each circuit that the State  
11 Attorney lead, not decide but lead a  
12 collaborative effort by law enforcement  
13 stakeholders to establish the criteria in that  
14 circuit for pre-arrest diversion programs, and  
15 that should include all school district  
16 school-based pre-arrest diversion programs, so  
17 you don't have the schools having separate  
18 pre-arrest diversion programs and criteria than  
19 what law enforcement agencies are using in the  
20 street.

21 So, that would be one recommendation, that  
22 that'd be required, that school districts can't  
23 have standalone programs, they have to be part  
24 of what SB1392 requires, and that is a  
25 collaborative agreement, setting the

1 parameters, setting the protocol, setting the  
2 policies, and that way the police chiefs, the  
3 sheriff, the state attorney, the school board,  
4 the superintendent, anybody and everybody  
5 that's got a say in it can have a say in what  
6 those policies are, but that way it's fair,  
7 it's consistent throughout the entire circuit.  
8 That would be number one.

9 SHER. JUDD: Let me interrupt. Do you  
10 want to present them as individuals, and us  
11 vote them up, up and down, or as --

12 CHAIR: Sure, can do that. So, we can do  
13 that, and that way we just take them one at a  
14 time. Does anybody have any, any comments or  
15 thoughts on that? Yes, Senator Book?

16 SEN. BOOK: I just want to make sure that  
17 I'm clear. When we have that stand-alone  
18 system, when you said one, one system, that on  
19 the street there is no siloed communication, so  
20 there is everybody knows all the time what  
21 happens in the summer, what happens during the  
22 school year, what happens on winter break, it's  
23 there.

24 CHAIR: Right. So -- so let's just say --  
25 what this is going to is more as to the

1 criteria. So, let's just say that, let's just  
2 use Broward County as an example. Broward  
3 County is one judicial circuit. Of course, you  
4 have other circuits that have multiple  
5 counties, so Broward is a little unique, but  
6 you have a circuit, and in that circuit, they  
7 say that in order to be eligible for pre-arrest  
8 diversion as a juvenile it can only be these  
9 offenses, you can only participate a maximum of  
10 two times in your lifetime -- I'm not saying  
11 that this is, I'm just giving an example. Two  
12 times in your lifetime, and there has to be a  
13 minimum of six months in between the events,  
14 because a kid shouldn't be able to steal  
15 something from the mall yesterday and then get  
16 another diversion tomorrow, okay, something is  
17 wrong. So, let's just say that's the criteria.

18 But what you've got now is, with the  
19 school board, they're setting their own  
20 criteria, and that you could have a kid that  
21 gets three pre-arrest diversions through  
22 PROMISE, which is more than the two in the  
23 program, and for offenses that the kid isn't  
24 getting diversion for on the street, and so  
25 there should be consistency, and whatever the

1 protocols are, whatever the criteria is, is  
2 part of the agreement that is required by  
3 SB139, that's required to be set up by the  
4 state attorney, is that whatever those  
5 community based pre-arrest diversion program  
6 criteria are the school board is required to be  
7 a signer on that, and they are required to set  
8 up their program that's consistent with the  
9 community based program.

10 SHER. JUDD: So, we -- as I understand it,  
11 the state attorney being the leader of it, so  
12 whether you reverse, you're referred through  
13 PROMISE, or whatever other diversion programs,  
14 it comes into a common database.

15 CHAIR: That's going to be another  
16 recommendation, yeah. I'm going -- I'm going  
17 to get to that, but this is just the, this one  
18 was just dealing with the criteria, but yes.

19 SHER. JUDD: Okay, and so -- so I agree  
20 with that, that there's one system for each  
21 judicial circuit.

22 CHAIR: Right. And whatever that system  
23 is, that nobody can set up a pre-arrest  
24 diversion program, where it be the school board  
25 or anybody else, that is independent from the

1 system that's set up by the state attorney  
2 consistent with SB1392. And this is something  
3 that may need legislation in order to make sure  
4 we have consistency, so you don't have somebody  
5 saying in whatever county is, is that -- let's  
6 say it's a county, and there's five counties in  
7 that circuit, and everybody is agreeable, but  
8 you've got one county that says, nah, we're  
9 just going to do our own thing, I think if  
10 there is consensus what we're saying is we  
11 don't want that, and we don't think that's a  
12 good idea, there needs to be consistency across  
13 the board in any and all juvenile pre-arrest  
14 diversion programs need to be consistent at  
15 least within that circuit.

16 SHER. JUDD: All right, I would -- I would  
17 move that motion as a recommendation, and to  
18 further that if necessary it be followed with  
19 legislative action.

20 CHAIR: Second, Senator Book, any further  
21 comment on that one? All in favor, aye.

22 (Aye.)

23 CHAIR: Any opposed, nay? Okay, so that  
24 carries, and we'll make sure that's included in  
25 our report.

1           The next one is all pre-arrest diversion  
2           programs, including school-based programs, and  
3           Secretary Daly, you can weigh in on this  
4           because this is going to affect you, is that  
5           all pre-arrest diversion programs, including  
6           school-based programs, must report their data  
7           and individual's participation to DJJ and be  
8           included in Prevention Web. That will prevent  
9           these silos. That will prevent the situation  
10          where you've got the kid that has come in  
11          contact with the Lantana police officer because  
12          he's at the mall and he stole something, and  
13          that Lantana officer is trying to make a good  
14          decision, trying to decide whether this kid  
15          that's at Publix who just stole something  
16          should be arrested or whether the kid should  
17          receive a civil citation, or other some form of  
18          pre-arrest diversion.

19          But if that officer doesn't know that in  
20          the Palm Beach Schools over the last two months  
21          the kid has had two diversions for stealing as  
22          well how can that officer make a good decision,  
23          and the only way that I know, and weigh in, the  
24          only way I know of to make this happen, that it  
25          can happen now without creating new databases,

1 without creating new stuff, is to have it all  
2 be recorded, no matter who's running the  
3 program, whether it's the school board, whether  
4 it's the police department, whether it's the  
5 sheriff's office or the state attorney, whoever  
6 it is, all pre-arrest diversion participation  
7 get reported to DJJ so everybody, cause it's  
8 web based access through Prevention Web,  
9 everybody can access it, everybody can see  
10 everything, and then there can be good  
11 decisions made.

12 Secretary?

13 SEC. DALY: So, I don't disagree, Chair.  
14 I think one of the things that we need to be  
15 cautious of is Prevention Web was developed  
16 primarily so we could tack these kids and keep  
17 them separate from the criminal justice  
18 database that law enforcement has access to,  
19 there's a number of people that have access to  
20 that system. So I think that, you know, we  
21 just need to remember what that Prevention Web  
22 was, the basis of why that was created, and it  
23 was to really keep those kids safe from being,  
24 you know, out in just the general JJIS system.

25 That being said, we have been able to work

1 with law enforcement and create through CJNET,  
2 you know, just that basic face sheet that a law  
3 enforcement officer on the street that picks a  
4 kid up can look to see is this kid eligible for  
5 a civil citation, when the last civil citation  
6 was issued, if it was when the law changed.  
7 So, we just, I don't disagree with you, I think  
8 we just need to remember the reason why  
9 Prevention Web was created, and to really keep  
10 that at the forefront.

11 And, you know, certainly we can work with  
12 the school districts, but currently right now  
13 school does not have access. Really nobody has  
14 access to Prevention Web other than DJJ and  
15 then just that generic face sheet that law  
16 enforcement can access. So, I just would  
17 caution us, and really take in --

18 CHAIR: So, what you -- and again these  
19 are recommendations for the report. You'll  
20 have opportunity, everybody will have an  
21 opportunity of course to see a draft of that  
22 report, and we can tweak any language or  
23 recommendations at that time, and it would be a  
24 recommendation, and then it's just that, and  
25 then it's hopefully for somebody to act on, and

1       that also may require some legislation to --  
2       but it -- at its core it seems like from what  
3       I'm hearing, I think there's consensus on this,  
4       there needs to be some common database that  
5       anybody and everybody that is referring kids to  
6       pre-arrest diversion, and/or having to make  
7       decisions about whether to refer somebody,  
8       needs to know what that kids history is so they  
9       can make a good decision.

10       SHER. JUDD: Mr. Chair?

11       CHAIR: Yes, Sheriff.

12       SHER. JUDD: I talked to a lady yesterday,  
13       she moved up here with her children in my area  
14       from Broward. Now, if her child bumps into us  
15       we need to know that this child has had issues  
16       down here, and the Prevention Web is the  
17       perfect tool for that.

18       CHAIR: So, do -- Sheriff Ashley, do you  
19       have something?

20       SHER. ASHLEY: A statement first. I think  
21       the problem with all diversion programs is this  
22       very thing we're talking about, not the sharing  
23       of data. And I know we are, some of us are  
24       trying to keep these kids out of the criminal  
25       justice system, I am not one of those. I think

1       they need a record, we will follow, and the  
2       consequences I think we forget. There are  
3       consequences for committing crimes, even when  
4       you decriminalize the incident.

5             The victims are frequently left out of  
6       this process because we're always more  
7       concerned about the juvenile, and the kid, and  
8       rehabilitation and the like, but we have to  
9       have the data whether you charge them with a  
10      crime or not to know whether it's progressing  
11      or not, and so if you conceal that data, or you  
12      conceal that behavior, you conceal that crime,  
13      then I think you do a disservice to everybody  
14      else, and I wholeheartedly recommend it, and  
15      propose this recommendation.

16            CHAIR: Was that a motion?

17            SHER. ASHLEY: Yes.

18            CHAIR: Is there a second?

19            MR. BARTLETT: Second.

20            CHAIR: Okay, Commissioner Bartlett  
21      second. All in favor of that, aye.

22                    (Aye.)

23            CHAIR: Any opposed, nay? So, that  
24      carries. The next two should be short. Is  
25      that, that while each circuit has its -- this

1 is just to get the collaboration as a  
2 recommendation. While each circuit has the  
3 authority to establish its own criteria for  
4 diversion programs, each circuit does under the  
5 current law, the state attorneys should consult  
6 with each other and strive for as much  
7 consistency as community standards will permit.

8 And the reason why I think we should  
9 include that as a recommendation is, is that as  
10 an example, is that if you have significantly  
11 different standards in Palm Beach County than  
12 you do in Broward County you can have a kid  
13 that's on the border in Parkland versus South  
14 Palm Beach County, and if you get five bites at  
15 the apple in Palm Beach and two bites in  
16 Broward that's not a good thing, and so you can  
17 have, because you're going to have, there's a  
18 potential here for some significant  
19 inconsistencies inter-circuit, intra- circuit,  
20 and that's good, because now you're not going  
21 to have inconsistencies county to county and  
22 place to place, so at least within a circuit,  
23 but on the borders of the circuit, so what this  
24 recommendation is, is that each circuit has its  
25 authority to establish its own criteria but the

1 state attorneys should consult among themselves  
2 and strive for as much consistency across the  
3 state as they set up these programs circuit to  
4 circuit.

5 So, that would be another recommendation.  
6 Sheriff.

7 SHER. JUDD: Let me tell you that I  
8 absolutely support that. You know, the  
9 Commissioner actually talked about, you know,  
10 he believed in the criminal justice record. We  
11 already have all this system in place, it was  
12 in one place, and it's called the criminal  
13 justice system. If we just went back to and  
14 used the criminal justice system, and let  
15 everybody get on that system, and then forgave  
16 them when they turned eighteen, we'd have the  
17 data. But that aside you're exactly right,  
18 because there has to be consistency so the  
19 number of diversions, my, I would support  
20 completely the number of diversions need to  
21 mirror each other as close as possible so that  
22 we'll -- otherwise if they're given five  
23 opportunities here and they move to a different  
24 part of the state that gives two opportunities  
25 then they're already in trouble, you know, they

1 start out at subzero in another part of the  
2 state, so you're exactly right.

3 CHAIR: Senator.

4 SEN. BOOK: I agree with that, and I'll  
5 make a motion to accept that recommendation.  
6 But I'd like to go back to the previous  
7 recommendation that was, I guess voted on,  
8 discluded, just want to make sure that I  
9 understand what we're excluding, and that can  
10 you explain to me what we're discluding so I  
11 make sure that I'm clear?

12 CHAIR: So, as far as what would be -- so  
13 the previous -- the previous motion was that  
14 all pre-arrest diversion programs report a  
15 child's referral and participation in the  
16 pre-arrest diversion program to, and we can  
17 tweak this a little bit perhaps as we finalize  
18 it, to the Department of Juvenile Justice for  
19 inclusion in DJJ's Prevention Web database.  
20 Maybe what we add somewhere in there is or  
21 other comparable database, or something along  
22 those lines. That's something we're going to  
23 have to flush out. But the point of it is, is  
24 that all the data would go to one place, and  
25 all of it is accessible to everybody that's

1 making a decision about whether a kid is  
2 appropriate for diversion.

3 SEN. BOOK: If I may, Mr. Chair, for that  
4 motion -- I know -- I understand that that is a  
5 failed motion, but being on the prevailing side  
6 of that vote I would like to recall that,  
7 because I do believe that it's very important  
8 that there's one centralized place for  
9 reporting, and whether, again I understand the  
10 Secretary's caution about it not being  
11 Prevention Web, and what Prevention Web is, can  
12 we say within the recommendation that it is  
13 another system to be determined within that  
14 judicial circuit, or amongst all, if that would  
15 make the recommendation more agreeable to the  
16 commission, because I think one of the issues  
17 is that we don't, or we're concerned about  
18 where it's being reported?

19 CHAIR: No, because we don't want  
20 different systems in different circuits, we  
21 want it all in one.

22 SEN. BOOK: No, one. One.

23 CHAIR: One.

24 SHER. ASHLEY: I'm willing to amend it.

25 SEN. BOOK: Okay.

1           SHER. ASHLEY: I'm willing to amend it to  
2 put FCIC, via database.

3           CHAIR: Well, yeah, well that's being,  
4 that means because they got an arrest, right?  
5 And juvenile records aren't going in there  
6 anyways so.

7           SHER. ASHLEY: It's -- it's information --

8           CHAIR: They're going to JJIS. Secretary  
9 Daly.

10          SEC. DALY: So, thank you, Chair.  
11 Senator, so I think it can be established with  
12 DJJ and the local communities to identify just  
13 certain people that will need to know that  
14 information that can have access to the system,  
15 so I think we can work through it. But I do  
16 think it is important, and the way it's set up  
17 right now, so you could have a court that has  
18 its own diversion that never even comes to DJJ,  
19 or a Sheriff might have some sort of a  
20 diversionary process that doesn't get reported  
21 to DJJ, so I do think that it is important that  
22 we have one system, so we can follow all of  
23 those things.

24          Currently the way that it is is just  
25 programs that get funding from us report to

1 Prevention Web, so I think that it is a good  
2 thing. I think that we can just be very  
3 cautious as we move down that track to make  
4 sure that we keep the intent of Prevention Web  
5 true.

6 SHER. JUDD: And, Mr. Chair, if I could.  
7 Senator, and that's what the Prevention Web is,  
8 is to track diversions, so this is a perfect  
9 fit. And then so if we put all diversions,  
10 whether it's school based, and quite frankly we  
11 changed that to it has to be under the  
12 leadership of the state attorney with the  
13 school, with the law enforcement agencies, with  
14 the public defender and everybody, that goes in  
15 the diversion program, that we create the  
16 diversion program, all diversions go in the  
17 Prevention Web, and that way we can monitor the  
18 child no matter where the child is in the  
19 state.

20 And then as I understand the Chair is  
21 saying then we ask the state attorneys to sit  
22 down and go, hey, let's agree that there will  
23 be no more than three diversions, or two  
24 diversions, or whatever the criteria is, and  
25 the whole idea, and I can see where this

1 Prevention Web will grow later on when we get  
2 to our commissioner's questions over here, that  
3 we track the child's problems, and it all of  
4 the sudden rings the bell here, it says, whoa,  
5 wait a minute, this kid's got a whole lot of  
6 problems going on, but he's got them going on  
7 in so many different areas of the system  
8 because he can have problems at home that we  
9 know about as disturbances that don't ever  
10 tweak a crime or a diversion.

11 So, ultimately, we're going to have to  
12 have a system that looks out for the child, so  
13 we can have interventions, but the reality is  
14 the system that's in place now is already there  
15 to track diversions, and it works well.

16 CHAIR: So, I think we had -- I think we  
17 had -- the first two passed. We had a motion,  
18 I believe Senator Book, I believe on the state  
19 attorneys collaborating among themselves to  
20 have consistency between the circuits, and I  
21 think you made that motion. Is there a second  
22 on that one? Senator, or Sheriff Judd?

23 SHER. JUDD: Second.

24 CHAIR: Okay, all in favor of that?

25 (Aye.)

1 CHAIR: Any opposed, nay? Okay, last one  
2 and then we'll stop, is that, is that the last  
3 recommendation for the report is, is that there  
4 should not be a reset every school year, or at  
5 any other time regarding diversions, and that  
6 there should be a hard end to the number of  
7 times someone may participate in a pre-arrest  
8 diversion program. That would be a  
9 recommendation.

10 SHER. ASHLEY: I'll make that motion.

11 CHAIR: Sheriff Ashley's motion. Any  
12 second on that one?

13 UNDER SHER. HARPRING: Sheriff, I just  
14 want to clarify. You're referring to the  
15 pre-arrest, not non-arrest behavioral issues,  
16 correct?

17 CHAIR: Right, just pre-arrest diversion,  
18 yeah. Is there a second on that motion?

19 MR. PETTY: Second.

20 CHAIR: Mr. Petty. All in favor aye.

21 (Aye.)

22 CHAIR: Any opposed same? That motion  
23 passes. So, with our discussion on the PROMISE  
24 program today, and our approval of those  
25 recommendations for the report, unless anybody

1 has anything else that they want to bring up or  
2 discuss regarding the PROMISE program my  
3 intention is, is to conclude right now with our  
4 discussion, and we won't talk about it again  
5 until you see it in the draft final report with  
6 those recommendations that you approved, and  
7 we're going to move on to other topics.  
8 Anybody have any -- yes, Sheriff Judd?

9 SHER. JUDD: The only other statement is  
10 none of this predicate that we've laid through  
11 these motions is to usurp the independent  
12 authority of the investigating officer to file  
13 a criminal charge as opposed to a diversion.

14 CHAIR: Correct. And, you know -- and  
15 that's something, you know, under the current  
16 law, under SB1392 that took effect on January,  
17 I'm sorry, on July 1st, that is something that  
18 is going to have to be decided by the  
19 stakeholders in every circuit. That's going to  
20 be part of the criteria, and part of that  
21 agreement. You know, I mean I don't agree with  
22 it, I wholeheartedly oppose it, and I think it  
23 is absolutely essential for law enforcement  
24 officers and the cops on the street to have  
25 discretion and be able to make decisions, and I

1 have fought that the last five years, and  
2 opposed any efforts in the legislature to do  
3 otherwise.

4 And I'll continue forever to fight that  
5 because I think it's essential to good decision  
6 making, but, you know, if some circuit, and  
7 that's why it goes to community tolerances, if  
8 some circuit, and everybody agrees in a certain  
9 circuit under the current law they could do  
10 that. I think it's wrong, it would be a huge  
11 mistake, but that's just something that's going  
12 to have to be decided in each of these  
13 agreements in the twenty circuits of this  
14 state.

15 SHER. JUDD: And I agree with that, but I  
16 would certainly like either a disclaimer or  
17 another bullet that says nothing herein is  
18 created to encourage the limitation of the  
19 discretion of the law enforcement officer on  
20 the scene to choose to make a criminal charge  
21 if --

22 CHAIR: So, if you want why don't we make  
23 a motion for a fifth recommendation for the  
24 report, to the affect is, is that in the  
25 recommendation would be, if you want to make a

1 motion on it, would be that the commission  
2 recommends that in each of the established  
3 pre-arrest diversion programs that law  
4 enforcement officers retain discretion to  
5 decide whether the child should be referred to  
6 diversion, something to that effect.

7 SHER. JUDD: Or -- or the motion is that  
8 nothing contained herein interferes with the  
9 law enforcement officer's authority and  
10 discretion to enforce the law with an  
11 appropriate arrest as opposed to a diversion.

12 CHAIR: Is there a second to that motion?

13 SHER. ASHLEY: Sheriff Ashley second. Is  
14 that, that your motion? Okay, all in favor,  
15 aye.

16 (Aye.)

17 CHAIR: Any opposed, same? Okay, that  
18 motion passes, so that will be a fifth  
19 recommendation, and we'll make sure that we  
20 incorporate that in the report. So, with that  
21 let's take a fifteen-minute break, and we're  
22 going to come back and hear about fire codes  
23 from the State Fire Marshall as it relates to  
24 schools.

25 (Thereupon, a break was taken off the record and the

1 meeting continued as follows:)

2 CHAIR: Okay, we'll go ahead and  
3 reconvene. Our next presentation will be from  
4 Julius Halas, who is the Director of the  
5 Florida State Fire Marshall's Office for an  
6 overview of the school fire codes and  
7 regulations. Welcome, Director Halas.

8 CHIEF HALAS: Thank you, Mr. Chairman, and  
9 panel members. It's an honor to be here. A  
10 very distinguished audience here, and what I'm  
11 going to be sharing with you is really a lot of  
12 information in a short time, and I'll be  
13 followed by the Fire Chief of Orange County  
14 Fire Rescue, I'll be sharing part two of our  
15 program. So, Mr. Chair, with your indulgence  
16 I'll kind of move through this fast, and then  
17 I'll take any questions. I have Chief Mike  
18 Long here, our District Chief from our Palm  
19 Beach office. He's also got a tremendous  
20 amount of expertise in fire alarm systems of  
21 all different types of occupancies including,  
22 including schools, so we'll be able to take  
23 some questions and answers, and we're going to  
24 wade through about two hundred hours of  
25 material here in just about thirty minutes.

1 I am here on behalf of our Chief Financial  
2 Officer, and State Fire Marshall Jimmy  
3 Patronis. He serves as the state, Elected  
4 State Fire Marshall, and I'm proud to serve as  
5 the Director of the Division of State Fire  
6 Marshalls, so I'm kind of like the operations  
7 chief, if you will. I have forty-four years in  
8 the fire service as a firefighter/paramedic.  
9 Seventeen of those years I was Fire Chief in  
10 the City of Sarasota, Sarasota County and  
11 Longboat Key. I have served by virtue of being  
12 a past President of the Florida Fire Chiefs  
13 Association in 2001 and 2002. I served as  
14 President, and due to September 11th and the  
15 advent of the state domestic security oversight  
16 counsel I have served on the oversight counsel  
17 since, for the past sixteen years, of which  
18 Commissioner Swearingen is the co-chair.

19 Also, I am currently the Vice President  
20 and President Elect of the National Association  
21 of State Fire Marshalls. And I mention that  
22 because the National State Fire Marshalls  
23 Association is watching this issue very  
24 closely, they'll be very interested. In fact,  
25 I'm on a panel presentation in August at their

1 national conference along with some other state  
2 fire marshals, and so there's a lot of people  
3 watching the fine work that you're doing, as  
4 you're I'm sure well aware.

5 Moving into the program, I'm going to give  
6 you a quick overview of what the state fire  
7 marshal authority is and what our limitations  
8 are, who the authority having jurisdiction is;  
9 as you know for K-12 it is the Department of  
10 Education. However, the state fire marshal's  
11 office is somewhat like the Department of Law  
12 Enforcement.

13 FDLE serves as a regulatory and standard  
14 setting body, and does many investigations,  
15 while in the fire service in Florida just like  
16 you have your local police chiefs and sheriffs  
17 we have our local city and county fire chiefs  
18 and fire marshals. They're in charge of all  
19 the commercial buildings in their areas, and  
20 the state fire marshal sets a lot of the  
21 standards, adopts codes, and also is in charge  
22 of firefighter training and safety regulations.  
23 The statutory requirements for fire safety in  
24 schools, we're going to talk about that in  
25 detail, fire drill requirements, fire alarm

1 systems and pull stations, and classroom doors  
2 and locking mechanisms.

3 Again the state fire marshal authority is  
4 that we shall adopt, this is key to this  
5 discussion, the state fire marshal not may  
6 adopt but the Florida legislature has passed  
7 this law back when a statewide building code  
8 and fire prevention code were formed under  
9 Governor Bush at that time, and the law was put  
10 into place that the state fire marshal shall  
11 adopt the most recent edition of the National  
12 Fire Protection Association, known as NFPA, the  
13 fire code 1, which is a very lengthy document,  
14 and the life safety code which is known as  
15 NFPA-101, and we do that by administrative rule  
16 every three years pursuant to Florida Statute  
17 633.202.

18 Likewise, and in concert, almost like two  
19 bookends under Florida Statute 553 The Florida  
20 Building Commission, under the oversight of the  
21 Department of Business and Professional  
22 Regulations, they update and adopt a statewide  
23 building code every three years, and we try to  
24 do those where they coincide. It makes it a  
25 lot easier for the contractors doing

1 construction work if the building code and the  
2 fire code is adopted at near or about the same  
3 time.

4 The responsibilities for authority having  
5 jurisdiction, now the Florida Statutes in  
6 633.208 states that each municipality, county,  
7 and special district with fire safety  
8 responsibility shall enforce the Florida fire  
9 prevention code. So, that -- that lays out  
10 that every city and county is responsible for  
11 their fire chiefs and fire marshals to oversee  
12 the Florida fire prevention code at the local  
13 level. Likewise, the state fire marshal's  
14 office, we are the authority having  
15 jurisdiction for over seventeen thousand state  
16 buildings, so the state university system is  
17 under the Florida state fire marshals. My team  
18 does the fire inspections for University of  
19 Florida, FSU, University of Central Florida,  
20 USF, University of Southern Florida, all the  
21 twelve major universities that are under the  
22 state board of governors.

23 However, in the case of public schools the  
24 Florida legislature under Statute Section  
25 1013.03 mandates that the Department of

1 Education has the authority as it pertains to  
2 educational facilities of school districts.  
3 And it goes into more detail, and further  
4 charges district school boards with ensuring  
5 that all facilities comply with the Florida  
6 fire prevention code which is adopted by the  
7 state fire marshal. And they do it from, all  
8 the way from construction plans review, when  
9 those are submitted, all the way through the  
10 inspection process, including annual  
11 inspections.

12 Now, the Department of Education has fire  
13 inspectors, but they have to meet the criteria  
14 to be a state certified fire inspector, just  
15 like city and county law enforcement will meet  
16 the FDLE and the standards under the commission  
17 of law enforcement, and then many departments  
18 are accredited just like many of the law  
19 enforcement departments are, and many of the  
20 fire service areas are accredited.

21 So, let's go specifically, go down a  
22 little bit for fire safety in schools. There's  
23 multiple layers again, but I've cited a couple  
24 of the Florida statutes, there's the  
25 administrative rules that adopt the specifics

1       thereof, the Florida fire prevention code is  
2       currently in the sixth edition, and also then  
3       the current building code, and then there's the  
4       state requirement for educational facilities,  
5       known as the SREP. And I believe you had a  
6       presentation last month, Mr. Chair, that we  
7       spoke briefly about, and that outlines the  
8       responsibilities of the Department of  
9       Education, and how they outline that.

10           So, we kind of see this as at least a  
11       three- legged stool, you have, like many  
12       buildings you have the building code, the fire  
13       prevention code, but with public schools you  
14       have the responsibility of the Department of  
15       Education with the state requirements for  
16       educational facilities.

17           Statutory mandates regarding fire codes  
18       and emergency drills, this section of the  
19       statute outlines the district school board  
20       duties relating to school safety, and it goes  
21       into some detail there. I won't -- I know  
22       you've seen the presentation in advance, but I  
23       won't bore you with reading word for word, but  
24       it goes into all the way from emergency drills  
25       to active shooter drills, and other types of

1 emergency drills.

2 The Florida fire prevention code  
3 requirements go on for emergency action plans,  
4 and they outline a number of different things  
5 that come out of the fire code. So, over the  
6 last twenty or thirty years, the  
7 responsibilities of the local fire inspectors  
8 and the Department of Education has varied  
9 depending on what Florida statute has been  
10 adopted. I happened to be at the, I've been  
11 with the state fire marshal's office since 2009  
12 so I'm working for my third CFO, and when I  
13 first arrived there, there was a legislative  
14 change adopted by the Florida legislature that  
15 gave the current authority, I believe it was  
16 the 2010 legislative session, and enacted  
17 shortly thereafter, as to that the current  
18 responsibility of the Department of Education,  
19 and they then in turn adopted many of their  
20 regulations by administrative rule.

21 Now, those emergency action plans have to  
22 be adopted for any number of occupancies,  
23 including educational facilities, and there's  
24 many others. The Florida fire prevention code  
25 goes into some detail because when we talk

1 about the Florida fire prevention code, and  
2 NFPA-1, and NFPA-101, it's about a six inch  
3 notebook, so that's why this is really at least  
4 a \$200 to \$300 class, but I'm just letting you  
5 know that that quick line sentences has a lot  
6 of detail, and the national code under the  
7 Florida fire prevention code, we only have  
8 about eighty Florida specific amendments that  
9 are adopted by rule.

10 The building commission, however, due to  
11 Hurricane standards, and the robust things that  
12 we've done in Florida to mitigate against  
13 natural and man-made disasters, the Florida  
14 building code has hundreds of Florida specific  
15 amendments that are added to what's known as  
16 the international building code. So, similar  
17 to the way that we adopt the national fire  
18 protection code in the fire service side the  
19 building code under Florida statute 553, the  
20 building commission has adopted the  
21 international building code with Florida  
22 specific amendments, and so it will go into a  
23 lot of detail, and again there's other items  
24 required by the authority having jurisdiction.

25 And when we say K-12 actually Department

1 of Education is actually almost really through  
2 about, that includes the community colleges. A  
3 lot of the, quote, state colleges are really  
4 community colleges under the local school  
5 board, so that's all regulated by the  
6 Department of Education.

7 The next slide deals with emergency egress  
8 and fire drill requirements. It's important  
9 that we realize that all occupants of the  
10 building shall participate in a drill. A lot  
11 of folks are always like, okay, we have to have  
12 another fire drill, or a Hurricane drill, and,  
13 you know, drills can be tedious, but the  
14 importance of them have really been proven.  
15 There's been some disastrous events in many  
16 schools. There's roughly just under five  
17 thousand fire incidents in our country per  
18 year. Fortunately, there's been a low number  
19 of fatalities due to robust fire codes, but  
20 about \$70 million in damage are done annually  
21 to our public schools throughout our nation.

22 So, there's a number of different things  
23 that can qualify toward the different emergency  
24 egress and fire drill requirements, and I know  
25 that you're looking very carefully at that

1       because it's important that we also protect our  
2       children when there's danger from outside, but  
3       we also have to protect our children when  
4       there's danger within the classroom that they  
5       need to escape from. Emergency drill and fire  
6       code requirements involved a lot of different  
7       things, and we really establish a conduct of  
8       emergency egress as a matter of routine.

9               We want it to be just natural if there's,  
10       an alarm goes off, the children know where to  
11       go, where to meet, that it's orderly, and that  
12       takes practice, as we know, so it's very  
13       important that there's a lot of criteria in the  
14       code to guide school boards in that regulation.  
15       And I believe the commission of education has  
16       made a presentation, but couldn't be here  
17       today, so a lot of this falls under the DEO  
18       responsibilities, but the local school boards  
19       are key to following up with that in each  
20       individual school.

21              Well, why fire drills we might ask? Well,  
22       one of the things interesting, in addition to  
23       the criteria here, obviously it's to educate  
24       participants in the fire safety features of the  
25       building, how to get out safely, and the

1 procedures to be followed. Here's a statistic  
2 that I mentioned. The U.S. fire departments  
3 responded to an estimated average of just under  
4 five thousand structure fires each year  
5 according the NFPA. Nearly seven in ten of  
6 these fires occurred in nurseries, elementary,  
7 middle, or high schools. Additional fire alarm  
8 requirements that we will see in educational  
9 facilities are in depth. Now, a lot of people  
10 are worried that if an alarm goes off will  
11 everybody know how to safely evacuate the  
12 building, and that's the importance of the  
13 drills.

14 The NFPA has a lot of criteria known as  
15 NFPA-72 on how fire alarms are installed. Now,  
16 they can vary, although educational occupancy  
17 shall be provided with a fire alarm system the  
18 requirements can vary depending on certain  
19 criteria, such as the three listed here,  
20 buildings having an area not exceeding a  
21 thousand square feet, having a single  
22 classroom, and buildings located not less than  
23 thirty feet from another building.

24 As you can imagine when you think about a  
25 small school, in some of our rural areas

1 schools are very, very small, and compared to  
2 other schools that have multiple buildings and  
3 really form what looks like a college campus.  
4 The fire alarm requirements in educational  
5 facilities, let's talk about human activation  
6 of a fire alarm system shall be by manual  
7 means, however is the building is provided with  
8 an automatic sprinkler protection system then  
9 the manual pull stations, and we know about the  
10 manual pull stations, those can be removed if  
11 the building is fully sprinklered and meets  
12 certain conditions of the building and fire  
13 prevention code.

14 So, there are ways to adjust a fire alarm  
15 system, and pull stations, and other devices,  
16 based on the other interior protection of the  
17 building. And automatic occupant notification  
18 is required in all educational facilities,  
19 pursuant to that lengthy NFPA reference.

20 Fire alarm requirements in educational  
21 facilities, manual fire alarm boxes may also be  
22 eliminated where all of the following  
23 conditions apply. There's a lot of detail  
24 there. Some schools obviously have an appetite  
25 to remove the pull stations due to the

1 possibility of, misuse actually. As you can  
2 imagine it could be in a number of different  
3 ways.

4 We're going to continue on fire alarm  
5 requirements, and this is interesting because  
6 positive alarm sequence is defined as an  
7 automatic sequence that results in an alarm  
8 signal even when manually delayed for  
9 investigation unless the system is reset. This  
10 is permitted in both new and existing  
11 facilities, but it must be in accordance with  
12 NFPA-72, the national fire alarm and signaling  
13 code, which is under NFPA.

14 Let's look at some specifics of that. The  
15 fire alarm systems must have positive alarm  
16 features and must be approved by the authority  
17 having jurisdiction. The Department of  
18 Education must comply with the following. In a  
19 positive alarm sequence unlike a, just a fire  
20 alarm that would go off once it's notified and  
21 immediately ring due to either a detector being  
22 set off or a pull station, if an alarm is  
23 received in a school, and there's supervision  
24 and many other requirements here that staff at  
25 the school is monitoring the situation, they

1           can actually meet certain criteria and  
2           basically within fifteen seconds by trained  
3           personnel they can acknowledge the fire alarm  
4           is activated before it goes into ring tone.  
5           Then they have up to a hundred eighty seconds  
6           to evaluate the condition and reset the system.

7           If the system is not determined to be a  
8           false alarm, or other improper activation, then  
9           the system will automatically enunciate, or go  
10          into an alarm. So, basically with a  
11          comprehensive set of guidelines and staffing  
12          you can set up a fire alarm system, so like at  
13          some of our schools, like Marjory Stoneman  
14          Douglas and others where there's multiple  
15          buildings, sometimes when an alarm goes off it  
16          will ring in every single structure on campus,  
17          where there may only be a problem in a very  
18          isolated area. This allows for a comprehensive  
19          team to be able to intervene, to find out  
20          what's caused the alarm system, and buy some  
21          time, especially where you have robust staff  
22          and school resource officers, and maintenance  
23          personnel, to find out what has occurred. It's  
24          a comprehensive solution, and it takes a lot of  
25          in depth study, and meeting a number of codes.

1           Switching gears here, and I'm sorry I'm  
2           rushing through this a little bit, but I want  
3           to be sensitive to our next speaker as well and  
4           allow for questions and answers. I want to  
5           show you a few demonstrations of some different  
6           situations. Classroom doors and locking  
7           mechanisms are required in a number of areas.  
8           Now, I showed one case here where the NFPA has  
9           a criteria where there's a hundred or more  
10          occupants, and the building, Florida building  
11          code has it where it's fifty or more occupants.  
12          Whenever there's a difference in the fire code  
13          and the building code according to the Florida  
14          statute the more stringent code will apply.  
15          And of course, you see on these doors the panic  
16          hardware, similar to what you would expect in a  
17          movie theater and a major school facility,  
18          where the panic hardware will, can be locked,  
19          the door can be locked from the outside, but if  
20          there's a mass to be able to get out to safety  
21          when you hit that panic hardware it will pull  
22          all locking devices in one fluid motion. We're  
23          going to talk more about that in a minute.

24                 And this is -- this is very important.  
25          Locks if provided shall not require the use of

1 a key, a tool, or special knowledge or effort  
2 to operate the door toward the egress. A latch  
3 or other fastening device on a door leaf, the  
4 door itself, shall be provided with a releasing  
5 device that is an obvious method of operation,  
6 and readily operated under all lighting  
7 conditions.

8 So, if you picture a lot of the motels and  
9 hotels you've stayed in, sometimes they'll have  
10 deadbolts and things on the doors, but many  
11 times for safety of egress that you can grab  
12 the door handle, one motion and it will release  
13 all locking mechanisms. That's key. We don't  
14 want anybody to get trapped in a room because  
15 they're unfamiliar with how to enable the  
16 locking mechanisms. And again the, the  
17 releasing mechanism shall open the door with  
18 not more than one releasing operation. Then it  
19 goes on to this next criteria, is in the NFPA  
20 code, and also is covered by the ADA code, to  
21 make sure that the lock is within reach of  
22 somebody even in a wheelchair or other  
23 limitation, and children of all ages.

24 Here we have an example of some different  
25 locking mechanism. The Sheriff and I were

1        talking, Mr. Chair, about can a door be locked  
2        from the outside effectively, and yes it can,  
3        and of course a lot of the school boards want,  
4        they don't want the teachers to be locked out  
5        of the classroom so they have to have access to  
6        get back in, so there's different mechanisms  
7        that you could have that we've seen in many  
8        facilities, different types of security codes,  
9        keys from the outside, a tumbler from the  
10       inside. But whatever the locking mechanism is  
11       it shall not be any, like this next  
12       demonstration, we can't chain the door shut, we  
13       can't put different devices and screw things  
14       into the door, by screwing different barricade  
15       devices that are on the market into the door.

16       First of all, fire doors in schools, in  
17       hospitals, and movie theaters, and others, have  
18       to have a rating and a listing, so Underwriters  
19       Laboratory, Factory Mutual, a lot of things  
20       that we buy have been tested for safety. It's  
21       very important that the door mechanisms do not  
22       ruin the rating of the door by screwing  
23       arbitrary devices and different types of  
24       locking mechanisms into a door, which can ruin  
25       the fire rating protection of that door. So,

1 all fire doors must be listed and rated.

2 In December 2014 the NFPA hosted a school  
3 safety codes and security workshop to attempt  
4 to identify and understand the objectives of  
5 fire and security systems. You can obtain more  
6 information regarding this workshop at the link  
7 that's shown there. And one thing I want to  
8 mention in Florida, that I'm very proud of the  
9 Department of Education, they stand very firm  
10 in their regulation about not allowing, you  
11 know, different types of barricade devices that  
12 are not listed and rated. So, some states  
13 have, you know, looked at, at some of the very  
14 inexpensive barricade devices and allowed those  
15 to be added in public occupancies, which  
16 definitely concerns us.

17 I guess for dramatic closing affect, there  
18 was a horrible fire way back in 1958, I didn't  
19 want to show a lot of recent ones, but there  
20 were a lot of lives lost in this particular  
21 event, and so we really do believe that  
22 ensuring fire safety does save lives, and some  
23 people say that, well, there's not been very  
24 many deaths in public schools, thank goodness  
25 there hasn't, due to fire, and that's because

1 of the very robust fire codes that have been  
2 adopted. And so, you know, I've talked to some  
3 fire chiefs that have said, you know, we  
4 certainly need to protect our children if  
5 there's danger from outside, but we also want  
6 to be sure they can get out of a room safely in  
7 case the perpetrator is in that room, or  
8 somebody, as Sheriff Judd and others know, that  
9 we've had to work together with our fire and  
10 arson team, and our bomb squad, there's some  
11 people that would use horrendous ways to try to  
12 attack people through windows and outside with  
13 devices coming to the inside, so wherever our  
14 children are they have to be able to safely  
15 protect their selves in place, but they have to  
16 be able to safely egress out of a building.

17 And that's why in closing, and it's  
18 critical when discussing school safety to  
19 ensure that efforts to protect students do not  
20 compromise the overall life safety of students  
21 from all threats, including all fire related  
22 emergencies. And so, with that I'll move to  
23 questions. And let me just assess my time.  
24 Okay, we're doing to good, and Chief Long will  
25 have some time.

1 CHAIR: You're good. No, you're good.

2 CHIEF HALAS: Mr. Chair?

3 CHAIR: You're good. Thank you.

4 Questions, Sheriff Ashley?

5 SHER. ASHLEY: Chief, is there a  
6 requirement, I'm not sure what it is, but the  
7 larger a room gets you have to have more than  
8 one entry, exit? Is there a square footage  
9 requirement? I'm speaking specifically in mind  
10 of a classroom that only has one entry, one  
11 exit, there is, maybe on the third floor, there  
12 is no exit out the window, there is no exit out  
13 of a back room, or a back door. Is there a  
14 requirement or fire code that says after a  
15 certain amount of square footage you have to  
16 have a second, third, fourth alternate exit?

17 CHIEF HALAS: Yes, there's a -- there's  
18 quite an in-depth matrix, whether it be a  
19 restaurant, a school, any other type of public  
20 -- and all public assembly has a calculation  
21 for the number of, of people in a room, based  
22 on the square footage, and the number of egress  
23 areas that have to be available, so there is a  
24 number. And that one slide that I showed  
25 talked about where fifty or more persons, or a

1       hundred persons, that's one the thresholds.  
2       And so, in the code depending on square  
3       footage, number of people, also whether or not  
4       desks are fixed in place versus loose, and  
5       chairs are loose, so there's a multiple number  
6       of considerations in establishing an occupancy  
7       rating, and the number of exits and egress that  
8       can be allowed.

9               SHER. ASHLEY: Thank you.

10              CHAIR: Sheriff Judd.

11              SHER. JUDD: When you look at the history  
12       of the fire service in preventing fires and  
13       saving lives it's pretty remarkable. Is there  
14       any reason to believe that we can't create  
15       infrastructure that blends with fire safety and  
16       also keep active shooters out?

17              CHIEF HALAS: I think there's -- I think  
18       there's a lot that can be done. Again, we're  
19       doing a national study through the National  
20       Association of State Fire Marshals. We've  
21       developed a draft white paper. I'll certainly  
22       be glad to share that when it's finalized and  
23       fully updated, probably later this summer, but  
24       there's a lot that can be done. And Chief  
25       Long, I'd like to ask him to come up and join

1 me if he would.

2 We've already begun to think about, again  
3 I'm speaking partly as just a fire official and  
4 not really the, you know, because DOE, and I  
5 wish the Commissioner of Education was here  
6 because I don't want to act like, you know,  
7 we're trying to cross over into their  
8 jurisdiction, similar to I know sheriffs and  
9 police chiefs have to, you know, work out local  
10 jurisdictional issues and stuff, and mutual  
11 aid, but we do, we do realize that some school  
12 campuses, it would probably be more practical  
13 to have fire alarm systems that, again, have  
14 the positive sequence where you can intervene,  
15 you can do research before it goes immediately  
16 into alarm, but you have to have certain  
17 staffing and facilities to do that.

18 Also, when there's multiple buildings in a  
19 campus does it really make full practical sense  
20 for every single building to go into alarm if  
21 there's a point of enunciation, in other words  
22 if we know a fire detector, smoke, smoke alarm  
23 has went off on the second floor of building  
24 five, does the whole campus really need to go  
25 into alarm system? So, again when all

1 construction interventions are considered, it  
2 goes through an entire plan, or building plans  
3 review to look at all those different elements,  
4 so, you know, if you take any one thing out of  
5 context it's hard to say that's going to  
6 resolve everything.

7 But, Sheriff, I think your point is well  
8 taken, is to look at the campus as an entire  
9 infrastructure of children, what's the best way  
10 to configure all these safety devices to make  
11 it most practical. And that's where I think  
12 the law enforcement and our next presentation,  
13 the fire service work in. The more we learn  
14 about an active shooter situation can help us  
15 to have more intelligence as to how to better  
16 set that up.

17 Chief Long, anything to add to that?

18 CHIEF LONG: No, I just -- basically the  
19 fire codes want to get people out. We -- we  
20 don't care if no one can get in, so in that  
21 respect we try to keep people out, and that's  
22 the way the locking arrangements are made to  
23 function in a fire code.

24 SHER. JUDD: You all are the subject  
25 matter experts on fire alarm systems.

1 CHIEF LONG: Yes, sir.

2 SHER. JUDD: If we take our subject matter  
3 experts and our data that we know about active  
4 shooters and their attempt to egress, or  
5 ingress, can, isn't it reasonable to assume  
6 that you all being the experts, and having the  
7 data, and the history, could say, hey, if they  
8 tried to ingress here, or set an alarm here, we  
9 can compartmentalize this, I mean this issue?  
10 I mean if rather than us try to recreate the  
11 wheel say here's our problem, tell us how to  
12 make this work with your systems?

13 CHIEF LONG: Yeah, a lot of times in  
14 different occupancies they do that. For  
15 instance, in hospitals they don't evacuate even  
16 if it's one building, they have what they call  
17 smoke barriers, and they'll evacuate a section.  
18 And I'm sure that can be discussed. I don't  
19 work for NFDA.

20 I thought I was loud enough. But, yes,  
21 that can be looked at. Also, what can be  
22 looked is like, like Chief said, is possibly  
23 alarm sequence, but in some situations, you  
24 have to actually have someone at, or at the  
25 panel, and so, and then they can respond within

1       fifteen seconds, you have up to ninety seconds  
2       to respond to it, and a hundred eighty seconds  
3       before it will actually go into alarm. And  
4       another situation is like in one of the slides,  
5       pull stations can be removed. If you have a  
6       fully sprinkled building you don't need to  
7       manually operate it, you only have to have one,  
8       and so in that situation there can be other  
9       alternatives to assist in the fire alarm going  
10      off.

11           I'm a big advocate of no false alarms, and  
12      when the system is properly maintained, and it  
13      has a sensitivity rating on the smoke  
14      detectors, and that, it tends to have less  
15      false alarms, and which the schools are doing  
16      now, and because false alarms, it puts a  
17      vehicle on the road that doesn't need to be  
18      there, and also it creates a situation where  
19      people are evacuating, and in an active shooter  
20      situation that's not a good situation.

21           So, I think there's some things that could  
22      be done as far as alarm and security in that  
23      respect. I hope I answered it.

24           CHAIR: Senator Book.

25           SEN. BOOK: Thank you. And thank you,

1       guys, very much for your presentation. Where  
2       are we in the three-year cycle of adoption of  
3       building code/fire code, where are we?

4           CHIEF HALAS: We're about halfway through  
5       exactly. It will be coming up. We'll be  
6       starting our rule workshops this Fall, so any,  
7       any areas that want to be introduced in the  
8       next three-year code, it will go into effect  
9       December 31st of '19, I believe will be our  
10      next end of this current cycle of the code, so  
11      we'll be having that as open workshops and  
12      hearings.

13          SEN. BOOK: Timely. Very timely. One of  
14      questions that I had, and we have been through  
15      several active shooter trainings and  
16      situational drills now, one of the things that  
17      they talk a lot about is, you know, sheltering  
18      in place, and you mentioned building code, how  
19      many folks in a room determine what's bolted  
20      down, what is movable, and one of the things  
21      that one of these trainers talked to me about  
22      was sheltering in place and moving objects to,  
23      you know, barricade in, in a location, however  
24      code often times has bookshelves bolted down,  
25      certain desks bolted down.

1           Is it your opinion that we begin looking  
2           maybe at the building code in terms of how we  
3           can keep individuals safe in schools, like we  
4           have certain code for Hurricanes, that we could  
5           have, and change some of the code in terms of  
6           how we look at these active shooter drills in  
7           the building code and also the fire code?

8           CHIEF DROZD: Actually, there's a training  
9           drill through the University of Auburn that has  
10          an active shooter training, and it actually  
11          shows what you're talking about, how they put  
12          desks in front of the door, and they actually  
13          show the active shooter, and it's very good  
14          training, as far as, and it's Auburn  
15          University, I Googled it. And that's very good  
16          on that part.

17          A lot of the first codes, we're just  
18          saying as far as the occupant load if y have  
19          seating that's, that's screwed into the ground,  
20          then that's a certain type of square footage.  
21          If you have movable tables it's -- for  
22          instance, if you have tables and chairs it's  
23          one person every fifteen-foot, one person every  
24          fifteen square foot. If you just have chairs  
25          it's one person every seven square foot, so

1           depending on what you have in the room is how  
2           the occupant load is determined.

3           SEN. BOOK: I got it. So, I'm sorry, Mr.  
4           Chair. So, one of the questions that I have,  
5           in this, in this training we had some personnel  
6           from Stoneman Douglas, and, you know, we talked  
7           about they are keeping in place because they  
8           had looked at the Auburn study, and that is the  
9           best practice, however a lot of the furniture  
10          was bolted to the floor. Is that something  
11          that the Department does through their building  
12          code, or is that fire code?

13          CHIEF DROZD: I don't think it's fire  
14          code. I don't think it pertains to the fire  
15          code.

16          SEN. BOOK: Okay, thank you.

17          CHIEF HALAS: And if I could just comment  
18          too. I know some of the school boards are  
19          putting more robust locking mechanisms on the  
20          doors, but working, you know, through the  
21          principal and the school board to make sure  
22          that a teacher can have access to get back in  
23          the classroom if for some reason they were to  
24          get locked out, or they need to get a school  
25          resource officer and others in there, so I

1 think there's going to be a lot of locking  
2 mechanisms upgraded, and hopefully that would  
3 be a strong appetite to do that, that again  
4 meet the code, are listed and rated, and that  
5 allow for safe egress of suddenly the danger is  
6 in the classroom, the students can immediately  
7 get out without having to do multiple efforts  
8 to try to do that. So, that's the ideal  
9 scenario, is more.

10 And -- and at the domestic security  
11 oversight council that the Co-Chair Swearingen  
12 is involved with we are looking at, you know,  
13 we're talking about hardening of all different  
14 types of critical infrastructure for many years  
15 now, and that's part of that process, but of  
16 course that takes funding, and so therefore I  
17 know a lot of the initiatives are a funding  
18 matter that have to be taken into  
19 consideration.

20 CHIEF DROZD: And one of the things we're  
21 advocating is to go through the Department of  
22 Education or the fire marshal to get these  
23 items approved, because I know we have some, I  
24 just got e-mailed on today that is on a door at  
25 a school and it doesn't meet anything. And so,

1       there's hundreds of them out there, I've got  
2       twenty-five of them sitting on my desk, and so  
3       we want to make sure that they're safe and they  
4       can, they can hunker down in place, and but we  
5       also want to make sure they can get out in case  
6       of a fire, so they need to be an approved  
7       method of, of locking the door.

8               SEN. BOOK:   And -- and one of the things  
9       that you commented on is the locking devices  
10       concern us, and I think that a lot of folks, I  
11       know my constituency, I know people in our  
12       community have talked about wanting and needing  
13       some of those devices, and as kids are going  
14       back to school we're talking about school  
15       resource officers and guardians, and all, all  
16       of these other important, important pieces of  
17       safety, but I know this is very important to a  
18       lot of parents.

19              What are -- what are you all doing to  
20       approve some of those, because there are  
21       hundreds and hundreds and hundreds of these  
22       devices out there that may be approved, or  
23       recommended, or some of the things that are  
24       safest for schools to look at.

25              CHIEF HALAS:   I can address that.   The

1 Director of Department of Education facilities  
2 and engineering department, they, they look  
3 very carefully to make sure that any so-called  
4 barricade devices do not violate that, that  
5 criteria. The chairman, Sheriff and I,  
6 Gualtieri and I were talking about the  
7 importance of making sure that gets articulated  
8 down to the local level. That's always key,  
9 key in all laws, you know, speed limit changes,  
10 how long does it take to get all the signs and  
11 everything and everybody, you know, through  
12 that process, so, and I do appreciate, I feel  
13 kind of like I did sort of a, you know,  
14 tremendous brain dump on you, again that's  
15 hundreds of hours of material that we covered  
16 in a short amount of time, but your thought  
17 process is very intelligent, in terms of how do  
18 we beef up and harden that infrastructure, you  
19 know, and make it safe, though still to get it,  
20 anybody out that's in danger.

21 CHAIR: Commissioner Schachter, go ahead.

22 MR. SCHACHTER: Thank you for your, your  
23 service, gentleman, and everything that you do  
24 to keep us safe. Obviously, you know we're  
25 extremely happy that, that no child has died in

1 a fire since 1958, but obviously your stated  
2 goal is to keep people, to get people out of a  
3 building, but you have to realize that we don't  
4 want to be putting them in harm's way at the  
5 same time, and these monsters, that is their  
6 goal, is to get them out in the open. That's  
7 what this monster did. He was going to go to  
8 the third floor and commit a mass Las Vegas  
9 shooting with all these people out there, so we  
10 don't want to evacuate, and, and we need your  
11 help to, to try to change these laws to make  
12 our schools safe.

13 In my view I don't think children should  
14 be evacuating in a fire. We have to realize  
15 that nobody's died in a fire in that many  
16 years, because we got to realize that these are  
17 our adversaries, and the assailants are trying  
18 to do that exact thing. We don't want them to  
19 be using these laws against us, and I think  
20 that's what, you know, Sheriff Judd and Senator  
21 Book are trying to get across to you. So, we  
22 need your help in changing these laws.

23 Also, so my other question is when an  
24 alarm is set off in one building are there  
25 regulations that state that every building

1       should be evacuated, or can the school, you  
2       know, look at the, look at the alarm and say,  
3       okay, it's only in one building? In Stoneman  
4       Douglas there are thirteen masonry buildings,  
5       and they're all not going to go up at the same  
6       time. You should not be evacuating, you should  
7       be taking kids from one building and putting  
8       them another if there is a real fire, but that  
9       should be verified before anybody evacuates.  
10      You don't want to be putting them in harm's  
11      way.

12             And then when an alarm sounds, let's see  
13      here, okay, an alarm sounds, should occupants  
14      immediately evacuate, are there rules -- also  
15      my other question is are there rules that would  
16      require a fire alarm to quiet when the intercom  
17      is being used, because that was another major  
18      problem here. You had, you know, the fire  
19      alarm going off, and even if there was an  
20      intercom that came in an announcement and said  
21      that there was a code red instead people didn't  
22      hear it. Are those kinds of laws on the books?

23             CHIEF DROZD: Yeah, they actually are. I  
24      was actually at Stoneman Douglas a week later  
25      and evaluated the alarm system, evaluated the

1 building, and so I understand what you're  
2 saying, I was on campus. I'm the Southeast  
3 Regional District Chief. I cover this area, so  
4 Broward County, the School Board, actually we  
5 assisted them, and we'll assist anybody that  
6 needs help in any direction.

7 Now, to answer your questions, there are  
8 systems out there that do an override, they're  
9 called voice evacuation systems, to where they  
10 can click on a speaker and turn the alarm off  
11 and make an announcement, but then the alarm  
12 will continue.

13 The problem with sheltering in place,  
14 fire, when you actually have a fire, and say  
15 I've never had a fire, you know, that's great,  
16 but it can happen tomorrow. I used to  
17 investigate fires. The first thing I would  
18 hear was the fact that I never thought this  
19 would happen to me, and it does. So, as far as  
20 keeping people in place in a fire, actual fire  
21 situation, when you have roughly three minutes  
22 to get out of the building in a general fire,  
23 so that to us is not a fire code, and that's  
24 not in the books.

25 Now, as far as delay the alarm, yes,

1           that's there. We explained that in the slides.  
2           As far as every single building on a campus, I  
3           consider Stoneman Douglas a mini university.  
4           It's huge. I mean it took us from the office  
5           to walk to the building that it occurred, it  
6           was a walk, so do all buildings have to  
7           evacuate, we're working on that, where I don't  
8           think that has to happen.

9           MR. SCHACHTER: You're working on changing  
10          that then?

11          CHIEF DROZD: Absolutely. I don't think  
12          the whole entire campus -- a building that's  
13          half a mile away over by the football field  
14          doesn't have to evacuate to a building by the  
15          parking lot.

16          MR. SCHACHTER: But don't -- don't you  
17          think that you need to verify that's there an  
18          actual fire before you evacuate --

19          CHIEF DROZD: There's ways to do that, and  
20          we explained that, there are ways to do that.  
21          At Stoneman Douglas that system is not set up  
22          to do that. It can be.

23          MR. SCHACHTER: Can you elaborate?

24          CHIEF DROZD: Excuse me?

25          MR. SCHACHTER: Can you elaborate on that?

1       What do you mean? I thought they could go to  
2       the --

3           CHIEF DROZD: Not really. Buildings are  
4       set up to do voice evac, to do delayed egress.  
5       All of our universities now are going to voice  
6       evac to meet mass notification requirements,  
7       and every time they need a new panel. But as  
8       far as required that's a different story. The  
9       difference is the basic fire codes have the  
10      minimum requirements as what's required by  
11      code, and that's the way they are. There's  
12      other ways of doing things, are they required,  
13      some are not, it depends on the size.

14           Like a voice evac system will be required  
15      in a big assembly, and probably over, I believe  
16      it's three hundred people, isn't it Ray? Over  
17      three hundred people, that's when you would  
18      require voice evac, but in certain situations  
19      people are putting them in any way to meet that  
20      mass notification requirement. So, there are  
21      ways to correct things, we're working on that  
22      with the Department of Education and the  
23      director and spent many hours researching and  
24      trying to make things better, because we are  
25      concerned about the fire side, and we are

1 concerned about the security side.

2 MR. SCHACHTER: So, Stoneman Douglas is  
3 over three hundred people, so they do, they're  
4 required --

5 CHIEF DROZD: Not -- not each building.  
6 You take each -- the code addresses each  
7 building individually, and a classroom is a  
8 classroom. It's not the total, it's, it's one  
9 big space. This is an assembly area that  
10 you're sitting in right now. A classroom is  
11 not unless it's over so many people. So -- and  
12 -- and there's no classroom that I know of  
13 that's over three hundred at a time.

14 MR. SCHACHTER: Does Stoneman Douglas have  
15 a voice evacuation system?

16 CHIEF DROZD: Excuse me?

17 MR. SCHACHTER: Does Stoneman Douglas have  
18 a voice evacuation system?

19 CHIEF DROZD: No, not that I'm aware of.

20 MR. SCHACHTER: Thank you.

21 CHAIR: So, if there is a conflict between  
22 your interpretation of the code or best  
23 practice, so as an example I think you were  
24 asked some questions either by Senator Book or  
25 Sheriff Judd about some of the devices that are

1 on the market, and the state fire marshal's  
2 office decided that a particular category of  
3 devices was acceptable, and the Department of  
4 Education decided that for K-12 it was not  
5 acceptable, is that who controls?

6 CHIEF HALAS: Right -- right now that's  
7 under the statute I mentioned of, is 1016, and  
8 to the Department of Education is the authority  
9 having jurisdiction there, but they do adopt  
10 the life safety code which we adopt every three  
11 years, so if we update the life safety code and  
12 there's public comment, and any Florida  
13 specific amendments are modified, it will then  
14 be adopted by DOE as part of their adoption of  
15 their regulations.

16 So, they do -- they do go in concert, but  
17 I don't want to speak for the commissioner of  
18 education as to, you know, how they sort of,  
19 you know, add their local administrative rules  
20 to that.

21 CHAIR: But there's an opportunity for  
22 them through interpretation, like all code  
23 rules are subject to interpretation, right?

24 CHIEF HALAS: Correct.

25 CHAIR: Okay, so because of the current

1 structure in Florida is through K-12, because  
2 as you've testified you have responsibility for  
3 all educational facilities and other buildings  
4 other than K-12, right?

5 CHIEF HALAS: Actually, other than the  
6 local community college system, so for the  
7 state, the twelve state universities --

8 CHAIR: For the state, right.

9 CHIEF HALAS: And so, if there --  
10 essentially what you're asking, if there was a  
11 dispute on basically the interpretation of the  
12 Department of Education, just like any of our  
13 state agencies if we get requests for a  
14 declaratory statement that would go to the  
15 Department of Education initially.

16 CHAIR: Right, so they get to interpret  
17 the laws and regulations, and apply them in the  
18 K-12 schools across the state, and if you were  
19 to as the state fire marshal have concerns  
20 about that there's nothing you can do about it.

21 CHIEF HALAS: Except legislatively.

22 CHIEF DROZD: If it's a NESREF rule,  
23 correct. If it's a Florida fire prevention  
24 code according to the statute we're the final  
25 interpreting authority period. So, if it

1 involves the Florida fire prevention code,  
2 which they also adopt, then we would have the  
3 authority to interpret that, okay, but the  
4 NESREF rule -- there's three things. There's  
5 statute rule and code, okay, we're the final  
6 interpreting authority in the state of Florida  
7 as far as the Florida fire prevention code.  
8 There's also uniform rules, that the  
9 legislation says you will write uniform rules  
10 for, one of them is education, it's called  
11 6United858, and then there's statutes, which  
12 are laws.

13 CHAIR: So, with the devices that are out  
14 there, and there's a whole bunch of them on the  
15 market, and Sheriff Judd talked about this, or  
16 mentioned it, there's a whole bunch of devices  
17 that would allow classroom doors, and you had a  
18 picture of one in your presentation, I think it  
19 was on slide 10 I think, 10-11, the device that  
20 bolted into the door and goes into the floor  
21 where it's drilled, is that, and you said that  
22 that is not an acceptable device, and wouldn't  
23 be code because it doesn't with one fell swoop,  
24 one unrestricted access allow it to be opened,  
25 correct?

1 CHIEF DROZD: That's correct. We  
2 actually, actually put the code in the slide  
3 presentation.

4 CHAIR: Right, so if the -- but if the  
5 device that was able to be bolted into the  
6 floor, where somebody could open it with the  
7 push of one button, or the moving of one device  
8 in unrestricted, then that device that is a  
9 good barrier to the door being opened from the  
10 outside could become permissible.

11 CHIEF DROZD: If it met the -- there's  
12 always delayed egress locks, and there's  
13 also -- what's the other one? Right, there's  
14 delayed egress locks, and there's another way  
15 of locking a door with a sensor and all that  
16 stuff so you can walk out of it, so if it meets  
17 the intent -- we strictly go by the life safety  
18 code, and what it tell us you're allowed to do  
19 a door to egress.

20 CHAIR: Right. So, at Stoneman Douglas,  
21 move on from that, at Stoneman Douglas there  
22 were a whole bunch of classroom doors that  
23 could only, only be secured from the outside --

24 CHIEF DROZD: That's correct.

25 CHAIR: By placing a key in the door, and

1       those classroom doors could not be locked or  
2       secured in any fashion from the inside.

3               CHIEF DROZD: That's correct, and --

4               CHAIR: Let me finish.

5               CHIEF DROZD: -- more than Stoneman  
6       Douglas, there's quite a few like that in the  
7       state.

8               CHAIR: There are. So, my question is, is  
9       there anything in the fire prevention code, and  
10      statute, and rule, anything that you've talked  
11      about, or anything that you're familiar with  
12      that would have necessitated or required the  
13      school district to set the classroom door up in  
14      that way?

15              CHIEF DROZD: No. From my understand -- I  
16      will not give my opinion, but no, not that I'm  
17      aware of.

18              CHAIR: Okay. All right, so go back for a  
19      second to the beginning of your presentation,  
20      and on Page 2 and, I'm sorry, Page 3, and then  
21      I think going over to Page 5, you talk about  
22      drills, and I think it's going to be about the  
23      fourth slide, and it says that drills for  
24      active shooter and hostage situations shall be  
25      conducted at least as often as other emergency

1 drills, and then you go over to Page 5 and it  
2 says that these drills have to be conducted at  
3 least every month. So, I want to make sure I  
4 understand this, is, is that putting those two  
5 together is, is that it says that these  
6 emergency egress drills, meaning fire drills,  
7 have to be conducted at least once a month, one  
8 has to be conducted in the first thirty days  
9 that school is back in session, and that there  
10 has to be a minimum of four that are conducted,  
11 it says in here, is that there has to be, not  
12 less than four shall be conducted before the  
13 drills are deferred.

14 So, fire drills have to be conducted every  
15 month, and there has to be one at least within  
16 thirty days of --

17 CHIEF DROZD: Yeah, and then the first  
18 three can be training, so they, then you  
19 continue on with regular fire drills, and then  
20 it talks about inclement weather and --

21 CHAIR: Right, but don't -- but they have  
22 to be done every month. Okay, so in  
23 interpreting the, because this is new, new  
24 language in 1006-074 in this slide where it  
25 says that drills for active shooter and hostage

1 situation shall be conducted at least as often  
2 as other emergency drills. Does the fire  
3 marshal's office have a view, because there's a  
4 number of emergency drills, there's fire  
5 drills, now there's active assailant drills,  
6 and there's other drills, emergency drills that  
7 are in here, do you have a view on, or an  
8 interpretation of that -- the fire drills have  
9 to be conducted every month, is it just some  
10 drill has to be conducted every month or is it  
11 a fire drill and an active shooter drill, or do  
12 you have a position on that?

13 CHIEF DROZD: Number two is what the code  
14 says now.

15 CHAIR: Both.

16 CHIEF DROZD: We have researched and  
17 talked to several states through the National  
18 Fire Marshal Association, and some states, if  
19 it's a sprinklered building they may drop it a  
20 couple of drills, and we're looking at all of  
21 that. I'm just going by what the code says.

22 CHAIR: That you have to do an active  
23 shooter drill as often as you do a fire drill.

24 CHIEF DROZD: As often as you do a fire  
25 drill.

1 CHAIR: So, that means doing an active  
2 shooter drill every month.

3 CHIEF DROZD: That means sixteen drills a  
4 year.

5 CHAIR: Right. I agree with you. I'm not  
6 sure everybody in the state is interpreting it  
7 that way. All right, is there any requirement  
8 in the fire code, statutes, et cetera, that  
9 require that there be windows in classroom  
10 doors?

11 CHIEF DROZD: There -- there is a  
12 requirement. If you don't that would be  
13 considered a windowless building and it would  
14 have to be sprinklered. There is requirements  
15 there is means of egress and there's means of  
16 escape.

17 CHAIR: Can you move over to the  
18 microphone because I can't hear you?

19 CHIEF DROZD: I'm sorry, I'm not used to  
20 this. There are requirements there's means of  
21 egress, which are doors to get out. There's  
22 also a requirement, and I believe it's in  
23 NESREF, for means of escape, so you have to  
24 have one window designated as a means of  
25 escape.

1 CHAIR: Well, if you have a window that is  
2 two inches wide and fifteen inches tall nobody  
3 can escape through that window.

4 CHIEF DROZD: Right, that's why you have  
5 to have one window, and the requirements for  
6 that window are designed in the code.

7 CHAIR: So, there has to be, there has to  
8 be a window in the classroom --

9 CHIEF DROZD: Accessible to get the kids  
10 out.

11 CHAIR: Well, but you can't -- the kids  
12 can't get through that window, it's mainly a  
13 visual window for the classroom.

14 CHIEF DROZD: Well, no, there's one window  
15 that's designated as a means of escape window,  
16 and it's a different --

17 CHAIR: Okay, so that's not my question.  
18 My question is in the classroom doors  
19 themselves, like in Stoneman Douglas --

20 CHIEF DROZD: Oh, is there a window  
21 requirement?

22 CHAIR: Is there a window -- in the  
23 classroom doors for every classroom there were  
24 very small windows that --

25 CHIEF DROZD: Yes.

1 CHAIR: And those windows are the windows  
2 that allowed the shooter to shoot through and  
3 target specific --

4 CHIEF DROZD: That's correct.

5 CHAIR: -- students that were in line of  
6 sight of his sight, so my question is, is that  
7 is there a requirement that those windows be in  
8 the doors, or could windows in classroom doors  
9 be eliminated?

10 CHIEF DROZD: I'm not -- I'm --

11 CHAIR: Under the fire -- under the fire  
12 code?

13 CHIEF DROZD: I don't believe there's a  
14 fire code requirement as far as window. In a  
15 rated door you can have a small window, large  
16 window, they've got different requirements for  
17 rates doors, so I believe it can be a solid  
18 door as far as the fire code is concerned.

19 CHAIR: Okay, does anybody else have any  
20 other questions? Senator Book.

21 SEN. BOOK: I apologize, Mr. Chair, thank  
22 you. I just want to go back to make sure that  
23 I fully understand the voice system, the voice  
24 alarm system with the three hundred -- what do  
25 we call it, the voice evac system, over three

1       hundred people. Is that per classroom or, I  
2       mean because one would argue that --

3           CHIEF DROZD: That's per classroom. Each  
4       -- each area is designated, and you can have  
5       multiple us areas, so each area would be  
6       designated. Like this room would be different  
7       from the rink. I'm, sorry, this room would be  
8       different from the rink area, you know, it  
9       would be separate, they have separate exits for  
10      this area, so each, each room would be  
11      different. When we do a university it's  
12      actually -- universities don't come under  
13      educational they come under business occupancy.  
14      Once you get to that grade level you become a  
15      business, and then anything over fifty, a room  
16      itself is considered an assembly for that one  
17      room, not for the entire area.

18           SEN. BOOK: So, a cafeteria, or a --

19           CHIEF DROZD: A cafeteria open area would  
20      be probably over three hundred.

21           SEN. BOOK: And so then technically they  
22      would have to have a voice over evac system?

23           CHIEF DROZD: Yes, ma'am. That's in --  
24      that's all in the life safety code.

25           SEN. BOOK: And does that -- did that

1           exist at Douglas?

2           CHIEF DROZD:   Excuse me?

3           SEN. BOOK:   Did that exist at Stoneman  
4           Douglas?

5           CHIEF DROZD:   In -- in the which area, the  
6           cafeteria area?

7           SEN. BOOK:   Well, okay.

8           CHIEF DROZD:   I didn't go there so I don't  
9           know how large it is.

10          SEN. BOOK:   Okay.   Okay.

11          CHIEF DROZD:   I'm sorry.

12          CHAIR:   So -- so you said in your  
13          presentation that you can have a delay in  
14          response with certain criteria, and it can be  
15          delayed for up to a hundred eighty seconds,  
16          correct?

17          CHIEF DROZD:   Yes, sir.

18          CHAIR:   So -- but what you said is that  
19          based on your knowledge at Stoneman Douglas  
20          there was no such system in place to delay the  
21          response so that nobody -- when the fire alarm  
22          goes off you can have, as long as you have the  
23          right policies and protocols in place, and  
24          somebody is trained properly they can then view  
25          and assess the situation.   Based upon that

1 viewing and assessing of the situation, and  
2 whether it's through cameras or through other  
3 information, however they get it, they have up  
4 to a hundred eighty seconds to make a  
5 determination as to whether to effect the  
6 evacuation, effect the response, or they have a  
7 right, or they could cancel it, is that the, is  
8 that accurate?

9 CHIEF DROZD: That's correct, that's very  
10 accurate.

11 CHAIR: So, in this situation if there had  
12 been somebody in place when that alarm went off  
13 -- and to be clear for everybody, and again  
14 this is, I think we talked about this before,  
15 and there is nothing in the evidence at all  
16 that Cruz activated the fire alarm. He didn't  
17 pull a fire alarm, he didn't activate a fire  
18 alarm. The fire alarm -- the fire alarm went  
19 off because of the shots that were fired and  
20 the percussion, and it set off the fire alarm.

21 And so, if somebody had then viewed,  
22 received information, there is a code red put  
23 out over the radio, is if they had a process in  
24 place where the alarm being activated was  
25 evaluated somebody could have within a hundred

1           eighty seconds said don't evacuate, shelter in  
2           place, and done an override of that, correct?

3           CHIEF DROZD:   Yes, sir.

4           CHAIR:    Okay.   All right, Commissioner.

5           CHIEF DROZD:   The alarm, you have up to a  
6           hundred eighty seconds before the alarm  
7           actually --

8           CHAIR:    Right, so nobody would -- right,  
9           so nobody would have known.   But what I'm  
10          saying is -- that's what I'm saying is, is the  
11          person could have either, with a hundred eighty  
12          seconds is, is that either they could have, if  
13          somebody had known about it they could have  
14          rescinded it, or just prevented the fire alarm  
15          from going off, and then it would not have  
16          triggered the evacuation response on the third  
17          floor like it did.

18          CHIEF DROZD:   That's correct.

19          CHAIR:    Okay, Commissioner.

20          SEC. JUNIOR:   Just quickly a different  
21          subject.   Is there any difference, we've talked  
22          a lot about the schools, but a lot of the  
23          classrooms are portable.   Is there anything  
24          different in the fire code for the portable  
25          classroom?

1 CHIEF DROZD: Yes, that's in NESREF.  
2 That's the educational code. There are  
3 requirements as far a fire alarm for portables,  
4 and that's strictly through the educational  
5 facilities.

6 CHAIR: Yes, go ahead.

7 MS. LARKIN SKINNER: You mentioned that  
8 since 2009 when you became involved with the  
9 state fire marshal's office that the authority  
10 for fire safety has switched back and forth, is  
11 that, did I understand that correct, between  
12 DOE and the state fire marshal?

13 CHIEF HALAS: That's actually over a  
14 couple of decades. Years ago it was required  
15 that all local fire inspectors went to all  
16 schools and Department of Education felt that  
17 some of those cities and counties charged a  
18 user fee, like we do sometimes with, you know,  
19 law enforcement or fire service at a football  
20 game, or whatever there may be a certain stand  
21 by fee, so the Department of Education part of  
22 it was that they felt that they could hire  
23 their own inspectors, meet all the regulations,  
24 and so back in 2010 when that changed given  
25 them the, basically the authority having

1 jurisdiction for K-12 and the community  
2 colleges, the fire service wanted also to have  
3 access for pre fire drills or courtesy  
4 inspection, so that was compromised in the  
5 legislation.

6 And so right now Department of Education  
7 hires fire inspectors that meet our state  
8 certification, and local, city, and county fire  
9 inspectors and fire marshals are allowed to go  
10 in and do a courtesy inspection, but they can't  
11 charge a fee, so that DOE is not then bearing  
12 multiple costs. So, that's the current  
13 legislation for about the last eight years.

14 MS. LARKIN SKINNER: I see. So, my -- so  
15 my follow up question was going to be do you  
16 know the logic behind it, which you clearly  
17 explained. I just wanted to express some  
18 concern I have. It seems to me the state fire  
19 marshal's office is the experts, and this  
20 should like with the experts. It's just my  
21 opinion.

22 CHIEF DROZD: I can -- just to -- just to  
23 add one thing to that, there used to be a  
24 regulation for public school employees to go  
25 through a special fire safety inspector. That

1 is now gone. They have to be as certified as I  
2 am to go in and do a fire safety inspection on  
3 a public school. So, some things have changed,  
4 and, and not everything, you know, some things  
5 have changed for the better. As far as the  
6 safety inspector going through, have the  
7 classes, and just the public-school part, now  
8 they're certified inspectors just like I am.  
9 So, just to add that.

10 CHAIR: Okay, we need to kind of move on  
11 the next presentation, but I'm going to add,  
12 take the privilege of editorial comment. Yeah,  
13 but there are inspectors who are reporting and  
14 inspecting, and they're reporting to their boss  
15 within the Department of Education. It's not  
16 an independent inspection like the fire  
17 marshals' office doing it. I think that's the  
18 concern. And when -- and when -- we had this  
19 discussion. And when you told me, and it gives  
20 me great concern about this, and I think it's  
21 ridiculous that any governmental entity  
22 operates this way, that a reason for doing this  
23 is because local fire departments and local  
24 fire service were charging school districts to  
25 do inspections, and this has gone back and

1       forth because it's a money thing between local  
2       fire inspectors wanting to charge the schools  
3       is, is that government should never operate  
4       that way, and one governmental entity charging  
5       another governmental entity to do a public  
6       safety service is ridiculous, and shouldn't be  
7       a reason why we have to make these types of  
8       changes, and then create these, you know,  
9       different ways of doing things, and then you  
10      have these silos, and then you have a fire  
11      inspection entity for K-12 that's different  
12      from the fire marshals' office, so that's just  
13      my opinion.

14           CHIEF HALAS: Thank you, Mr. Chair. It's  
15      been an honor to be here, and thank you for the  
16      invitation, and we appreciate it. And would  
17      you like me to bring up Chief Drozd, or do you  
18      want to handle that, sir?

19           CHAIR: He can come up. And Sheriff Judd  
20      had a comment, go ahead.

21           SHER. JUDD: As we wrap this up then I  
22      would like to ask, these gentlemen are the  
23      subject matter experts, why we're making  
24      recommendations. It seems to me if we got our  
25      subject matter experts in active shooters and

1       said, look, you guys develop this plan, tweak  
2       this plan, to me it would, I would like, from  
3       one commissioner's perspective, let's don't try  
4       to redo our -- they have all the historical  
5       knowledge, let's just give them another set of  
6       criteria and say help us figure out an active  
7       shooter plan that meshes with the fire plan.  
8       They've done it.

9               They've got the, you know, the historical  
10       knowledge, the institutional knowledge, and I  
11       would like to see that as a recommendation, and  
12       us put subject matter experts and say here are  
13       our issues, you've got a, you've got a  
14       fantastic system when you look, I understand in  
15       maybe the United States a child hasn't died in  
16       a fire in like forty eight years, or something  
17       like that, so just help us figure out how we  
18       blend our issues with your fire system so that  
19       the system in place, or the system we need in  
20       place, accomplishes both.

21               UNDER SHER. HARPRING: Sheriff, a very  
22       brief question. Regarding the, some of the  
23       devices relative to securing the doors, as  
24       first responders we obviously have some  
25       competing tactical priorities, protection

1       versus egress, is there a difference in the  
2       code, or an exclusion in the code relative to a  
3       device that is permanently affixed versus one  
4       that could be temporarily affixed to secure the  
5       door itself?

6               CHIEF HALAS:  Not -- not to my knowledge.  
7       I mean there's way to protect it, but the  
8       problem is, is when it's an act -- I mean  
9       correct me if I'm wrong, Chief, please, but  
10      when there's an active shooter situation, yes,  
11      there's, you protect a door.  If there's not  
12      and this device is used then it's against all  
13      fire codes ever written, and that's the  
14      problem, is when, when do you use it and when  
15      do you not, and it's there, and, you know,  
16      what's good for a high school kid may not be  
17      good for an elementary child, and they're the  
18      same code, so what an adult could do a second  
19      grader may not be able to do.

20              So, it's, it's just there's ways that,  
21      that we showed on the slide presentation that  
22      you can lock doors.  There's also an NFPA  
23      standard 3000 that is an active shooter  
24      standard that we're also looking at.

25              CHIEF DROZD:  And that's going to be

1           presented next.

2           CHAIR:   So, I think that gives us a good  
3           segue way into --

4           CHIEF HALAS:   And that's a good segue way.

5           CHAIR:   A good segue way into the next --

6           CHIEF HALAS:   Thank you, Mr. Chair.   What  
7           you'll see from Chief Otto Drozd and the  
8           Florida Fire Chief Association, the Sheriff  
9           maintained about having fire service involved  
10          in active shooter, we certainly would, they  
11          would welcome to be on that task force.   So, I  
12          think you're right, Mr. Chair, it would be a  
13          perfect segue way to Chief Drozd.   Thank you  
14          very much everybody, I appreciate your time.

15          CHAIR:   Thank you.   Thank you.   Chief,  
16          welcome.

17          CHIEF DROZD:   Good morning.   It's  
18          certainly an honor to be here and present on  
19          NFPA 3000.   And really a lot of the discussion  
20          is really relevant to what we're doing with  
21          NFPA 3000, because I don't think they're  
22          competing interests, it's just finding the  
23          common ground between both of those interests,  
24          and I think there's a way to do that.   And as a  
25          background, I'm not going to go deep into the

1 numbers, but certainly if we look at the  
2 statistics on active shooter throughout the  
3 United States the history goes back all the way  
4 to the Texas Tower shooting in 1965 on up  
5 through Columbine, Aurora, and some of the  
6 foundational events that have happened.

7 And the reason that I pause here for a  
8 second is because between 2000 and 2013, we've  
9 already in just the last two years, surpassed  
10 fifty percent of all the active shooter deaths  
11 that happened during that time frame, and  
12 they're just growing. And if you look at the  
13 code provisions within, within the fire codes,  
14 within many of those, they come in the heels of  
15 events like we're discussing today.

16 Now, if we look at incident by location  
17 this is, well known commercial occupancies are  
18 the top. Certainly, schools account for a  
19 great number of these, and then you have some  
20 of your outdoor events, as well as some of your  
21 churches and other occupancies. Now, if we  
22 look at the incidents in 2016 and 2017,  
23 certainly fifty incidents in twenty-one states.  
24 If we look and go back through the history  
25 there's over, there's about forty states that

1       there's been an active shooter within, so  
2       really this commission, it's timely, what we're  
3       doing, and certainly NFPA 3000 really goes to  
4       address that.

5               And the reason that I got involved,  
6       certainly Orlando is located within Orange  
7       County, and we were the largest mutual aid  
8       responder on the fire side of the equation with  
9       over eighteen units, and over forty personnel  
10      there, so as many of you are gathered here  
11      today I started asking myself the same  
12      questions that you're asking yourselves, how  
13      can we do this better, how can we protect our  
14      community, how can we protect our children.

15             And really when I went and looked at all  
16      the, the school of knowledge that was out  
17      there, there was an alphabet soup of guidance,  
18      best practice, standard operating procedures,  
19      from a host of different agencies, so really  
20      what we looked at were the common after-action  
21      items.

22             Communication inner operability; now,  
23      there's a few issues here. It's not only  
24      disparate systems at times, it's on the law  
25      enforcement sometimes you have encrypted

1 systems that limit communication with the other  
2 entities that are on the scene of an active  
3 shooter. Then there's common terminology. I  
4 grew up in my public safety career in South  
5 Florida where they used Q codes and 10 codes,  
6 so the terminology is something that we  
7 addressed within, within the standard.

8 No responder integration; there's  
9 different schools of thoughts on where fire and  
10 EMS should be operating relative to police. I  
11 know there's some fire chiefs that believe to  
12 this day that their place is in the cold zone.  
13 And we'll get into the different zones. And  
14 really, I believe our place as public safety is  
15 where we can give the most people the best  
16 chance at survival, and that I believe is in  
17 the warm zone under a rescue task force  
18 configuration.

19 Now, in Aurora, Colorado one of the issues  
20 was they waited too, too long for their  
21 ambulances. Now, that's not on one side or the  
22 other, that's on both sides. Now, when we talk  
23 about the integrated response, they waited too  
24 long for their ambulances, well, the ambulances  
25 couldn't get there because there was police

1 cars blocking all the entryways. So, that's  
2 really a function of working together, and  
3 really planning together, training together.  
4 And in some cases, responders in some incidents  
5 wouldn't go in until the entire area was  
6 secure, and that's a problem that we need to  
7 address in a unified manner as well.

8 Lack of unified command has played itself  
9 out in many different instances amongst many of  
10 the active shooters, and some of the, some of  
11 the ones that went the very best -- in fact I  
12 spoke to the fire chief in Las Vegas recently  
13 where I presented this, this program, and they  
14 had been working on incident command at a much  
15 higher level than most agencies within Florida,  
16 and within the nation. In fact, what they do  
17 there is they do it from the ground level.  
18 They send their officers to the police academy  
19 to teach incident command in the training  
20 academy.

21 So, you know, one of the things when I go  
22 around an speak is I try to, to highlight that  
23 in order for us to protect and do the most good  
24 it has to be muscle memory. It can't be  
25 something that we do every once in a while, it

1 has to be something that we have a focused, a  
2 focused training on a regular basis between all  
3 of our agencies.

4 Now, public information; certainly, this  
5 has played out in many incidents where, you  
6 know, in some of the very best ones you see a  
7 unified front in communicating the information,  
8 communicating it early. In some of the more  
9 chaotic ones you may have three or four  
10 unification centers, and you have people coming  
11 in from different areas that really don't have  
12 the information they need in order to get where  
13 they need to go.

14 The status of loved ones; now, how do we  
15 overcome some of the HIPAA issues between the  
16 hospitals, that's one of the things that has  
17 played out as well. When you're transporting  
18 in a very rapid manner off of the scene,  
19 whether it be in the back of a police car,  
20 whether it be in an ambulance or a pickup  
21 truck, and you don't have all the information,  
22 we have to break down some of the barriers  
23 between the hospitals and those people that are  
24 trying to unify their family members with the  
25 victims of these types of events.

1           And lack of tools and equipment and  
2           training resources; I can tell you right now  
3           for the grants that are available through the  
4           state, through the federal government, there  
5           isn't a high priority on establishing those  
6           rescue task forces yet, but that's something  
7           that through the work of groups like this, some  
8           of the work that we're doing, certainly at the  
9           Domestic Security Oversight Commission, I  
10          remember we had put that in as a priority but  
11          it didn't make the cut. But I believe as we go  
12          through this it needs to become a higher  
13          priority, so we can outfit and train on a  
14          regular basis so that we can, you know, again  
15          be in the best position to do the most good.

16          Now, why an NFPA; there's some very simple  
17          reasons. NFPA is a time-tested system. It's a  
18          national consensus standard. It's an  
19          accredited process through the American  
20          National Standards Institute, and when we talk  
21          about NFPA they have a hundred and twenty-year  
22          history of building over three hundred  
23          standards. Their largest standard has nothing  
24          to do with the fire service, it has to do with  
25          the national electrical code. So, I have the

1 advantage of being the current President of the  
2 Florida Fire Chiefs, the current President of  
3 the Metropolitan Fire Chiefs, so what I was  
4 able to do after the Pulse incident was gather  
5 a group together, build some consensus to, and  
6 write a proposal to NFPA.

7 And it was written in a very simple way,  
8 what I wanted was a cross functional standard  
9 that included everybody that would be on the  
10 scene of an active shooter, so that in the  
11 development of it we do have that integration  
12 of the needs of law enforcement, we do have  
13 that integration of the needs of EMS, of fire,  
14 and everybody else that has an active role  
15 within the response and recover to these types  
16 of events.

17 Now, when we look at the technical  
18 committee we have over fifty people, we have  
19 fifty members on the technical committee, and  
20 one of the things that we asked ourselves when  
21 we established the committee is not who was on  
22 the committee but who was missing from the  
23 committee, because in order for it to be a  
24 comprehensive standard that would account for  
25 all the different eventualities, and all the

1 concerns that surround these types of events,  
2 we wanted to have the right players on the  
3 committee.

4 So, you can see we have, we have state,  
5 federal government, the DHS, DOJ, DOD. We have  
6 labor unions, because we wanted volume from the  
7 labor unions, not only on the fire side but the  
8 police side. We had fire associations. We had  
9 police associations. We had physicians. In  
10 fact, out of all the standards that have been  
11 promulgated by the NFPA this one got the most  
12 public comments and the most applications. And  
13 that's why I believe this is really something  
14 that is going to give communities the best  
15 chance to mitigate these types of events, give  
16 them a process to plan, respond and recover  
17 appropriately, and in a unified manner.

18 Now, the principal is based on whole  
19 community, unified command, integrated  
20 response, and a planned recovery. When we talk  
21 about the whole community approach, that's  
22 where we talk about who's missing from the  
23 table, because what we wanted to do was get the  
24 different perspectives. In fact, you know, in  
25 a lot of my staff meetings what I do is I have

1 my command staff, and what I've been doing for  
2 the last year or so is I've been bringing in my  
3 field crews, my firefighters, my engineers, my  
4 lieutenants, my captains, and I have them sit  
5 at our staff meetings for a very simple reason,  
6 because perspective depends on where you're  
7 standing, and when you apply it to active  
8 shooter I think the more perspectives of those  
9 players that are going to be required to  
10 respond and mitigate the incident the better  
11 off and more robust the standard will become.

12 Now, when we talk about unified command,  
13 certainly we want it in the beginning phases.  
14 And this is something where on the fire side  
15 we've been doing unified command for a long  
16 time, so in the standard what you'll find is  
17 the police influence there as well, because we  
18 know that the first priority is to eliminate  
19 the threat, or kill the shooter, so we want  
20 that to happen. So, the way it's written  
21 within the standard is there will be a unified  
22 command as soon as practicable within that.

23 Now, the agencies that are within that  
24 command post, whether it be fire, whether it be  
25 law enforcement, EMS, whether it be

1       representatives from a school board, if, if the  
2       shooting is on a school campus they should be  
3       there because they're going to have certain  
4       knowledge bases that the others may not have.  
5       That doesn't mean that they're commanding each  
6       other's resources, it's they're giving input  
7       that could be critical to the mitigation of the  
8       incident.

9               Now, face to face is critical because all  
10       communication loses something as it  
11       transitions. The face to face gives everybody  
12       the opportunity of having certainly not only  
13       the information in a timely manner, but  
14       certainly there's a lot of non-verbal cues that  
15       we can get from that face to face  
16       communication, and I think that is a key, and  
17       certainly valuable.

18              Now, when we look at risk assessments and  
19       size up, that's a continuous thing, and when we  
20       look at the different zones, and I'm going to  
21       get into that a little bit, when we look at the  
22       cold zones, the warm zones, the hot zones,  
23       within an incident based on the ongoing risk  
24       assessment those can ebb and flow. The cold  
25       zone can become bigger, the hot zone becomes

1 smaller as time goes, goes on, and the warm  
2 zone can enlarge. And when we look at --

3 CHAIR: So -- I'm just going to interrupt  
4 you for a second, just in the essence of time,  
5 but you have people on here that don't even  
6 know the difference between a cold, warm, and  
7 hot, so as you're using those terms if you  
8 would define them, because a whole bunch of  
9 people have no clue.

10 CHIEF DROZD: Right.

11 CHAIR: I know, and I know others do, but  
12 there's a whole bunch who don't.

13 CHIEF DROZD: Sure. And I was going to  
14 get to that, Sheriff, and I will right now.  
15 When we look at a hot zone that's the area of  
16 known hazard or immediate threat, so in an  
17 active shooter that would be where the shooter  
18 is at, where he is firing. When we look at a  
19 warm zone that's an area that has been cleared  
20 or isolated by law enforcement. There's still  
21 an indirect threat, but it hasn't been secured.  
22 And when we look at a cold zone there's little  
23 to no threat within a cold zone, and that's  
24 generally the area where you set up your  
25 command post and your casualty collection

1 points. And that's where you can do a lot of  
2 the work prior to getting the patients to the  
3 hospital.

4 So, when we look at facility preparedness,  
5 one of the discussions here was about the  
6 alarms and the notifications, so one of the  
7 things that we considered within NFPA 3000 was  
8 really looking at the alarm systems and how  
9 they integrate. Right now, any of you can  
10 take, and for a different phone call coming  
11 into your cell phone you can assign a different  
12 ring tone, and one doesn't interrupt the other,  
13 they're all individual. We have the technology  
14 to do that with our alarm systems, it's just  
15 putting in the code and demanding it.

16 They talked about some of the alarms, and  
17 certainly people will always go the minimum  
18 requirement. What we're looking for is what's  
19 the minimum requirement that's going to keep  
20 our people safe. Right now, in my fire  
21 stations can I can, as, as the alarm goes off I  
22 can determine the different call by a different  
23 color signal, so what if in the classrooms we  
24 had a red, blue, and yellow light that meant  
25 something different to give a visual cue, so

1       you don't have the incidents of one alarm  
2       talking over the other. So, those are some of  
3       the things that we looked at.

4               Now, this is really where we get into the  
5       competencies, and the competencies for law  
6       enforcement and fire, they cover the same  
7       things. What the code was, what NFPA was  
8       designed to do, it was designed to grow,  
9       because when we stop active shooter from  
10      happening then the next event is going to  
11      happen, and it's not only going to happen, it's  
12      going to be peeking its head around the corner,  
13      so what we wanted to do was be able to adapt to  
14      the incidents that would happen, so within  
15      there we have competencies for shooter, ramming  
16      vehicle, IEDs, fire, and IDLH, which is  
17      immediately dangerous to life and health,  
18      because if you look at some of the events that  
19      have happened in the past they use smoke as a  
20      driving force.

21              In fact, in Anne Arundel County that just  
22      happened, and each, I've done this presentation  
23      maybe forty times around the country and  
24      outside of the United States, now, there has  
25      been a significant amount of times when I've

1        been giving the presentation that an event has  
2        happened. The last time I was in Alabama and  
3        Anne Arundel happened at the Gazette newspaper.  
4        Now, what happened there is they had smoke  
5        grenades, and those were to be used to drive  
6        people into a certain area, and that's my  
7        understanding from talking to some of the  
8        people there.

9                So, what we want to do is really prepare  
10       both law enforcement and fire to have the  
11       competencies to operate within the areas where  
12       we need them to operate when we need them to  
13       operate in a unified manner. So, the  
14       competencies are divided by zone, so if, you  
15       know, if you want to operate solely in the cold  
16       zone, which I don't advocate for, they have to  
17       have certain competencies. I think where we  
18       can do the most good is operating in that area  
19       of limited threat, where we can save the most  
20       lives, and that is where we need to really have  
21       that cross functional training, equip both fire  
22       and police appropriately, and that's covered  
23       within the standard.

24               Now, when we look at the rescue task  
25       force, that's designed to operate within the

1 warm zone, and within the warm zone means  
2 police go in and, and certainly get towards the  
3 threat, but when it's that area of limited  
4 threat where there are down victims we need to  
5 be able to go in, go in rapidly as part of a  
6 rescue task force, and the way we do it in  
7 Orange County, our rescue task force is set up  
8 with four police officers and three fire  
9 fighters, and they have the ballistic  
10 protection, they have the equipment to stop the  
11 bleeding, or stop the dying, because really it  
12 comes down to a pretty simple narrative, stop  
13 the killing and stop the dying. Those are the  
14 two things that we want to do, and we want to  
15 do quickly if we're going to be good at, at  
16 certainly what we need to be.

17 So, the rescue task force takes training,  
18 it has to be that muscle memory, so I would  
19 really submit to the committee when, or to the  
20 commission, when you're looking at your  
21 recommendations really look at how we're going  
22 to train statewide our firefighters to  
23 integrate with our law enforcement, our EMS  
24 personnel to integrate with our law enforcement  
25 personnel so we can get to the position within

1 a building where we can do the most good in the  
2 most timely manner.

3 Now, the equipment that's a requirement  
4 within the standard, on the police side  
5 certainly we look at the vest, the weapon, the  
6 identifiable garment, and on the fire and EMS  
7 side it's the vest, means of communication, and  
8 identifiable garment. And those are the  
9 minimums. Certainly, there's different ways to  
10 do this. And this has been a point of  
11 contention, and certainly, you know, I  
12 advocate, and the way that we do it is that I  
13 have ballistic equipment on every riding seat  
14 on every unit within our department. There's  
15 others that have a cache of equipment and bring  
16 the cache to the scene. There's others that  
17 have it on their battalion units, or  
18 supervisor's unit, and bring it to the scene.

19 Now, there's a downfall with each of  
20 those. Certainly, if you have it on every  
21 riding position there's an expense. If you  
22 have it in a cache, there's a time delay in  
23 getting it to the scene and having the folks us  
24 it appropriately. As we witnessed in the Fort  
25 Lauderdale Airport shooting, they had the

1 equipment on their battalion units, but their  
2 battalion units within the incident command  
3 system were assigned to a different branch or  
4 division, or different group, and the equipment  
5 was not where the people had the need for the  
6 equipment, so that's why I'm a huge advocate  
7 for outfitting our folks.

8 Now, policy wise there's different ways of  
9 doing it. Certainly, we have it on every  
10 riding position, and we classify every call now  
11 as a potentially violent situation, and we, and  
12 that could be the active shooter, it could be  
13 the run of the mill shooting, but we have that  
14 equipment because I want them to use it on a  
15 daily basis so when the large event happens  
16 they'll be used to using the equipment.

17 We also send the battalion chief, and now  
18 within Orange County within any time there's a  
19 fire alarm that rings within a school the  
20 sheriff is sending his unit to that, to that  
21 fire alarm. It's not changing our operation,  
22 but it's getting the resources to the point  
23 where they may be needed and do the most good.  
24 And there's different configurations. In Las  
25 Vegas, I spoke to them, and when a fire alarm

1 goes off there's a three-minute delay before  
2 the audible portion goes off within a school,  
3 so they've changed that way. And there's ways  
4 to, to really mesh the needs of the fire side,  
5 and I believe the active shooter side, because,  
6 you know, if you have a problem with your left  
7 hand you're not going to disregard your right  
8 hand in order to, to prop your left hand,  
9 because you need both of them. And I think we  
10 can mesh it through, and that's what we're  
11 doing, and that's why we got all the different  
12 perspectives on NFPA 3000.

13 Now certainly community warnings  
14 notifications is addressed, the messaging to  
15 the public through social media, direct  
16 messaging is addressed within the standard, and  
17 then public education. Now, this is one that  
18 we really need to focus on, especially within  
19 our schools within our other commercial  
20 occupancies because an active shooter, if you  
21 look at the statistics it's over very quickly,  
22 but it takes time to go in and clear and secure  
23 a building.

24 Now, during that time the people that are  
25 in the best position to do the most good are

1 the occupants of the building, and that's why  
2 the stop the bleed campaigns, the run, hide,  
3 and fight, CPR, all those things are things  
4 that, that we should be focusing on, because  
5 hemorrhage control is the number one killer  
6 within these types of incidents, and that's  
7 addressed within the standard as well. And then  
8 we talk about a planned recover, and when I say  
9 planned that's the early recovery all the way  
10 through the long-term recovery, where are you  
11 going to put those unification centers, how  
12 long are they going to be, identify those  
13 places within each of the communities.

14 Now, when we look at the call tax, and  
15 certainly NFPA has developed the standard based  
16 on consensus of all those groups that were  
17 involved within there, and we had people from  
18 all the different types of incidents, and I'm  
19 not sure if the video will come up or not. Do  
20 we have the video? I'm not sure. Well, in any  
21 case that is the end of the presentation.  
22 Certainly, I'm happy, I ran through there quick  
23 in consideration of time, but I'm happy to  
24 answer any questions.

25 CHAIR: Appreciate it. Does anybody have

1 any questions for the Chief? Senator Book.

2 SEN. BOOK: Thank you so much, Mr. Chair.  
3 And thank you for your presentation. One of  
4 things that I've heard was that the unification  
5 was a difficult process, a lot of folks came  
6 in, there weren't a lot of opportunities to  
7 create a safe space for these families when  
8 they were getting very, very, very, very, very  
9 tragic information about family members. What  
10 is the best practice?

11 CHIEF DROZD: Well, when we talk about a  
12 planned recovery the best practice is to really  
13 have a place already designated. So, when we  
14 look at the Pulse incident, the unification  
15 center changed three times before we have the  
16 one that's open today and continues to provide  
17 those services for the family. In Anne Arundel  
18 County that just happened, they had the, they  
19 had the fortune of having an exercise at a mall  
20 that was right next to the newspaper building,  
21 and they already had a store that was  
22 designated as the unification center, and they  
23 had practiced that within the two weeks prior  
24 to the shooting, so for them they already had  
25 that in mind. They used the same exact store

1           that they had trained on.

2           And this brings up the point, we have to  
3           train on it, whether it be unification, whether  
4           it be any other portion of the plan, it has to  
5           be something that has some forethought if we're  
6           going to be good at it.

7           CHAIR:   Anybody else, any other questions?  
8           Sheriff Judd.

9           SHER. JUDD:   Do you agree or disagree that  
10          with the expertise that the fire service  
11          already has in the alarm systems process that  
12          we need to send our subject matter experts to  
13          you as part of this commission recommendation,  
14          and give you all our data, and let you all  
15          figure through this system with us?

16          CHIEF DROZD:   I think it goes beyond that,  
17          but to answer your question directly I agree.  
18          Where it goes is that we don't want you just to  
19          give us your data, we want you to be at the  
20          table, because I think that's where we're going  
21          to get to the best solution.

22          SHER. JUDD:   Absolutely.   The subject  
23          matter experts -- we just don't -- I don't  
24          think we on our side need to recreate this  
25          wheel, but as a commission we need to take the

1 expertise that we already have in public  
2 safety, and if it's not already occurring, and  
3 it is in many jurisdictions, it is in ours,  
4 we're fortunate, but we force that. The second  
5 question, how -- is NFPA 3000, is this still a  
6 work in progress, or is this completed?

7 CHIEF DROZD: A very unique thing happened  
8 with NFPA 3000. Only for the second time in  
9 NFPA's hundred twenty-year history they  
10 released it as a provisional standard, so it is  
11 out there, it is an active standard, but the  
12 difference is usually a standard takes  
13 thirty-six months, we did it in twelve because  
14 the need was out there within our nation. So,  
15 we're going right back to work, and it will be  
16 open for public comment.

17 And here's -- here's the thing. When we  
18 talk about the Florida fire prevention code  
19 rules, and all those things, NFPA has the  
20 standards. Now, there's a process to make  
21 changes within those standards, even today, if  
22 it's of a critical enough need there's a  
23 process that's called a technical interim  
24 amendment that can be submitted and considered  
25 by any one of those standards councils.

1           SHER. JUDD: Last question. I'm the  
2           President of the Major County Sheriffs of  
3           America Association, and I notice we're not  
4           here. Are you still open to have other major  
5           partners involved in this?

6           CHIEF DROZD: If you want somebody on that  
7           committee we can get together and I will make  
8           sure that they are on that committee, because  
9           like I said we want everybody's perspective  
10          involved.

11          SHER. JUDD: We'd like to be involved.

12          CHIEF DROZD: Okay, great.

13          SHER. JUDD: Thanks.

14          CHIEF DROZD: And just one closing  
15          comment. One of the things that we look at is  
16          community wide risk assessments, and one of the  
17          thing, the next area of endeavor for NFPA 3000  
18          that I've asked them to do through their  
19          research arm of NFPA is really to look at,  
20          because I get, well, our community is small  
21          versus the large community, we know it can  
22          happen anywhere, if it happened in Sutherland  
23          Springs, Texas we know it can happen anywhere,  
24          I'm asking them to look at the economic and  
25          psychological impacts of an active shooter

1 within a community, because I believe the long  
2 term costs, the long term impacts within  
3 communities will outweigh any costs that it  
4 takes to outfit and train our personnel to be  
5 effective in what our community not only needs  
6 but demands.

7 CHAIR: So, one of the reasons why we  
8 wanted to introduce this topic, and I  
9 appreciate, Chief, you being here and  
10 representing the state fire chiefs, is because  
11 there is, and those of you that are not  
12 familiar, those who are not involved in first  
13 responder activities, there's a lot of  
14 inconsistency around Florida as far as whether  
15 there are rescue task forces, how the rescue  
16 task forces operate, whether fire departments  
17 will stay in the cold zone, go into the warm  
18 zone, go into the hot zone, what equipment,  
19 what training, and one of the things that  
20 wasn't mentioned, and it's normal protocol  
21 around the state, and it varies to the extent,  
22 is the concept of staging, is, is that the fire  
23 service as a general rule in a situation like  
24 this, and many others that occur every day,  
25 they stage, they stand back, they wait for law

1 enforcement to clear the scene.

2 There's a lot of room, and a lot of  
3 opportunity for discussion in taking it to new  
4 heights, into a new place with good  
5 cooperation, and interagency cooperation, but  
6 the discussion is just beginning in this area  
7 more than anything else, and probably one of  
8 the best models that I know of around the  
9 country is Las Vegas. I think Las Vegas has  
10 been a leader in this, and Sheriff Lombardo out  
11 there, and the fire chief out there, and that  
12 led to great success during that tragedy that  
13 they had in Las Vegas.

14 But I wanted to introduce this topic, and  
15 we certainly appreciate you being here. This  
16 is not the last that we're going to discuss it,  
17 and it needs to be a part of what we consider  
18 going forward, so we thank you, and we look  
19 forward to working with you as we move it  
20 forward. Mr. Schachter go ahead.

21 MR. SCHACHTER: I just want to ask one  
22 more question. I know we're going to talk  
23 about the comms, and the communications  
24 problems later. I was just curious, does NFPA,  
25 will their mandates fix any of the

1       communications problems that we have, we had at  
2       Marjory Stoneman Douglas, and obviously, you  
3       know, different municipalities use different  
4       radio systems, and lots of problems in that  
5       area in throttling. Will this fix any of that,  
6       or --

7               CHIEF DROZD: So, what the standard does  
8       is it outlines what should be in a plan for  
9       communications, so I will believe it will fix  
10      not only the communications piece but, but it  
11      will give the impetus to, to a lot of people  
12      that have been operating a certain way, because  
13      in the fire service we operate on standards,  
14      and once a standard is out then, then there's  
15      more of an impetus to move in that direction.

16             CHAIR: Because I know where this is going  
17      I want to make sure that we're clear on this,  
18      is that that standard, okay, is not binding on  
19      law enforcement agencies, that standard is not  
20      binding on county communications facilities, et  
21      cetera, so to the extent it's going to, is that  
22      that standard is not going to be binding.  
23      You're going to hear about this Wednesday. I  
24      think that's, you know, it's probably best to  
25      get into it with the people that are here

1 Wednesday, but that standard is not binding, as  
2 an example, on Broward County regional  
3 communications. It's not binding on how Coral  
4 Springs talks with BSO, or any other law  
5 enforcement interoperability, correct? It's a  
6 standard, but it is not something that is  
7 universally binding, people are going to have  
8 to accept it and implement.

9 CHIEF DROZD: Well, there's a couple of  
10 schools of thoughts on that. Certainly,  
11 there's some shall language, some should  
12 language. What the standard doesn't do is it  
13 doesn't determine a local jurisdiction's  
14 tactics on how to deal with an issue. What it  
15 does is it provides the framework for an  
16 effective plan to respond to these types of  
17 incidents.

18 CHAIR: And it doesn't fund changes  
19 either.

20 CHIEF DROZD: It doesn't fund it, but what  
21 it will do is now that the standard is out  
22 there it gives us more impetus to change some  
23 of the grant funded items that are available.

24 CHAIR: All right, so we're -- appreciate  
25 it, Chief, thanks very much. We're running

1           about a half hour behind. We'll break for an  
2           hour for lunch. We'll try and make up the time  
3           this afternoon, so we'll begin again at 1:30  
4           with the threat assessment process. Thanks.

5       (Thereupon, a break was taken off the record and the  
6           meeting continued as follows:)

7           CHAIR: All right, we're going to  
8           transition now into a new topic, and address  
9           the topic of behavioral threat assessments. If  
10          you remember at the last meeting we said it was  
11          important to differentiate, and to use some  
12          consistent terminology, and this is where we  
13          are going to focus on threat assessments,  
14          behavioral threat assessments, as opposed to  
15          the risk assessment which is generally in the  
16          area of physical site security risk assessment.  
17          So, we're going to begin hearing from Broward  
18          County schools, and Dr. Mary Claire Mucenic who  
19          is here, and ask her to come up and explain the  
20          behavioral threat assessment process that is  
21          used in the Broward County schools.

22                 And then we're going to hear from the  
23                 Secret Service on their threat assessment  
24                 model, and then finally this afternoon from the  
25                 state of Virginia, which has implemented what

1 the Secret Service has framed. So, we'll go  
2 ahead and begin with the Broward County  
3 school's presentation. Welcome.

4 DR. MUCENIC: Thank you. Good afternoon.  
5 I'm Dr. Mary Claire Mucenic, and I'm a Director  
6 of Exception Student Learning Support, and  
7 thank you for giving us the opportunity to  
8 present to you the Broward County Public  
9 Schools behavioral threat assessment  
10 procedures.

11 Okay, so today we'll be giving you the  
12 background regarding the protocol, as well as  
13 an overview of the threat assessment procedures  
14 and the multiple level response. So, first I'd  
15 like to define what is considered a threat. A  
16 threat is an expression of an intent to do harm  
17 or act out violently against someone or  
18 something. A threat may be spoken, written, or  
19 symbolic. A threat is anything that makes  
20 another feel unsafe. As defined in the 2000  
21 resource The School Shooter a threat assessment  
22 perspective by Supervisory Special Agent Dr.  
23 Maryellen O'Toole of the FBI threats may be  
24 made for a variety of reasons, including a  
25 warning, a demand for attention, or as an

1 attempt to frighten, strike back, intimidate,  
2 or punish.

3 So, what is a threat assessment? A threat  
4 assessment is a set of procedures which entails  
5 the systematic collection and analysis of  
6 multiple sources of information. Threat  
7 assessments are conducted by school-based teams  
8 that are led by a school-based administrator.  
9 The threat assessment training is a district  
10 mandated training. A more detailed description  
11 of the multiple sources of information, and the  
12 mandatory members of the school-based teams,  
13 will be discussed later in this presentation.

14 Broward County's current procedures were  
15 developed in 2002 based upon FBI  
16 recommendations. These procedures have been in  
17 place since that time. The threat assessment  
18 process is comprised of three stages, the  
19 initial response, level one screening, and  
20 level two screening. The purpose of the  
21 various levels is to ensure timeliness of  
22 response, safety of all in the school  
23 environment, and employment of the school's  
24 resources in the most efficient manner.

25 Threat assessment trainings are mandated

1 by the district to prepare school-based teams  
2 in assessing threats. The threat assessment  
3 manual is provided to all participants and is  
4 also available to the public on the BCPS mental  
5 health and wellness portal at BCPS-mental  
6 health.com. After the training participants  
7 are expected to return to their school and  
8 follow the protocol as outlined in the manual  
9 whenever they receive a report of a threat.  
10 Threat assessment support is available through  
11 the mental health portal, the threat assessment  
12 trainers, and the Department of Psychological  
13 Services.

14 Every school has a threat assessment team.  
15 School based threat assessment teams have  
16 several mandatory members, including a  
17 school-based administrator, mental health  
18 practitioner, a teacher familiar with the  
19 student, school resource officer or special  
20 investigative unit, SIU, and a security  
21 specialist if the threat occurs at the  
22 secondary level. Additional members may  
23 include the ESE specialist, behavior  
24 specialist, or any others who may have  
25 information about the student.

1           This flow chart is a graphic display of  
2           the entire threat assessment process. Please  
3           note that in the case of an imminent threat the  
4           school administrator is directed to contact law  
5           enforcement immediately. This is an overview  
6           of the first stage of response, the initial  
7           response. The purpose of this stage is to  
8           determine the level of threat as low, medium,  
9           or high. Note that on this flow chart there is  
10          a box of listed tasks that is placed there as a  
11          reminder to the school administrator of  
12          everything that must be completed at this  
13          stage.

14                 In the initial response stage, the school  
15                 administrator receives a report of a threat.  
16                 If there is an imminent potential of danger the  
17                 administrator is directed to contact SIU  
18                 immediately. If the threat is not deemed to be  
19                 imminent then the school administrator obtains  
20                 an initial statement from the student who made  
21                 the threat and interviews any other witnesses.  
22                 The admin accesses the level of threat using  
23                 the assessing level of threat checklist.  
24                 Sorting among levels of threat is not an exact  
25                 science. Two general principles are helpful

1 when determining the level of threat.

2 The first is the specificity of content.  
3 All threats can be analyzed for their content.  
4 As a general rule the more specific the content  
5 of the threat the more serious the threat of  
6 imminent danger. The second principle is the  
7 plausibility of context. All threats can also  
8 be analyzed for their context, for example the  
9 events and conditions surrounding the threat.  
10 As a general rule the higher the plausibility  
11 of threat context the more serious the risk of  
12 imminent danger. When both converge, high  
13 specificity and high plausibility, the risk of  
14 imminent danger is great.

15 Now I'd like to go over the threat levels  
16 in more detail, and how the district analyzes  
17 the content and plausibility of a low, medium,  
18 and high threat. A threat may be deemed as a  
19 low- level threat, or no risk of harm, if the  
20 threat is vague, lacks plausibility in detail,  
21 and suggests that the person is unlikely to  
22 carry it out. A low-level threat generally  
23 suggests a lack of access to weapons or  
24 resources, lack of motivation or intent, and  
25 the student does not present with a history of

1 conflict or related violent behaviors. A low  
2 level or no risk for harm threat includes false  
3 reports.

4 A medium risk for harm threat is more  
5 direct, detailed, and concrete, than a  
6 low-level threat. It could be carried out,  
7 though it may not appear to be entirely  
8 realistic. The content of the threat indicates  
9 that the student has given at least some  
10 thought of how they would carry out the threat.  
11 The context may include possible access to  
12 weapons or resources, the student has a history  
13 of conflict or violent behaviors, or an intent  
14 to carry out that particular threat.

15 A high risk for harm threat is direct,  
16 specific, and plausible. The threat poses a  
17 serious danger to others, and the context  
18 indicates that the student has secured weapons  
19 or resources, has a history of conflict or  
20 high-risk behaviors, and has a definite intent  
21 to carry out that particular threat.

22 If a threat is determined to be low level  
23 the administrator is to monitor the student and  
24 provide supports to the student and family. If  
25 the threat is determined to be a medium or

1 high-level threat the administrator is to  
2 notify SIU and submit in writing the SIU  
3 immediate notification form. The school-based  
4 team must convene for immediately level one  
5 screening.

6 This slide is a shot of the level one flow  
7 chart. It provides the team with specific  
8 steps on how to proceed, as well as a checklist  
9 of tasks to complete. The level one screening  
10 steps require the school administrator to  
11 assemble the threat assessment team and assign  
12 responsibilities for data collection. Data  
13 collection includes a review of all available  
14 educational records, as well as interviews, and  
15 other available materials. Parent contact is  
16 also initiated.

17 The team completes the threat risk  
18 assessment checklist, referred to as the TRAC,  
19 and develops the student supervision plan. The  
20 team then determines the need for level two  
21 assessment. The TRAC is based upon the FBI's  
22 recommendation to consider past and current  
23 behaviors, and factors that may influence a  
24 student's decision making. The TRAC includes  
25 thirty-three questions organized into ten

1 categories to assist educators in evaluating  
2 threat related behaviors. The categories  
3 include aggression, depression, alienation,  
4 narcissism, family relations, school relations,  
5 social personal characteristics, coping, and  
6 stress.

7 The results of the TRAC are used to  
8 develop interventions that are documented on  
9 the student supervision plan. Immediate  
10 notification to SIU is required. Interventions  
11 may also include a suicide assessment, peer  
12 mediation, a behavior plan, or a counseling  
13 referral, among other things.

14 A level two assessment is warranted if  
15 there have been several concerns identified  
16 through the data collection process, additional  
17 clinical information is needed, further  
18 information is needed to complete the TRAC, or  
19 further information is needed to develop or  
20 revise the student supervision plan. This is  
21 the level two flow chart for the in-depth  
22 threat assessment. Again, note the steps are  
23 outlined for the team, and a list of tasks to  
24 complete for this stage.

25 The level two assessment requires a more

1 clinical approach to the gathering and analysis  
2 of information. It involves an interview with  
3 parents, student, and teachers that help  
4 identify the factors contributing to the  
5 potential risk for violence, such as behavioral  
6 personality factors, school issues, family  
7 issues, and peer related issues. Outcomes of  
8 the level two assessment may include a  
9 modification to the students' supervision plan  
10 and requires an assessment summary and plan of  
11 action. Actions may include but are not  
12 limited to the following examples: referral to  
13 community resources, a behavior intervention  
14 plan, a student safety plan, increased  
15 supervision, a mental health evaluation, or  
16 disciplinary actions.

17 Upon completion of the threat assessment  
18 the records are secured by the school-based  
19 administrator separate from the student's  
20 cumulative folder. This is consistent with the  
21 maintenance of disciplinary records. A flag  
22 indicating the existence of the administrative  
23 file is placed in the cumulative folder. The  
24 appropriate threat assessment code is then  
25 entered into the district's database.

1           While school and district staff are  
2           trained on the threat assessment procedures  
3           anyone in the community can make an anonymous  
4           report directly to Broward School's  
5           investigative unit in multiple ways, via their  
6           website, phone, e-mail or text, which the  
7           details are displayed on this slide.

8           Finally, here are some references, which  
9           included the FBI resource used to develop our  
10          protocol procedures and threat assessment  
11          manual, and the reference for the manual  
12          itself. I want to thank you again, and the  
13          commission, for the opportunity to provide to  
14          you the information regarding our threat  
15          assessment procedures. Thank you.

16          CHAIR: Thank you. Sheriff Ashley.

17          SHER. ASHLEY: Thank you for that  
18          presentation. And this may be for the  
19          commission as much as for you, is are we going  
20          to walk through that assessment plan as it  
21          relates to Cruz at some point?

22          CHAIR: Yes. So, let me just tell you,  
23          Dr. Mucenic is not prepared to discuss the  
24          specifics, she's here to give background  
25          information on what Broward County Schools has

1 done, and has done for a period of time, just  
2 to set the stage. I can tell you that there  
3 was a level two threat assessment done of Cruz,  
4 and it was done in September of 2016, and it  
5 will tie into what you're going to hear in  
6 closed session on Thursday with Henderson  
7 Behavioral Health, because Henderson was a part  
8 of a response regarding that threat assessment.

9 We will share the threat assessment with  
10 you, and get more into the details, but as far  
11 as I know, and can determine right now, during  
12 Cruz's entire time in the Broward County School  
13 system there is only the one threat assessment  
14 that was done, and it was a level two  
15 assessment, and it was based upon some concerns  
16 about his behavior, and that he had written on  
17 a piece of paper the word kill.

18 And so, they did, and the protocols that  
19 she has laid out here were followed, but we're  
20 still developing it, and we will share more  
21 about it, but it is relevant to Cruz  
22 specifically, but you need to know about what  
23 the process is, and then we'll tie it together.

24 SHER. ASHLEY: Thank you.

25 CHAIR: Yes, Commissioner.

1 MS. LARKIN SKINNER: I was curious, I was  
2 trying to follow the flow chart, so when they  
3 do the initial response, and there's the  
4 checklist you maintained, to determine whether  
5 it's low or on the other side, medium to high,  
6 is there, is it because from the checklist you  
7 get a score?

8 DR. MUCENIC: No, it isn't. There isn't  
9 like a definitive score, it's a matter of  
10 looking to see what items go with each level of  
11 threat. And then we tell, we always tell the  
12 administrator when in doubt to go to a higher  
13 level of threat, so always be cautious, so you  
14 would move it up a level.

15 MS. LARKIN SKINNER: So, it's kind of how  
16 many checkmarks are on each side, whether it's  
17 low, medium, high.

18 DR. MUCENIC: Correct.

19 MS. LARKIN SKINNER: And then it's kind of  
20 the same question, when you decide to go from a  
21 level one to a level two screening, is, how is  
22 yes or no, how do they come to that conclusion;  
23 is that a scoring, or is that a similar --

24 DR. MUCENIC: Not necessarily. They do a  
25 level two when they are looking for additional

1 information. Maybe they didn't have enough  
2 information to fill out the TRAC form, or maybe  
3 they were looking for extra clinical eyes,  
4 because the level two assessment requires two  
5 additional team members that are generally  
6 outside the school, one being a mental health  
7 professional. So, it's a more clinical in  
8 depth look at a student of why they're behaving  
9 the way they are.

10 MS. LARKIN SKINNER: Okay, and one more  
11 question. Do you -- does the district have  
12 some sort of oversight mechanism to make sure  
13 this is occurring, and that the decisions that  
14 are made, you know, whether it's low, medium,  
15 high, and then to go from level one to level  
16 two if they seem like appropriate, like a  
17 sampling, or any kind of oversight?

18 DR. MUCENIC: They don't necessarily have  
19 a sampling of completed threat assessments,  
20 however the procedures are included in the  
21 school safety procedures and monthly drills and  
22 following the threat assessment process is part  
23 of the annual principal evaluation.

24 MS. LARKIN SKINNER: Okay. And then does  
25 that include how well the plan was implemented,

1 if there is an intervention plan that comes out  
2 of the assessment?

3 DR. MUCENIC: That would be up to the  
4 evaluator of the principal when they look at  
5 that.

6 CHAIR: Mr. Schachter.

7 MR. SCHACHTER: How long have you worked  
8 for the district?

9 DR. MUCENIC: I came on in 2001.

10 MR. SCHACHTER: 2001. So, have you been  
11 in charge of this since 2001?

12 DR. MUCENIC: I have not.

13 MR. SCHACHTER: How long have you been in  
14 charge of --

15 DR. MUCENIC: I have been -- I was the  
16 coordinator of psychological services beginning  
17 in 2012, and now I'm the director of  
18 exceptional student learning support under the,  
19 for support services since '16.

20 MR. SCHACHTER: So, number one, are you  
21 happy with the current threat assessment model  
22 that we have, and number two, have you asked to  
23 make any changes to that system? And number  
24 three, I know we're going to hear testimony  
25 about Virginia, but you understand your system,

1 and I'm sure you've looked Virginia's, do you  
2 know the differences?

3 DR. MUCENIC: So, the -- the first  
4 question, I am. We have been very pleased so  
5 far, because we were one of the few districts  
6 in the country that had such a thorough laid  
7 out plan for threat assessment, so we were in  
8 the forefront for that. So, Broward, we're  
9 happy that we've had these, this in place for a  
10 number of years. Like any policy/procedure  
11 there's always room for improvement, and we are  
12 looking at all of the resources that are out  
13 there currently to see how we can revise our  
14 protocol and make it better.

15 MR. SCHACHTER: And then the last question  
16 was how does your system compared to  
17 Virginia's, do you know?

18 DR. MUCENIC: I don't know exactly. I  
19 know that they are going to be presenting  
20 later, and we're very interested in hearing  
21 what they have to say. I have -- I have  
22 glanced through it, but I have not gone a page  
23 by page or form by form comparison. We are  
24 going to put a committee together to review all  
25 of our policies relating to this, the protocol,

1 moving forward.

2 MR. SCHACHTER: I -- I would not, not  
3 gauge your success based on you, you know, I  
4 would gauge your success by how many children  
5 are in the cemetery right now. I would not  
6 call this a success.

7 CHAIR: So, the Broward County system as I  
8 understand it is one where there is a threat  
9 assessment team, which means there are people  
10 who are trained at every school, correct?

11 DR. MUCENIC: Correct.

12 CHAIR: Okay, so you assemble a team based  
13 upon an incident, and a response to some  
14 indicators, and it's not -- so when it's called  
15 a threat assessment team it's not the same  
16 people all the time at every school, right?

17 DR. MUCENIC: It has -- it has some same  
18 basic members.

19 CHAIR: Sure.

20 DR. MUCENIC: So, there's always going to  
21 be a school administrator. If there is law  
22 enforcement on campus certainly they're  
23 included. The difference would be the mental  
24 health professional. Usually it's the school  
25 counselor, but it could be a school social

1 worker, a school psychologist, depending on  
2 availability. And it also, the other member of  
3 the team that would change would be the teacher  
4 who knows the student. There's no way to  
5 predict that.

6 CHAIR: Right. So, just -- and I just  
7 want to make sure the commission members are  
8 clear as to the structuring, because when it  
9 talks about a threat assessment team, that the,  
10 there are some consistent members, but there's  
11 also some variable members depending upon the  
12 student and the circumstances, right?

13 DR. MUCENIC: And it also depends on their  
14 availability.

15 CHAIR: Right, all the above. And so now,  
16 if you remember when we talked about it last  
17 time under SB7026 is that prior to this, and it  
18 does seem like the Broward County was ahead of  
19 this in comparison to other places, is it does  
20 require now that there be a threat assessment  
21 team at every school in the state, and that  
22 that is in the process of being implemented.  
23 That wasn't the case before, but that does seem  
24 to be an area where the Broward County schools  
25 was ahead of everybody else, in having a threat

1 assessment team at every school with the  
2 process that you see laid out here.

3 So, but as it relates to the level one and  
4 the level two assessment, just to be clear  
5 level one is lower than the two, the two is the  
6 more extensive. And can you tell who, when  
7 they do the level two assessment how far does  
8 it go, how deep does it go as far as contacting  
9 people who have familiarity with the person who  
10 is under assessment? Are all the teachers  
11 contacted, are there peers who are contacted,  
12 how far does it go within the school system as  
13 far as evaluating that person?

14 DR. MUCENIC: Well, the threat -- the  
15 level two threat assessment is more in depth,  
16 and that includes a parent interview, it  
17 includes a teacher interview, as well as an  
18 in-depth interview with the student who made  
19 the threat, so, yes, we're gathering more  
20 information. It's more of a clinical look at  
21 how the student is functioning, and what may be  
22 driving those behaviors.

23 CHAIR: And the last question for me is  
24 that with this is, is that the, the process,  
25 though, is in response to something, correct,

1           so you laid out the first part of your  
2           presentation. So, is it fair to characterize  
3           the process as more of a reactive process than  
4           a proactive process?

5           DR. MUCENIC: Correct.

6           CHAIR: Okay.

7           UNDER SHER. HARPRING: Mr. Chair.

8           CHAIR: Yeah, go ahead.

9           UNDER SHER. HARPRING: Thank you, Doctor.

10          Regarding the finished product, whatever that  
11          may be at the level one, two, or three, is  
12          there a collective database for the threat  
13          assessment documents, summaries, and if so who  
14          has access to that database amongst the  
15          stakeholders that are part of the threat  
16          assessment team, to include law enforcement,  
17          other schools, other administrators, and if  
18          there is not has that been contemplated?

19          DR. MUCENIC: There is a -- we have a way  
20          in which record that a threat assessment has  
21          been completed on our district database, but  
22          the actual forms itself are kept in a separate  
23          administrative file, so they're not uploaded  
24          for like viewing on a general database that has  
25          access to everyone, for everyone.

1           UNDER SHER. HARPRING: So, for example, a  
2           student goes from one school to another, and a  
3           threat assessment may not result either in  
4           criminal charges, in a diversion, or  
5           necessarily be related to a criminal offense,  
6           but if a student changes schools within a  
7           district would the administrators at the school  
8           to which the student goes to either necessarily  
9           know or have the ability to affirmatively seek  
10          out information as to whether a threat  
11          assessment has been conducted on this  
12          particular individual?

13          DR. MUCENIC: Yes, that's part of our  
14          policy 5100.2 student records, transfer,  
15          retention, and disposal. There's a section on  
16          Page 2 regarding inclusion of school safety  
17          team screening assessment records when  
18          transferring records from school to school, and  
19          also if they leave the county.

20          UNDER SHER. HARPRING: And finally, would  
21          there be any external access to that, for  
22          example the threat assessment team based on  
23          your descriptions primarily comprised of school  
24          district employees, with the exception of law  
25          enforcement, or potentially an outside mental

1 health contractor, or the parent, something  
2 like that, so would law enforcement have  
3 unilateral access to that information, or would  
4 they have to go through the school district in  
5 order to learn that?

6 And the example would be a student goes  
7 from a school at which a threat assessment was  
8 done, they go to another school, while the  
9 administrator there may know that, may have the  
10 ability to determine that, the SRO, or the  
11 deputy there, the officer there may nor may not  
12 know that, and unless the administrator makes  
13 them aware of that they would basically be in a  
14 vacuum and not know that a threat assessment  
15 had been done on a particular student.

16 DR. MUCENIC: That's correct, the law  
17 enforcement can't directly access our district  
18 databases, however the school administrators  
19 can, and will. If you were to request it, they  
20 can certainly do that and provide the  
21 information.

22 UNDER SHER. HARPRING: Thank you.

23 CHAIR: Sheriff Judd.

24 SHER. JUDD: Thank you for being with us  
25 today. So, what's next? You go through the

1 threat assessment, you recommend action, or  
2 activity, what happens next time, or the next  
3 time, you know, where, what's the wraparound?

4 DR. MUCENIC: In terms of a repeated, if  
5 we had a student that had more than one threat  
6 assessment it would certainly be indicated on  
7 our database, but part of the reason that we  
8 collect all this information is to really get  
9 support for the families and the student, so  
10 that's part of the student's supervision plan,  
11 so laid out in the manual there's a number of  
12 different actions that they would take to step  
13 in to try and provide services for the student  
14 and family.

15 So, the -- the step is to really provide  
16 additional services, hopefully for prevention.

17 SHER. JUDD: So, if the family and the  
18 student rejected, resisted, or is there any way  
19 to move it to another level, and another level  
20 until we, we have some kind of successful  
21 resolution?

22 DR. MUCENIC: If a family is resistant to  
23 some of the interventions or things we would  
24 like to put in place we really do not have any  
25 recourse for that. We work very hard with

1 parents, and we hope that they are  
2 collaborative with us, because we're looking  
3 out for the best interests of all the students,  
4 but if they don't agree, and sometimes that  
5 happens, with our recommendations, or what  
6 we're suggesting, then nothing would happen in  
7 that area.

8 SHER. JUDD: What would you like to see  
9 happen in the best interest of the child if the  
10 eventuality is that they resist, or the child  
11 does, behavior doesn't improve?

12 DR. MUCENIC: Well, I think there's some  
13 legal ramifications in terms of a child's  
14 behavior and what we're able to do or not able  
15 to do, so that restricts us for sure. I would  
16 definitely like to see increased communications  
17 across everyone so that we know of the students  
18 that are high risk, and we are all aware of  
19 potential issues.

20 SHER. JUDD: I guess my example isn't --  
21 and of course we always think in the world of  
22 criminal conduct, but if parents, I mean I'm  
23 not talking about a single event, but this  
24 child is presenting over and over, and the  
25 parents aren't dealing with it. The world we

1 think in is, well, they're neglecting the best  
2 interests of the child, and so we figure out a  
3 formula, or make a recommendation of this  
4 council, or this commission, that they either  
5 cooperate or it can ramp up into an event where  
6 they can end up with criminal sanctions for  
7 not, for not looking out for the best interests  
8 of the child. Does that interest you?

9 DR. MUCENIC: Well, it's currently not in  
10 place now, but certainly having some  
11 responsibility, the parent's follow through is  
12 always, we're always looking for them to be our  
13 partners, so it is disappointing when we make  
14 suggestions and they're not followed through  
15 with. But the parents have their rights. I'm  
16 a parent. We're all, many of us are parents,  
17 and we do like to say what happens with our  
18 children, so.

19 SHER. JUDD: You understand that the  
20 parent who cares is going to be involved.

21 DR. MUCENIC: Correct.

22 SHER. JUDD: And the ones that resist are  
23 the ones that we're ultimately talking about.

24 DR. MUCENIC: Could be. Some parents are  
25 extremely involved, but they don't always agree

1 with us, so it's not a level of involved or not  
2 involved. We have parents that are very  
3 involved, and they don't agree with what the  
4 school system recommends for their child.

5 SHER. JUDD: The next question is do --  
6 and I think I heard this, but do you agree that  
7 rather than have it in this individual silo  
8 that there needs to be access so that everyone  
9 who has an interest in, or an interaction with  
10 the child, can see this, as opposed to it being  
11 locked away someplace?

12 DR. MUCENIC: Well, again, I think there's  
13 legal ramifications to that, certainly FERPA,  
14 so that would be beyond my scope. But I'm --  
15 I'm very much for communicating and  
16 collaborating across a variety of systems for  
17 the best interests of children.

18 SHER. JUDD: Part of this commission's  
19 duty and responsibility is to, is to change  
20 laws that inhibit our ability to act in the  
21 best interests of the child, the best interests  
22 of the community, and the best interests of the  
23 family, so if you had a magic wand knowing the  
24 failures that you see what would you recommend  
25 be changed to improve the outcomes for the

1 child, for the family, for the school, for the  
2 community?

3 DR. MUCENIC: I think you hit on it.  
4 Certainly, that increased collaboration between  
5 all the entities. We have the child -- we have  
6 students for a period of time during the day,  
7 and during the week, but again, they're out in  
8 the community, they're with their families,  
9 they're at church, they're accessing community  
10 resources, so I think it's really very  
11 important that we come together as a community  
12 to really support these children.

13 SHER. JUDD: Thank you.

14 CHAIR: Mr. Petty is next.

15 MR. PETTY: I thank you for presenting  
16 today. Just walking through the flow chart, a  
17 couple of questions. And I appreciate the flow  
18 chart actually, I get to look at these at work  
19 all the time. Can you walk us through the  
20 process of receiving the threat assessment? I  
21 see a phone number here. There's obviously  
22 like a website you can go to, but threats may  
23 come in through different places. Can you --  
24 how do -- how do they get to the threat  
25 assessment team?

1 DR. MUCENIC: So, generally a threat can  
2 arrive to the school principal in a number of  
3 different ways. We have students that will  
4 speak up. We have teachers that may have  
5 overheard something. We have parents that  
6 report that they've heard something. So,  
7 whoever, you know, we want everyone to have  
8 their eyes and ears open, and whenever they do  
9 hear of something we want them to notify a  
10 trusted adult in the school building, and then,  
11 or the principal directly.

12 MR. PETTY: Okay, so -- so if a threat  
13 comes into the phone number listed here on the  
14 flow chart, or to the website, how does that  
15 get to the school threat assessment team?

16 DR. MUCENIC: If it goes directly to SIU  
17 -- I honestly, I'm sure about that. I think if  
18 something goes directly to that anonymous tip  
19 line common sense would say that they would  
20 notify the school and -- and let them know that  
21 they received something.

22 MR. PETTY: That would be common sense, I  
23 just don't see a connecting line here on the  
24 flow chart. So, what happens if the principal  
25 receives a threat, or information about a

1 threat, I guess in this case there are -- is  
2 every principal a mandatory member of the  
3 threat assessment team?

4 DR. MUCENIC: An administrator in the  
5 school, so it could be a principal or assistant  
6 principal.

7 MR. PETTY: Okay, so what if one of the  
8 other principals receives information about a  
9 threat, how is the threat assessment team  
10 convened? Since -- I think to Sheriff  
11 Gualtieri's point, it seems to be a reactive  
12 process, the team assembles once there's a  
13 threat made. How does that process work, and  
14 how do we ensure that a threat received by some  
15 administrator gets to the threat assessment  
16 team?

17 DR. MUCENIC: Well, it's part of their  
18 training. So, all the administrators have  
19 mandatory training, and they receive, they go  
20 through this whole process. So, whoever  
21 receives that threat, whoever is in charge on  
22 campus that day, they are to determine whether  
23 it's a low, medium, or high level, and they are  
24 to convene the team. It is their job to get  
25 everyone together and start going through the

1 process.

2 MR. PETTY: Even if they're not part of  
3 the team they can call the meeting, if you  
4 will?

5 DR. MUCENIC: Correct.

6 MR. PETTY: Is anybody on campus able to  
7 do that, or just an --

8 DR. MUCENIC: Just the administrator. So,  
9 if -- let's say a principal is off campus  
10 because they have a meeting, or they're not  
11 there that day, so the assistant principal in  
12 charge is in charge of the building, and  
13 whatever happens in the building that day, so  
14 it would fall to them.

15 MR. PETTY: Is there any reporting back  
16 from the schools about meetings of threat  
17 assessment team?

18 DR. MUCENIC: I'm sorry, could you repeat  
19 that?

20 MR. PETTY: Do schools report back to the  
21 district that they've had a threat assessment  
22 meeting and some decision, decision has been  
23 made?

24 DR. MUCENIC: Whenever they've conducted a  
25 threat assessment it's entered into the

1 database, the district database.

2 MR. PETTY: And if the district receives  
3 information, let's say on the tip line, and  
4 your assuming that SIU shares that information  
5 with the threat assessment team, is there any  
6 follow up, or just --

7 DR. MUCENIC: Well, the follow up includes  
8 the student supervision plan, and then there's  
9 also -- the student supervision plan, and then  
10 also a summary and a plan of action.

11 MR. PETTY: Okay. And does the district  
12 review those to see if they meet guidelines,  
13 and training, and policy that the district has  
14 defined?

15 DR. MUCENIC: We -- at this time we do not  
16 monitor, or kind of review individual plans.

17 MR. PETTY: Okay, so it's up to the threat  
18 assessment team to define that.

19 DR. MUCENIC: The team. The school-based  
20 team.

21 MR. PETTY: Okay. And then this is more  
22 of a question for, you know, I'm trying to  
23 understand your opinion, how you think about  
24 this. At what point, and this goes to a  
25 previous question. How do you balance the

1 rights of a student that has exhibited  
2 behavioral problems, or has made a threat,  
3 let's be very specific, has made a threat  
4 against the right of the students, and  
5 teachers, and staff at that school to be safe?  
6 Can you give me your opinion, or how do you  
7 think about it?

8 DR. MUCENIC: Well, it is a balance for  
9 sure. We have -- we have a number of  
10 challenges in the, in the school system, and  
11 balancing the rights of the individual student  
12 with those they surround, so it is absolutely a  
13 challenge. I think it's helpful to put in  
14 perspective that we had this year, as of the  
15 end of May we had three hundred eighty-eight  
16 threat assessments, so we're looking at about  
17 two a day. So, this is not, it's not uncommon  
18 for a school to have a threat, or perform a  
19 threat assessment, so, you know, putting in  
20 that context we're looking at, and that's part  
21 of having a low, medium, and high level threat,  
22 and trying to classify that to see how serious,  
23 and what things can we put in place to really  
24 support that student and family, and to ensure  
25 the safety of everyone in the school setting.

1           MR. PETTY: On -- on balance then how are  
2 we, how do you think we're doing in balancing  
3 the right of, of a student, and their, their  
4 right to privacy, and et cetera, et cetera, to  
5 protecting our students and our teachers?

6           DR. MUCENIC: I have to say it's a  
7 challenge. It's a challenge balancing the  
8 individual rights to the whole school  
9 environment.

10          MR. PETTY: So, in that specific area  
11 again the magic wand question, what would you,  
12 if you could wave a magic wand and change  
13 something what would you change to bring it  
14 more into balance, or to do a better job?

15          DR. MUCENIC: I'm not sure I have a ready  
16 answer for that. I certainly, you're looking  
17 at constitutional rights, and individual  
18 rights, so I, you know, I think the individual  
19 right is very important, so I think it is  
20 definitely, it continues to be a challenge. I  
21 think there is some room for improvement there  
22 in maybe getting some extra systems to support,  
23 but I don't have a ready, ready answer for you  
24 for that.

25          MR. PETTY: I think we'll have some

1 recommendations for you.

2 DR. MUCENIC: I'm sorry?

3 MR. PETTY: I think we'll have some  
4 recommendations for you.

5 DR. MUCENIC: That would be excellent.

6 MR. PETTY: Do you know when the Broward  
7 County mental health and wellness portal was  
8 put online?

9 DR. MUCENIC: Yes, it was the Fall of  
10 2017. I think it went up live September or  
11 October.

12 MR. PETTY: Okay, thank you.

13 CHAIR: Senator Book.

14 SEN. BOOK: Thank you, Mr. Chair. And  
15 thank you for your presentation. Do we have,  
16 Mr. Chair, Nicholas Cruz's level two  
17 assessment?

18 CHAIR: Yes.

19 SEN. BOOK: Okay, I just wanted to make  
20 sure, because I know that was from 2016, and it  
21 wasn't online until '17, so I wanted to make  
22 sure we could have that document. And I want  
23 to understand the reality. I understand that  
24 we have mandatory members, but we talk a lot  
25 about, and we've talked a lot about school

1       counselors, guidance counselors within a  
2       system, and that they're not necessarily always  
3       around, or present, so I see that it's a  
4       mandatory member, but of those mandatory  
5       members how many are there, are actually  
6       participatory?

7               And a follow to that is some conversations  
8       that we had this morning in dovetailing off of  
9       Commissioner Judd's questioning about parents  
10      and parental involvement. If there is a parent  
11      who is enabling some behaviors that are  
12      dangerous what are those next steps that can be  
13      done, or is there nothing?

14             DR. MUCENIC: Well, that's why there is  
15      some flexibility built into the mandatory  
16      members. We want one representative of all  
17      those different categories that I pointed out  
18      to you, so we have to have an administrator, we  
19      have to have a teacher that knows the student,  
20      and when it comes to the mental health  
21      professional, that's why it could be a school  
22      counselor, it could be a school psychologist or  
23      a social worker, because we don't want to hold  
24      up a process of gathering information because  
25      people may or may not be available. So, that's

1       why it's not a firm team, that you were asking,  
2       like, you know, it isn't these six people all  
3       the time, because it may vary depending on the  
4       circumstances.

5               We want to be, work as quickly and as  
6       efficiently as possible, so any of those mental  
7       health providers, if they're available they'll  
8       be called upon.

9               SEN. BOOK: But not necessarily always  
10       present.

11              DR. MUCENIC: They're always present with  
12       the team, but, depending on their schedules  
13       they may not be present in the building on any  
14       given day. On any given day there will be a  
15       school counselor, or a school psychologist, or  
16       school social worker, but they may not all be  
17       there on the same day because they are interim  
18       workers, except for the school counselor.

19              But let's say the school counselor happens  
20       to be ill that day, so we want to make sure  
21       that we have it built in that there are mental  
22       health professionals at a moment's notice that  
23       can assist with this process.

24              SEN. BOOK: And they're -- and you're  
25       telling me that there are?

1 DR. MUCENIC: There are.

2 SEN. BOOK: So, no matter what if we go  
3 and pull up an assessment at any given time  
4 that was done in the past, I'm assuming that  
5 there's a list of, you know, names of people  
6 that were there --

7 DR. MUCENIC: Correct.

8 SEN. BOOK: -- and there will always,  
9 always, always be these people on that list.

10 DR. MUCENIC: The procedure is that they  
11 always include these mandatory members, these  
12 mandatory members.

13 SEN. BOOK: And following up with  
14 Commissioner Petty's question, understanding  
15 that there are constitutional rights, and magic  
16 wands, and all of this, and balancing safety,  
17 but if you do a threat assessment and a child  
18 has an IEP what happens then? And if a child  
19 is displaying dangerous behavior, talking  
20 about, I mean writing on a piece of paper kill,  
21 interest in certain things, IEP, what happens,  
22 or are you really limited as to what you can  
23 do?

24 DR. MUCENIC: No, a child that is an ESE  
25 student is treated the exact same way for the

1 threat assessment procedures, so we wouldn't  
2 vary our procedures because this child is ESE  
3 and that one isn't, we go through the threat  
4 assessment procedures just like they're  
5 outlined here in the manual.

6 CHAIR: Just to follow up on that, and  
7 from what Sheriff Judd asked you as far as  
8 consequences, so as a result of the threat  
9 assessment process the threat assessment team  
10 can, and I believe is you referred to it as the  
11 student supervision plan, is that they can  
12 require certain things, so as an example they  
13 could require that the student not carry a  
14 backpack.

15 DR. MUCENIC: Correct.

16 CHAIR: Could require that the student get  
17 some special type of transportation. They can  
18 require a number of things, correct?

19 DR. MUCENIC: Correct.

20 CHAIR: Okay, so if the student and/or the  
21 students' parents didn't comply with the  
22 supervision plan does the district then have,  
23 and outside a criminal charge, but because  
24 maybe it doesn't rise to that level at all, but  
25 it's a still a concern, does the district then

1 have the authority and the ability to implement  
2 the discipline matrix for non-compliance with  
3 the supervision plan?

4 DR. MUCENIC: Not that I know of, no.

5 CHAIR: Mr. Gohl, you want to -- I think  
6 he wants to address that.

7 MR. GOHL: Thank you Chair, Commissioners,  
8 all due respect, colleague, yes, they do,  
9 because once we establish a set of behavioral  
10 guidelines that we're motivated in this case  
11 through a non- behavioral process, it now  
12 enters a different domain. The behavioral  
13 guidelines that the student is present at  
14 school for are constraints. If those are not  
15 followed that is then a disciplinary issue, so  
16 we have crossed the realm from mental health,  
17 be it self-harm or harm for others a threat,  
18 resulting in a behavioral constraint.  
19 Noncompliance of that is not a disciplinary  
20 issue.

21 CHAIR: And so could that result in -- so  
22 if you -- you went through the threat  
23 assessment process, level two let's say, and  
24 deemed that there was a viable concern, and you  
25 implemented the supervision plan that you

1 thought was necessary to ensure the safety, and  
2 the student and/or the parents did not comply,  
3 and you implemented the matrix, could that lead  
4 to an external suspension and/or expulsion?

5 MR. GOHL: Yes, as long as the procedures  
6 to the disciplinary matrix are followed that is  
7 a natural consequence of the process that  
8 exists.

9 CHAIR: Right, so that they -- there is  
10 mandatory compliance with this, you just have  
11 to implement the discipline matrix if there's  
12 noncompliance with the supervision plan.

13 MR. GOHL: That is correct, our  
14 intervening steps, but yes.

15 CHAIR: Okay. Sheriff Judd, go ahead.

16 SHER. JUDD: Excuse me.

17 CHAIR: Mr. Gohl, stay up.

18 SHER. JUDD: Mr. Gohl, let me ask you the  
19 same question that I asked our other presenter.  
20 If you wave the magic wand knowing what you  
21 know about the threat assessment system and  
22 those who work with you, and those who oppose  
23 you, or pay no attention, what would you do to  
24 change the system to give the school more  
25 opportunities to ensure we've acted not only in

1 the best interests of that child that was  
2 creating the issue but the children that  
3 surround them?

4 MR. GOHL: So, I think one of the most  
5 important things, and you, this commission has  
6 already touched on it, which is the balancing  
7 of the individual student and family rights  
8 versus what they view as governmental  
9 interference, if we direct it, versus the  
10 community's expectation that all kids are kept  
11 safe, right, and whether that refers to a  
12 negligence charge or something else we've got  
13 to do that. I think we have to have much more  
14 active discussion with real world examples to  
15 make sure that we are honest with each other as  
16 a community of what that looks like and how it  
17 plays out.

18 Our public policy must respect our  
19 community values, and how we go about that, and  
20 there are consequences regardless of which side  
21 you put emphasis on. And I don't think we as a  
22 community, as whole, are very good at having  
23 such conversations, because I know what I want,  
24 and as long as I am not interfered with it's  
25 okay, but that is not public policy, and that

1 does not benefit the right of our school  
2 district as a whole for two hundred seventy  
3 thousand student's in Broward, or well over a  
4 million in Florida across, right, so I think  
5 that's it.

6 Secondly, I am a big believer in the use  
7 of technology to have active notification. I  
8 think the more we can rely on active systems  
9 that produce triggers to show people, hey, draw  
10 your attention over here, rather than a passive  
11 system, which is just entering that, and as our  
12 data systems have matured it's hard for large  
13 bureaucracies, be that within law enforcement,  
14 social services, or in the education system, to  
15 utilize the best cutting-edge technology to  
16 allow that to happen. I think that is a domain  
17 where we need further investment.

18 Third, I think we need to have very clear  
19 understandings of what threat assessment is,  
20 which is first and foremost public safety, it  
21 is to determine whether or not this child is at  
22 this time a threat, in which case it goes to  
23 law enforcement. Secondly, if it is not a  
24 threat we have a deep problem with an  
25 individual who makes a threat that needs to be

1 investigated on. That may be an attention  
2 seeking behavior. It may be a self-harm. It  
3 may be other family conditions. That is not  
4 criminal, that's social work, and how we allow  
5 those systems to reinforce each other without,  
6 one, either law enforcement not being able to  
7 ensure public safety and security because we're  
8 emphasizing the social work, or social work  
9 becoming criminalized, we've got to have active  
10 discussions about that.

11 And it's not enough to say, well, we've  
12 solved it. We will have never solved it,  
13 because we constantly have new kids, new  
14 families, new situations emerging. It must be  
15 at the front and center of public policy  
16 debate.

17 SHER. JUDD: Thank you very much. As one  
18 commissioner with you all having had this  
19 system in place for a while we would like, I  
20 would like to see an honest assessment, and,  
21 and you tell us here's the magic tools that we  
22 need to go forward, because you have more  
23 experience in assessment than we do. And quite  
24 frankly everyone has individual rights, but  
25 your individual right doesn't extend to harm

1 me.

2 MR. GOHL: That's right.

3 SHER. JUDD: And that's what, that's the  
4 illustration that we've got to get across, your  
5 individual right does not give you the right to  
6 hurt other people, or to ignore what's in the  
7 best interest of everyone else in the  
8 classroom. You don't have the right to do  
9 that. And then what are the consequences, and  
10 what are we going to do. And ideally, we get  
11 control of this child before they have to get  
12 involved in the criminal justice system, but if  
13 you don't have the teeth in your systems and  
14 processes to do that then this commission I  
15 think can help you a lot, but we need those of  
16 you who are in the process, and we'll just say  
17 basically what you did here, go back and think  
18 through that with your team, and, Mr. Chair, I  
19 may be out of line by saying please submit to  
20 us for a review, but I would like, I think it  
21 would be helpful.

22 CHAIR: Sheriff Ashley.

23 SHER. ASHLEY: Just one follow up  
24 question. You mentioned notification. When  
25 you identify a threat, I think you said you had

1 three hundred eighty-eight threats at this  
2 point --

3 DR. MUCENIC: Correct.

4 SHER. ASHLEY: -- whether they're low, I'm  
5 not sure what your ratio is to low, medium, or  
6 high threats, but do you notify anybody other  
7 than the parents and the team? Do you notify  
8 the parents of the school that they have --  
9 that you have a threat at the school that  
10 you've identified? And especially if it's a  
11 high threat, I mean we make phone calls all the  
12 time, you know, we had a bombing threat at the  
13 school, we've had this at the school, do you  
14 all do that, do you notify the parents so that  
15 they can make the decision, that they may  
16 disagree, that the threat level is to the point  
17 where they don't want to send their kid to  
18 school? Do you have that kind of notification?

19 DR. MUCENIC: It is not part of these  
20 particular procedures, although the principal  
21 would have the discretion to talk to their  
22 supervisor and, and the superintendent in turn  
23 to, to make those decisions.

24 SHER. ASHLEY: Has that ever been made?  
25 Have those decisions to notify a school

1 population, or a parental population that  
2 there's a threat at their school, has that ever  
3 been done?

4 DR. MUCENIC: I can't speak to all of our  
5 three hundred plus, two hundred plus charter  
6 schools in the district. It may or may not  
7 have happened.

8 SHER. ASHLEY: Thank you.

9 CHAIR: Commissioner Swearingen.

10 COMM. SWEARINGEN: I want to make sure I  
11 understand. One of the key components of the  
12 many threat assessment process, I've become far  
13 more educated on this over the last three  
14 months than I ever thought I would be, is not  
15 only assessing the threat, but managing the  
16 threat, and I think we're going to hear that  
17 probably in the late presentation, so I want to  
18 understand.

19 If your student supervisory plan is, is  
20 your idea of managing the threat, and if so I  
21 want to know how long that continues, how  
22 regular meetings are held on a, a student, and  
23 if they're assigned some outside help, whether  
24 that's mental help or some other community  
25 service, does that team then follow up? Who

1 takes ownership of these, because that's the  
2 problem here I think in this instance, is why  
3 we're here, is nobody took ownership of is, so  
4 I want to understand more about how you manage  
5 the threat, not just that you assess it.

6 DR. MUCENIC: Well, part of the gathering  
7 information from the TRAC, that informs the  
8 intervention in the plan, the student  
9 supervision plan, so ultimately the  
10 administrator of the building would be the  
11 person who would be responsible for monitoring  
12 the plan, and that team, that threat assessment  
13 team, so part of, part of the procedures is  
14 that they do come back and the monitor the  
15 plan, and at that time if they need to adjust  
16 the plan then, then they certainly have that  
17 flexibility to do that.

18 But this student supervision plan, there's  
19 a variety of different interventions and  
20 referrals to, community agency is certainly on  
21 here, sometimes it's for intervention because  
22 of drug abuse, or any number of things, so  
23 that, that's built in there, and we work with  
24 our community partners to provide all the  
25 support we can for our students.

1           COMM. SWEARINGEN: Thank you. And so,  
2           once they're put on one of these plans there is  
3           a regularly scheduled meeting to update and  
4           check the status on this particular kid, or is  
5           it ad hoc, that they just sort of decide --

6           DR. MUCENIC: It's part of the training  
7           procedures that they do reconvene and monitor  
8           the plan.

9           COMM. SWEARINGEN: Thank you.

10          CHAIR: So, one of the things that was,  
11          and you'll hear more about this, and I'm going  
12          to before the next meeting in August get you  
13          all a copy of his actual threat assessment,  
14          because it will also tie into the presentation  
15          you're going to hear Thursday on Henderson, and  
16          then we need to bring all that together. But  
17          there were I think at this point, and the  
18          evidence will show, two crucial pivot points in  
19          Cruz's life. One was him turning eighteen on  
20          September 24, 2016, which is four days before  
21          this behavioral threat assessment was done.  
22          And after he turned -- and the second pivot  
23          point was the death of his mother on November  
24          1st of 2017.

25          You'll see in the pattern that those were

1 very specific pivot points that altered his  
2 behavior, not in a good way, and he became much  
3 more independent. So, after the threat, after  
4 he turned eighteen on the 24th and this threat  
5 assessment process occurred, is that it was  
6 shortly after that that he himself, because he  
7 turned eighteen, is he disengaged from the ESE  
8 process, and that he pulled himself out of  
9 everything, and shortly thereafter he left MSD.

10 He went into the adult, the education  
11 facilities, so there wasn't really a lot of  
12 opportunity for them to engage this follow up  
13 threat assessment process in this case because  
14 he turned eighteen, he disengaged of  
15 everything, and he basically walked away. So,  
16 those are some dynamics, and there's a lot of  
17 points that you all are making as to the bigger  
18 scope of the threat assessment process, but as  
19 it specifically relates to him it came late,  
20 and at a pivot point where he and his, and his  
21 mother, walked away from everything. So, we'll  
22 hear more about that as it all hopefully comes  
23 together by the next meeting.

24 MR. GOHL: Commission Chair, if I may?

25 CHAIR: Sure, go ahead.

1           MR. GOHL: There was a question which  
2 emerged from a commissioner earlier about how  
3 does a report through the 911 anonymous tip  
4 line or other mechanisms get from SIU to local  
5 school administrator. I've had the opportunity  
6 to confer with our chief via text, Chief Robert  
7 Hutchinson over at SIU. He has confirmed that  
8 the detectives who monitor those tip lines  
9 directly reach out to the school-based  
10 administrator. There is not an intervening set  
11 of steps, so that goes directly from SIU to the  
12 building administrator.

13           CHAIR: All right, well, thank you very  
14 much, we appreciate you being here. We've got  
15 one more question. Go ahead, we'll let one  
16 more. Mr. Schachter.

17           MR. SCHACHTER: I think -- I think we're  
18 -- I think we're going to find that the  
19 students are the closets to this, and they are,  
20 should be, we should be working with them  
21 extremely closely. They're going to be able to  
22 give us a lot of tips on, on these individuals.  
23 Is there -- does Broward County have an app  
24 that kids can report threats to, and  
25 suspicious, you know, activity?

1 MR. GOHL: Well, I was going to say at  
2 this point we have a website. We are looking  
3 at modifying the app. We are increasing our  
4 awareness of students who outreach the clubs  
5 and others, it is part, the mechanism to use  
6 the website, the 911, the text lines, all are  
7 available in the student handbook, though we're  
8 actually looking at increasing awareness of  
9 that.

10 MR. SCHACHTER: Yeah, I would -- I would  
11 venture to say kids are not really --

12 DR. MUCENIC: And just to -- just to  
13 intervene, the Florida DEO is also looking at  
14 putting out an app.

15 CHAIR: Well, they're not looking at it,  
16 they have to. If you remember from the summary  
17 we did at the last meeting on 7026 is, is that  
18 it's mandated that there be a statewide  
19 reporting app, that there's funding for it, the  
20 legislature provided, and DOE is in the process  
21 of developing that statewide app. So, that  
22 will be in place soon.

23 MR. SCHACHTER: Hopefully. So, I think  
24 that's one of the issues, is that there is no  
25 easy way for children to report these threats.

1 I think that, that is one of the problems, you  
2 know, we should be working with the kids much,  
3 much closer, and, you know, they're not,  
4 they're not reading the handbook, I certainly,  
5 you know, think, think that's going to happen,  
6 and so I think that that's, that's one way  
7 that, that we -- do you have any statistics on  
8 the success of, of your process?

9 I know you said there's three hundred  
10 eighty-eight threats, do you have any -- I  
11 think when I was doing research on Virginia  
12 they showed as threats, and then they showed us  
13 how they, they averted crisis; do you have any  
14 of those kinds of statistics?

15 DR. MUCENIC: We do not have those type of  
16 statistics.

17 MR. SCHACHTER: Okay.

18 CHAIR: All right, we're going to --

19 DR. MUCENIC: We could -- I mean we --  
20 potentially we could, we could look up every  
21 single child that was listed of those three  
22 hundred eighty-eight to then see what type of  
23 interventions were put in place, and the  
24 outcomes of those. We could possibly do that.

25 MR. SCHACHTER: Thank you very much.

1 CHAIR: All right, we appreciate the  
2 presentation. Thank you. We're going to now  
3 move on to Dr. Linda Alathari from the U.S.  
4 Secret Service, and she is the Chief of the  
5 National Threat Assessment Center, to provide  
6 us with information on their process.

7 DR. ALATHARI: Good afternoon.

8 CHAIR: Good afternoon.

9 DR. ALATHARI: Thank you for having us. I  
10 have a lot of information on the slides, it's  
11 for information purposes, so I'm not going to  
12 cover in detail everything on the slide, but  
13 obviously if you have questions, and then  
14 you'll see why, because everything that we do  
15 is published online. And I'll talk a little  
16 bit about what the Secret Service is doing, and  
17 our new initiatives that we started this year  
18 for school safety.

19 So, I'm just going to give you an overview  
20 of what I'm going to discuss. I'm going to  
21 discuss the national threat assessment center,  
22 what we do, how we were founded, because you'll  
23 understand why I'm standing here, why the  
24 science has to feed the practice of prevention.  
25 Then I'm going to talk about specifically

1       targeted violence in schools, what we've  
2       learned from years of research, and doing  
3       training for school officials, as well as  
4       meeting with school officials to find out best  
5       practices, challenges, et cetera, specifically  
6       how to create a targeted violence prevention  
7       plan.

8               A lot of it you guys are familiar with  
9       already. Some of it was alluded to earlier, in  
10      terms of what goes into a targeted violence  
11      prevention plan in a school setting, and then  
12      most importantly for a plan to work is the  
13      climate of the school, so I'll talk a little  
14      bit about creating safe school climates.

15             So, just to talk to you a little bit about  
16      the history of the center, the Secret Service  
17      in the late 1990's conducted a study looking at  
18      the thinking and behavior of those individuals  
19      who might want to assassinate a president or  
20      carry out violence against a public official.  
21      That study was quite seminal at the time. It  
22      really set the foundation for threat assessment  
23      programs, and it actually coined the term  
24      targeted violence.

25             After that study came out it was when the

1       tragedy at Columbine happened, and at the time  
2       the Secret Service was looking at its own  
3       methodology of enhancing how we do prevention,  
4       how we do assessments of the people that come  
5       to our attention, so we actually approached the  
6       Department of Education and offered to use the  
7       methodology that we just learned from the  
8       research we've done to study those students who  
9       might carry out an attack against the school,  
10      and that's how the safe school initiative came  
11      about. It was a collaboration between the  
12      Department of Education and the Secret Service  
13      in examining cases in which a current or former  
14      student carried out an attack against a K-12  
15      school.

16             The findings of the safe school  
17      initiative, and the accompanying guide that we  
18      released set the standard for threat assessment  
19      programs in schools, and that's when the school  
20      threat assessment teams started forming. It  
21      was back after the Columbine incident. Since  
22      then we've done some more studies in the area  
23      of school safety, so after Virginia Tech we  
24      collaborated with the Department of Education  
25      again, and the FBI this time, looking at what

1 type of violence affects institutions of higher  
2 education. All of these reporters on the  
3 website so I won't talk about them too much.

4 Since then we've carried out some more  
5 studies looking at various types of targeted  
6 violence in the community. Our center doesn't  
7 just focus on school targeted violence, we're  
8 trying to prevent all kinds of targeted  
9 attacks, so we have a recent study looking at  
10 attacks on federal government, that happened  
11 all over the country, in fifteen states and the  
12 District of Columbia. We're currently engaged  
13 for the last two years collecting data on  
14 attacks against law enforcement, attacks  
15 against state officials.

16 One of the last reports that we just  
17 released in March was looking at mass attacks  
18 in public spaces in the year 2017. We're  
19 hoping we can be able to study this phenomenon  
20 yearly, unfortunately as these incidents are  
21 happening. That report contained not only  
22 school violence but also individuals who  
23 targeted houses of worship, public spaces and  
24 such. So, this is the type of research that  
25 we've done in terms of prevention, and

1 everything that we do really shapes how we as  
2 an agency conduct our own threat assessments of  
3 the people that show either inappropriate,  
4 unusual, or threatening interests in one of our  
5 protectees, but also how can we take the  
6 research that we do, translate it operationally  
7 so that we can provide training for federal and  
8 state, and local law enforcements, school  
9 personnel, anyone really with the nexus for  
10 public safety responsibilities.

11 For us as an agency the primary objective  
12 of a threat assessment is to identify any  
13 individual or individuals who pose a threat,  
14 that is the goal of a threat assessment, and  
15 for our agency what we do. Our secondary  
16 objective is criminal prosecution, so if  
17 someone comes to our attention as an agency our  
18 biggest thing is we want to collect  
19 information, and I'll talk you through the  
20 process of how to gather information and what  
21 to look for to make an informed judgment. And  
22 then from that we identify intervention  
23 strategies to mitigate the risk that person  
24 poses. That could involve legal action, it  
25 could not. The goal is to mitigate risk, it is

1 not for criminal prosecution for us.

2 We're never going to be able to predict  
3 who is going to be engaging in this kind of  
4 attack, as dramatic and impactful as they are,  
5 and they are certainly tragedies, they don't  
6 happen often, they don't happen often enough  
7 where you can actually have a risk assessment  
8 tool with a predictive quality to it, and so  
9 what you can do is do a sort of, and that's how  
10 threat assessment, it's really a structured  
11 professional judgment, and I'll talk a little  
12 bit about that.

13 For us as an agency threat assessment  
14 having effective programs in place is just as  
15 important as the physical security measures  
16 that we employ. We want to be able to identify  
17 these individuals before they even test our  
18 security system. And this is why we have such  
19 a robust mission at the agency in terms of  
20 threat assessments. We have a whole division  
21 that all they do is handle these kinds of  
22 cases, follow up on them, manage them, collect  
23 information, and identify intervention points.

24 We use a behavior-based approach, and  
25 that, I'm collapsing four-hour training into a

1       one-hour discussion, but what I mean by  
2       behavior base approach is we're looking at the  
3       individual as a whole, we're not just basing it  
4       on threats. And I think that's an important  
5       distinction, because what we see from our  
6       studies in different types of target attacks,  
7       in that majority of those incidents those  
8       perpetrators did not threaten their targets  
9       ahead of time. However, they were posting,  
10      they were talking about it to the other people,  
11      and that sort of thing. So, that's an  
12      important distinction, is that we're not just  
13      focused on whether someone made a threat, we're  
14      really looking at a constellation of behavior  
15      to inform our risk assessment.

16           So, there's been a lot of work done in the  
17      area of threat assessment over the years. I  
18      think due to the tragedy that occurred here  
19      there's been a lot more going on, in terms of  
20      at the federal level, to see how can we do  
21      things to help, to help support the  
22      communities. One of the things I've done is  
23      testified before Congress on threat assessment.  
24      I think that's probably one of the first times  
25      that a committee had had a threat assessment

1 expert testifying as to what it means, and how  
2 it's important for the community. Now they're  
3 talking about it, that its fact based its  
4 behavior, and there's a lot of work being done  
5 actually at the federal level now in terms of  
6 trying to provide best practices and help for  
7 trickling down to the state and local level.

8 So, just to talk to you about some of the  
9 findings, again this is all in the website, but  
10 back then when we did this study there really  
11 wasn't a comprehensive study looking at this  
12 phenomenon of a targeted school attack from the  
13 behavioral, or law enforcement, or operational  
14 perspective, in that we wanted to look at the  
15 thinking and behavior of these students and  
16 understand why did they carry out this attack,  
17 and are there intervention points and  
18 prevention efforts.

19 So, the findings of the safe school  
20 initiative fall under several categories. One  
21 was sort of characterizing the attacker, that's  
22 looking at their past behaviors, their motives,  
23 whether they communicated to anyone,  
24 conceptualizing the attack, did they engage in  
25 any planning behaviors. We do -- and I'll talk

1 a little bit about the findings in a few  
2 minutes, but we do find out that in a majority  
3 of these cases there was some kind of advances  
4 planning. The majority were about two to four  
5 days before; however, some took months to plan  
6 these things.

7 Signaling the attack was more about did  
8 other people know. As I said in our safe  
9 school initiative they did not directly  
10 threaten the school ahead of time, but they  
11 were talking about it to other students. I'll  
12 talk a little bit about that in the findings.  
13 And then advancing attack and resolution, we  
14 know from all kinds of data that these  
15 incidents for the most part stop before law  
16 enforcement can actually act in response.  
17 These kind of incidents usually occur in about  
18 one to five minutes. Sometimes it goes to  
19 fifteen minutes. So, just as important as it  
20 is to do active shooter responses and  
21 preparation it's just as important that we want  
22 to stop these things before the person even  
23 shows up, and that is why having effective  
24 threat assessment programs in place is the  
25 basis for prevention.

1           So, just in terms of my center and what  
2           we've done, since the publication of the  
3           original study looking at school violence and  
4           establishing the threat assessment programs in  
5           schools we've conducted over four hundred fifty  
6           trainings to over ninety-three thousand school  
7           personnel, mental health professionals,  
8           counselors, and law enforcement. We just did  
9           one a few weeks ago, we had seven hundred  
10          people in the audience in Kansas. I think a  
11          lot of people really want this information, and  
12          when we travel and do training across the  
13          country we're also at times meeting with  
14          specific schools, or specific law enforcement  
15          agencies to find out about best practices and  
16          challenges, so we do learn a lot even just from  
17          going around and doing the training for  
18          schools, and for law enforcement.

19          Currently our new initiative that we  
20          launched this year is we're producing a guide  
21          on school safety. It's actually going to be  
22          released on Thursday of this week, hopefully,  
23          unless something happens while I'm gone, but  
24          that's the plan. The guide is how to enhance  
25          school safety using a threat assessment model.

1 It actually outlines the steps for creating  
2 these types of plans in schools. Obviously,  
3 they need to be tailored to the state, the  
4 district, and the agency, and the school's  
5 resources, but I think that guide is going to  
6 be really helpful for the community. It's  
7 basically based on the years of training that  
8 we've been doing and studying these types of  
9 incidents. So, that's coming out on Thursday.

10 We're also launched a new research study  
11 looking at more recent incidents of K-12  
12 targeted school attacks as an update basically  
13 to the original research that the agency has  
14 done. We're hoping to release that in March.  
15 It takes a long time to do a research project,  
16 so I always have to have the caveat of we need  
17 to, we need more time to be able to do it, but  
18 we are aiming to release it in March of 2019.  
19 After that our agency is going to launch a huge  
20 training initiative where we're going to go out  
21 all over the country and basically provide  
22 training based on the findings of the study,  
23 and also the guide that we've released.

24 So, just -- these are just a sample of  
25 incidents that are included in the new study

1       that we're doing. I just wanted to highlight  
2       that they run the gamut. In that first case  
3       that you see this was a twenty-four-year-old  
4       male who went back to his school and shot and  
5       killed a coach. He actually had a good  
6       relationship with the coach. He used to be  
7       part of the sport program. The coach was a  
8       family friend, but that individual started  
9       experiencing mental health symptoms, and he was  
10      experiencing delusions and hallucinations.  
11      Part of those delusions was that he became to  
12      believe that the coach is conspiring with  
13      others against him and trying to send people  
14      after him. It was part of his mental illness.  
15      In fact, I believe -- we're still researching  
16      these cases, but I believe he was released from  
17      a hospital just a few days prior to the  
18      shooting.

19             The next one is a student who was a  
20      seventeen-year-old who shot and killed the vice  
21      principal. He actually had gotten suspended  
22      that morning for nineteen days by the vice  
23      principal. He had driven his car over the  
24      football field and left tracks in the field,  
25      and was suspended, and then he went home, got

1 his father's service weapon, his father was a  
2 law enforcement officer, and came back and  
3 carried out the shooting.

4 And then in the last one it was a female  
5 student, we're still researching that incident  
6 as well to find out more about her background,  
7 but she really was experiencing a lot of  
8 problems, and she just wanted to, her goal was  
9 to carry out an attack, and then she was hoping  
10 that she would be killed. In that instance she  
11 used a knife.

12 So, just to highlight that in the, in the  
13 school study that we're looking at we're not  
14 just looking at gun violence, we're looking at  
15 lethal intention, a student who wanted to carry  
16 out a lethal intention against the school.  
17 Obviously predominantly they are firearms, but  
18 there are also other types of weapons that are  
19 being used.

20 Just to kind of highlight the big picture  
21 of school safety we got this from the  
22 Department of Education and Justice that  
23 released the school safety stats, and the  
24 latest one that was released in 2017, that  
25 there are a lot of polls on school resources in

1 terms of security and safety. As you see the  
2 majority of them involve simple assault, some  
3 are theft. Serious violent incident is  
4 comprised a certain percentage up there, and  
5 homicides obviously are the biggest impact, and  
6 what we want to prevent, so today I'm talking  
7 about a slice of the pie that doesn't even show  
8 up on that, and that is this targeted school  
9 violence, and how can we prevent that.

10 So, here is some of the findings that,  
11 from the safe school initiative. They are  
12 listed in the study reports, and in the guide,  
13 and really these findings, and the other  
14 incidents that we've studied over the years,  
15 inform what schools should be looking for when  
16 they're doing a threat assessment process,  
17 because we're looking at the prior behaviors,  
18 and we're learning from these incidents so that  
19 we can prevent future attacks.

20 We know that these are not sudden, that  
21 these people have thought about their attacks  
22 prior, ahead of time, and had some kind of  
23 advance degree of planning, as I said. Even  
24 though the majority of these students did not  
25 directly threaten the school prior to their

1 attack we do know that the majority of them  
2 have talked about violent intentions to other  
3 students.

4 When the safe school initiative came out  
5 that was 2002, so technology wasn't what it was  
6 today, but back then in eighty one percent of  
7 those cases other kids at that school, or a  
8 sibling, or a friend, or a peer, knew about  
9 that student's intention. They either knew  
10 that they planned an attack, or they knew that  
11 they had talked about it, and that's in eighty  
12 one percent of the cases. That actually was  
13 such a significant finding for us as an agency  
14 that we did a follow up report that we also  
15 released on the website. We call it the  
16 bystander report, because in that report we  
17 wanted to understand how is it that in eighty  
18 one percent of these incidents other kids knew  
19 and they did not report it, why do some kids  
20 report this information, and why do some kids  
21 don't.

22 And the findings of those reports were  
23 quite significant. It actually set the stage  
24 sort of for schools establishing safe school  
25 climates, because we found out from studying

1       those kinds of incidents and talking to those  
2       bystanders that the relationship they had with  
3       the school made a difference, some misjudged  
4       the immediacy of it, some thought the attacker  
5       was joking around. Having a trusted adult  
6       relationship at the school was one of the most  
7       important things in terms of prevention.

8               There is no accurate useful profile, so  
9       it's not just the loner, it's not just the kid  
10      who's struggling academically. What we've seen  
11      from these incidents is that they varied in  
12      their academic performance, they varied in  
13      their family life, some were from two home, two  
14      parent families, some were not. The majority  
15      of people in the original, the students in the  
16      original study were As and Bs, they were  
17      mainstream students. They were not what you  
18      would normally think of as the loners, and the  
19      ones that are kind of isolated. It really runs  
20      the gamut, and that's why I encourage that we  
21      don't focus on kind of one set of  
22      characteristic or behavior.

23             Most attackers however did engage in  
24      behavior that concerned others, and we see that  
25      not just in the school setting but also in the

1 other studies that we do on targeted attacks,  
2 is that these people are eliciting concern in  
3 those around them. And the concern ranged from  
4 their behavior changing, whether sudden  
5 dramatic changes to actually them talking about  
6 planning or talking about some kind of violent  
7 intention. Many had exhibit -- in fact almost  
8 every attacker in a safe school initiative had  
9 experienced a significant personal stressor,  
10 whether it was a loss of status, whether for  
11 example being kicked off the football team, or  
12 a more significant loss of a relationship, loss  
13 of a family member, also loss of, sort of  
14 personal setbacks and challenges that they were  
15 experiencing.

16 So, that was very significant, stressors  
17 are one of the biggest things that we see in  
18 every single, almost every single incident of  
19 targeted violence that we study we see that  
20 there's a significant stressor that occurred in  
21 that person's life in the year leading up to  
22 their attack.

23 For the school kids that carried out those  
24 attacks in the safe school initiative, the  
25 majority of them had experienced depressive

1 symptoms as well, and some had suicidal  
2 thoughts, and thought about suicide, or they  
3 attempted suicide. Many felt bullied and  
4 persecuted, we know that, that's been around  
5 for a long time. A lot of schools and states  
6 now are enacting this anti-bullying legislation  
7 just because of the significant affect that  
8 bullying has, not only on targeted school  
9 attacks but also in suicide, and that's a big  
10 component of threat assessment, is the suicide  
11 prevention and awareness, because as we say a  
12 suicidal person could be a homicidal person,  
13 because that might be the method that they  
14 choose to kind of take out, take out their own  
15 life.

16 Many had access and used weapons in the  
17 past, and so in the safe school initiative two  
18 thirds of those students acquired their weapons  
19 from the home. And we're gathering information  
20 in the new study about that as well.

21 So, what does this all mean in terms of  
22 threat assessments in school? So, basically  
23 what we know, that the goal of the threat  
24 assessment, and this is what a threat  
25 assessment is, because I know there's a lot of

1        confusion sometimes about these terms, threat  
2        assessment, risk assessment, vulnerability  
3        assessment, physical assessment, but a threat  
4        assessment is basically having a process in  
5        place where you want to identify people who are  
6        engaging in concerning behavior or may be  
7        experiencing some significant distress. You  
8        want to gather information from multiple  
9        sources and corroborate that information so  
10       that you can make an informed assessment  
11       whether this person poses a risk of violence or  
12       engaging in some other hostile behavior.

13                Once you identify these individuals,  
14       collect the information, do the assessment,  
15       then you're going to have to manage that, and  
16       what does that mean, and what intervention  
17       strategies to put in place. And I'll talk  
18       about that throughout the presentation. That  
19       second field that you see, the second bullet  
20       about targeted violence involves, we know from  
21       studying these attacks that violence occurs  
22       when you have an individual who is experiencing  
23       certain stressors or significant events in  
24       their lives and is operating in a situation  
25       that condones or permits violence, takes out an

1           action against a specific target.

2           These four elements should guide every  
3           threat assessment investigation. The first  
4           thing you're going to be looking at is the  
5           person who came to your attention. You want to  
6           look at their behaviors -- and I'll talk in a  
7           little bit more detail about what to look for,  
8           but their behaviors, have there been any  
9           significant events in their life recently, and  
10          how have they coped with them, and how have  
11          they cope in the past, because obviously how  
12          they cope with things in the past can predict  
13          the future.

14          We also want to find out what situation  
15          are they operating in, do they have supports,  
16          are they associating with friends or peers that  
17          might be condoning or engaging, or even  
18          spurring them on in this kind of behavior. And  
19          then if they do pose a risk then who could they  
20          pose a risk to. That's one of the things that  
21          we do as an agency, is that when we're to  
22          assessing individuals who come to our agency's  
23          attention for having an inappropriate interest  
24          against one of our protectees, sometimes we  
25          don't think that they actually are, pose a

1 threat to our protectee, but in the process of  
2 gathering information, and I'll talk about the  
3 systems approach, we identify, you know what,  
4 you know, they're making these comments about  
5 the school district, they're making comments  
6 about a neighbor, they're saying these things,  
7 so we are, we do our due diligence, and we  
8 always work with local law enforcement to make  
9 sure that they are aware if we are concerned  
10 about someone in the community from the  
11 investigations that we do.

12 So, just to highlight to you, just in  
13 terms of prevention, and as I think someone  
14 talked about this earlier, we're never going to  
15 know what we've prevented through our  
16 interventions, but it is still the best  
17 practice out there in terms of trying to  
18 identify people and get them the help that they  
19 need to mitigate any risk they pose. So, right  
20 after the safe school initiative was released  
21 there was a school in New Bedford,  
22 Massachusetts that took the findings of the  
23 study and started enacting threat assessment  
24 program in their school, and they worked every  
25 closely with their local law enforcement agency

1 on establishing threat assessment program, so  
2 they were very familiar with it, they had just  
3 started enacting it just a little while before,  
4 and one of the things that they tried to do was  
5 set up a climate within the schools where  
6 students feel comfortable talking about it.

7 So, one of the students overheard two, a  
8 couple of other students talking about a plan  
9 to bring guns and bombs and carry out an attack  
10 against faculty and students at the school.  
11 She had -- she knows one of the administrators,  
12 and felt quite close to her, so she actually  
13 told that administrator that she overheard  
14 this. That immediately started an  
15 investigation, and they started working within  
16 the protocols that they established for threat  
17 assessment, with especially involving the  
18 principal and the school resource officer.

19 As this was happening a second student who  
20 was actually a part of this group of kids that  
21 was plotting this attack told her favorite  
22 teacher, she was a, she's a former student at  
23 that school but she really liked one of the  
24 teachers, and felt very close to her, and she  
25 didn't want her to be hurt, so she told her

1 teacher about this plot even though she was  
2 part of this plot itself.

3 Local law enforcement quickly acted. They  
4 discovered a house that had bombing material.  
5 On that Tuesday a janitor found a note. This  
6 was all happening within that same time frame,  
7 found a note alluding to something bad  
8 happening on a Monday. This was the week right  
9 before the Thanksgiving holiday, so he found  
10 the note on the Tuesday before Thanksgiving.  
11 By Saturday everything had been acting on those  
12 kids were arrested, and parents were notified,  
13 the schools were notified, and school began  
14 again on Monday in a normal way.

15 So, this is just sort of an incident that  
16 occurred really right after the safe school  
17 initiative came out, so there is some points to  
18 note with that, is that why was this incident  
19 prevented, a student felt comfortable coming  
20 forward and sharing information, the school had  
21 procedures in place to kind of follow up, and  
22 they'd already started working on plans with  
23 their local law enforcement. The investigation  
24 focused on the students' behaviors, not whether  
25 those students had come to attention from

1 making threats in the past. The team focused  
2 on whether the student posed a threat, as  
3 opposed to having made threats, as I just said.  
4 It took place over the Thanksgiving holiday,  
5 but they acted on it immediately, regardless of  
6 whether school was in session or not. And the  
7 school worked very closely together with local  
8 law enforcement.

9 So, there's a lot of benefits to this  
10 approach. Donna is going to be coming on after  
11 me to talk about the Virginia model. Some of  
12 the research that the University of Virginia  
13 has shown, is not only does this threat  
14 assessment model, is effective for preventing  
15 school violence, but it actually has other  
16 positive affects as well, such as decreasing  
17 rates of bullying, encouraging students to come  
18 forward with information, more positive  
19 attitudes in school climates because you have  
20 to have transparency when you're training and  
21 doing awareness for parents, students, as well  
22 as the threat assessment professionals at the  
23 schools. So, a lot of positives can come out  
24 from having this.

25 Specifically for creating a plan, this is

1 a chart we just put together that we use for  
2 our training just to kind of give you an  
3 overview of a targeted violence prevention  
4 plan, as I said we call it a targeted violence  
5 prevention plan, but actually it also has a lot  
6 of prevention positive effect, in terms of  
7 reducing the rates of suicide in that as well,  
8 because you should be able to if you're having  
9 these systems in place, to get reports on  
10 suicidal kids, and other kids experiencing  
11 distress.

12 So, basically the first thing, and you've  
13 heard this before in other presentations I'm  
14 sure, is having the threat assessment team.  
15 You have to have in your protocols defined what  
16 are they, not just the prohibited behaviors  
17 that would immediately trigger a law  
18 enforcement response or a threat assessment,  
19 but also some of the lower level threshold  
20 behaviors that I'll talk about. You have to  
21 have a control reporting mechanism for this  
22 information to come in, and how is going to be  
23 following up with that. Again, I'll be talking  
24 in more detail about each of these thresholds  
25 for law enforcement intervention that needs to

1 be built in the plan.

2 Having clear investigative procedures with  
3 rules and responsibilities, what information to  
4 gather, who's going to interview, who's going  
5 to do it, who's going to follow up and  
6 document, having risk management options,  
7 because those are our intervention strategies  
8 after you've gathered your information.

9 Insuring that a safe school and a safe climate  
10 in the school is part of your plan, because if  
11 you do not have a climate in the school  
12 conducive to reporting, or empowering students  
13 to come forward with information, this plan  
14 won't work, so it's important to have  
15 considered multiple aspects of threat  
16 assessment. And finally, having training.  
17 Without training nothing works. We know that.  
18 We know that from active shooter trainings, and  
19 other types of trainings just that you do for  
20 normal everyday things.

21 So, these are the components of the plan.  
22 The very first part is the threat assessment  
23 team, they talked about it this morning. These  
24 are some of the members that sit on a threat  
25 assessment team. We always recommend having

1 permanent members, not only because they  
2 provide a continuity, but also, it's, it's a  
3 team. To be a team you have to work together  
4 over time. You have to know your roles and  
5 responsibilities. You have to know what things  
6 you've discussed in the past, how it's going to  
7 inform your assessments in the future. That's  
8 very important, because as you're going through  
9 getting these different student evaluations  
10 that you're doing then if you're team is always  
11 rotating you're not going to know what you  
12 learned from each evaluation to inform the next  
13 one.

14 You begin to see a pattern. You begin to  
15 see what interventions are working and what are  
16 not, so it's really important to have permanent  
17 members as part of a team, and then having the  
18 others come in as needed, as was talked about  
19 earlier. I have to say, I didn't say this in  
20 the front, but, you know, at the Secret  
21 Service, and doing this kind of work, we're  
22 always making recommendations, we're never  
23 dictating, so everything has to be tailored to  
24 that agency, that schools' resources, and  
25 obviously keeping in mind some of the statutes

1 and the regulations at the federal and state  
2 level.

3 You can have district as well as school-  
4 based teams. When we travel all over the  
5 country doing training and we meet with schools  
6 I've seen different versions of these teams.  
7 Sometimes they're called behavior intervention  
8 teams, sometimes they're called threat  
9 assessment teams, really the name of the team  
10 is sort of up to the school, or the district,  
11 that's something that can be a point of  
12 discussion. One of the things that I saw that  
13 was a really good model, I believe it was in  
14 Massachusetts, they call their threat  
15 assessment team an assessment and care team,  
16 because sometimes the words threat assessment  
17 connotes this sort of uncomfortable in  
18 parents, or in others, so it's called an  
19 assessment and care team because really it  
20 highlights the continuity of the continuum of  
21 behaviors that could come to attention.

22 And I can't highlight it just enough, it's  
23 not just about making a threat, it's about a  
24 continuity of concerning behavior that you want  
25 to be aware of, and you want to know that this

1 team is not only going to be identifying this  
2 concerning behavior, they're going to assess  
3 it, and they're going to provide care for my  
4 child, or the individual who is experiencing  
5 distress. So, these are just some options that  
6 we've seen being done in different areas of the  
7 country.

8 As I said earlier we need to define these  
9 in our protocols, the concerning and prohibited  
10 behaviors. Obviously, some of the prohibited  
11 behaviors are sort of obvious, bringing a  
12 weapon to school, engaging, in violence, making  
13 a threat, sexual attacks, anything that  
14 involves a danger to the safety of the school,  
15 of the person. But you should also set a low  
16 threshold for the other concerning behaviors  
17 that the team would want to know about, and  
18 that may launch an inquiry. And that's if  
19 there's dramatic changes in behavior, if the  
20 person is experiencing distress, and is talking  
21 about violent intentions.

22 The guide that we're going to be putting  
23 out on Thursday is going to outline a lot of  
24 behaviors that, to kind of think about to  
25 include in your plan, in terms of being able to

1 intervene early. One of the biggest things  
2 that we highlight is early intervention is key  
3 to prevention. If we're intervening early with  
4 people, students who are experiencing distress,  
5 or engaging in behavior that might not rise to  
6 the level of the obvious, right, like bringing  
7 a weapon or physical violence, or making a  
8 direct threat, we need to intervene before,  
9 intervene before they even get to the level  
10 where they're thinking that violence is my  
11 option to solve this problem that I'm in. So,  
12 these should be part of the protocols.

13 The control reporting mechanism, that's  
14 been talked about already, it got talked about  
15 this morning. One of the things that we like  
16 to highlight is to make sure there's  
17 accountability, so if you're putting something  
18 in place -- we work a lot with different people  
19 in terms of reporting of information, so you  
20 want this system to be trained to everybody,  
21 because you want students to report, you want  
22 parents to report, you want other people to be  
23 able to report this information, because people  
24 have different pieces of the puzzle, right,  
25 we've seen that before. One person, a student

1        may know, a parent may not know, and  
2        vice-versa, so you want to be able to train  
3        people on what to report, what are the  
4        concerning behaviors that should be reported,  
5        because sometimes it's not obvious. Even --  
6        even when schools have really robust threat  
7        assessment programs in place it's not going to  
8        be perfect, but you want to make sure as much  
9        as possible that people know that I don't need  
10       to wait until someone makes a direct threat or  
11       posts a picture of themselves on a social media  
12       site with a weapon, to know that I need to  
13       report it. I need to report maybe if someone  
14       is talking about violent intentions, or maybe a  
15       student is being bullied, or maybe they're  
16       cutting themselves, any kind of behavior that  
17       could indicate that that person is engaging in  
18       some form of concern or has experienced a  
19       significant stressor.

20                So, not only having this mechanism in  
21       place for reporting, training on this, but you  
22       also have to have follow up, and who's going to  
23       follow up with it. One of the programs right  
24       after Columbine put in place to improve kind of  
25       reporting in Colorado is Safe to Tell. They

1 have a great program. I know the director of  
2 Safe to Tell, she does a lot of work all over  
3 the country in doing training, and you can read  
4 it on their website, they talk about the  
5 challenges they faced when they first put this  
6 hotline in place, because back then this was a  
7 hotline, and some of the lessons learned. A  
8 lot of kids report things at like 2:00 a.m., or  
9 1:00 a.m., so is there someone that's going to  
10 be getting this information at 2:00 a.m. or  
11 1:00 a.m., so thinking about, if you're  
12 establishing these reporting mechanisms who is  
13 going to be getting this information and being  
14 able to immediately act on it. If it's within  
15 a school then it should be really a member of  
16 the threat assessment team that is in charge,  
17 it's spelled out in the protocols who should  
18 check this and who should be the backup, and so  
19 on, so having these kinds of protocols and  
20 plans in place -- one of the things else to  
21 establish in your protocols is the threshold  
22 for local law enforcement intervention. This  
23 is why it's important to have local law  
24 enforcement involved in the planning initially,  
25 having a school resource officer or a member of

1 the local law enforcement on the team. In some  
2 counties that we visit the school hires, the  
3 school board, or the school district hires the  
4 school resource officers. In others it's  
5 actually local police department detailing a  
6 police officer to the school, so it's important  
7 to have a relationship with local law  
8 enforcement, a lot of times they are the  
9 resource officers, and then your plan needs to  
10 spell out at the point in which local law  
11 enforcement is involved. Obviously, anything  
12 involving imminent safety, that should  
13 immediately warrant notification of law  
14 enforcement, but sometimes they may be involved  
15 in other areas of the process as well.

16 Not every inquiry that a threat assessment  
17 team does should involve law enforcement,  
18 because if you get a report about a student  
19 being bullied, and you're trying to put a plan  
20 in place maybe assessing that teen, that's not  
21 going to be a local law enforcement issue, so  
22 thinking about what is the threshold, the  
23 minimum threshold for working with law  
24 enforcement. And when we do training for  
25 school and law enforcement it's usually a

1 combined audience, sometimes it's surprising  
2 how people feel like they can't share  
3 information, so I'll tell the school that I'm  
4 talking about a specific case example, would  
5 you have notified law enforcement at this level  
6 of your assessment, and let's say it was quite  
7 concerning but not a criminal act, and they  
8 said, no, we don't think that law enforcement  
9 would want to be involved at this level, the  
10 kid hadn't committed a crime. Then I turn to  
11 the law enforcement and say would you have  
12 wanted to be involved or know about this kid  
13 and work with this school, and they said, yes,  
14 we would want to know. So, there's a lot of  
15 information sharing that needs to be kind of  
16 put in place between schools and police in  
17 terms of working together.

18 Establishing investigative procedures,  
19 this is the longest part of the plan because  
20 this is the part where you're going to outline  
21 the roles and responsibilities of team members,  
22 who's going to do what, who's going to  
23 interview the reporting party, who's going to  
24 report, interview the student that elicited  
25 concern, who's going to be in charge of

1 gathering information from multiple aspects,  
2 and we'll talk about that, who's going to  
3 follow up on certain avenues of investigation  
4 that you may not have thought of, and who's  
5 going to be involved in the assessment process,  
6 and to convene in all of that.

7 So, these protocols have to be spelled out  
8 ahead of time, especially about what kind of  
9 information to look for, who to talk to, and  
10 how to document that. So, in years of research  
11 we know that there are several themes that  
12 guide our threat assessment, and we do this as  
13 an agency, and this is being done now to  
14 prevent workplace violence, in terms of the  
15 science leading the practice, so these are the  
16 overhead sort of look, birds eye view of what  
17 should guide your assessment, and I'll go into  
18 each one.

19 So, in terms of gathering information,  
20 when you first get -- and you're going to be  
21 using this approach to gather information about  
22 all those things. This is what we call the  
23 community systems approach, that means when  
24 someone comes to our agencies attention the  
25 first thing we're going to do is interview

1       them, we're going to interview everyone around  
2       them to gather information because people  
3       present differently in different scenarios, so  
4       a kid at school may act one way, at home they  
5       act in a different way, at their after school  
6       club, or hobby, or soccer game, or whatever, in  
7       front of their coach they may act a different  
8       way. And each of these individuals have a part  
9       to play in forming an accurate picture of an  
10      assessment, so it's about finding what that kid  
11      is involved in.

12             So, if a student, if you're doing an  
13      assessment on a school you need to be asking  
14      their classmates about their behavior, talking  
15      to other students, talking to their teachers,  
16      do they, are they involved in after school  
17      activities. And this is where the SRO's come  
18      in as well, because they actually are very  
19      engaged in some of the districts I've met with,  
20      in terms of being engaged with the threat  
21      assessment process, going out with the school  
22      officials, interviewing. And if you have  
23      training ahead of time, and transparency ahead  
24      of time, that's, I talk about this a little bit  
25      as part of the training, that takes away from

1 sort of the fear of, you know, oh, this  
2 person's asking about my student, or my child.

3 Just to highlight to you the importance of  
4 that, every time we study these incidents we  
5 find out after the fact, and this is across all  
6 types of targeted attacks, that different  
7 people had, were concerned, but a lot of times  
8 they weren't sharing information, and so this  
9 really should be guiding how we're doing our  
10 assessment, and corroborating information,  
11 because we want to paint a holistic picture of  
12 that person.

13 In one incident that we're studying in, in  
14 the new school attacks research that we're  
15 doing, this one incident happened in 2016.  
16 There was a fourteen-year-old who carried out  
17 an attack against the school, it was actually  
18 the playground of an elementary school. When  
19 you look at the information that was available  
20 on this kid if you do an assessment, let's say  
21 he had come to attention, and you look at to  
22 gather information, obviously it's easy for me  
23 in hindsight, I'm studying something that  
24 already happened, but this is really important  
25 because you find out that the family was

1 concerned, they had found some notes he had  
2 written.

3 This fourteen-year-old had actually killed  
4 his father on his way to the school to carry  
5 out the attack. So, there were a lot of  
6 concerns at home. He had just been recently  
7 suspended from his middle school because he had  
8 become more volatile. So, if you talk to the  
9 teachers and the other classmates at the middle  
10 school you would have found out that his  
11 behavior had escalated, he'd become more  
12 volatile, he thought he was being bullied, he  
13 was complaining about that, and he one day  
14 brought a, in his backpack a machete and a  
15 hatchet, that another student saw, and that  
16 student immediately reported it to the  
17 principal, and that's why he was suspended.

18 He was also arrested, so you would have  
19 had judicial contact, and law enforcement  
20 contact information on him. He had -- his  
21 hobbies was joining all these game forums and  
22 online sites, and he had a lot of interest in  
23 violence, weapons. He talked about bombings.  
24 He talked about wanting to carry out attacks,  
25 wanting to kill people online. So, you could

1       see the types of information that the different  
2       systems had on this kid.

3               So, some of the key themes that we look  
4       for, and why it's important to gather  
5       information from multiple sources is, one of  
6       the biggest things is when a kid gets referred  
7       for a threat assessment, when a student gets  
8       referred, you want to find out why did they  
9       engage in the behavior that elicited concern,  
10      whether it was a statement or a behavior that  
11      they had been exhibiting. Finding out the  
12      motives for why a student elicited concern in  
13      someone will find out what their goals are. We  
14      see that in a majority of these incidents,  
15      that's students wanted revenge for some  
16      personal slight, or personal injury that they  
17      felt they suffered, whether it was in the form  
18      of bullying, or someone taking action against  
19      them for something, they wanted to gain  
20      attention, they wanted to bring attention to a  
21      problem they were having.

22              One of the things that we see as a  
23      recurring theme is they think this is the only  
24      option sometimes they have to solve a problem,  
25      is that they're going to engage in violence to

1 solve a problem, or right a wrong. So, that's  
2 why it's important when someone come to  
3 attention, is to find out why are they engaging  
4 in that behavior.

5 Then you obviously want to find out what  
6 kind of communications have they made,  
7 communications come in on multiple forms. They  
8 could have made in person communications to  
9 friends, family, other adults. Believe it or  
10 not, you still see these kind of concerning  
11 themes being turned in to assignments, and I'll  
12 show you a couple of examples from the past.  
13 Obviously social media is huge now, and we all  
14 know that online, they post online about it.  
15 So, you want to find that, where to gather that  
16 information from, and where are they  
17 communicating, and then you want to know the  
18 content of the communication, are they talking  
19 about suicide, are they talking about violent  
20 intentions, and what have they been saying.

21 Also, their communications will give you  
22 information as to what's going on in their  
23 life, because a lot of times they'll post  
24 about, oh, you know, my teacher doesn't do  
25 anything, and I'm getting bullied, or like

1       they'll post even about their stressors, and  
2       the other important themes to kind of look for.  
3       You want to know if they have an unusual  
4       interest in violence. We've seen this before,  
5       where they're talking about it, they're  
6       researching past attackers. Columbine has  
7       almost become -- the Columbine attack has  
8       almost become sort of the symbol for mass  
9       attacks. Not even just in school shooters, we  
10      have cases where, there's one that, a case that  
11      occurred in Las Vegas where two police officers  
12      were shot and killed that were, it's part of  
13      our research, and we do training on it, they  
14      posted about their admiration for the Columbine  
15      shooter, so it's not even just the school kids  
16      that are talking about it, it's other types of  
17      well. And you see that a lot, this interest in  
18      other mass attacks, violence, and perpetrators  
19      of violence.

20             You want to know if they have a  
21      fascination with weapons. They will post about  
22      it, they will talk about it. It's rarely  
23      hidden if they do. And then obviously if  
24      someone comes to the attention, and that you  
25      are concerned about, you want to know, and we

1 do that as well, do they have access to  
2 weapons. If there are weapons in the home how  
3 sophisticated is the family about their need  
4 for securing those weapons and are there -- if  
5 you do find -- if you do determine that this  
6 kid poses a risk make sure you work, obviously,  
7 with the families to be able to secure these  
8 type of weapons. So, these are the things to  
9 kind of think about. In some of the cases that  
10 we've seen some of the family members didn't  
11 even know that their child knew that they had a  
12 weapon in the home. Others did, and they had  
13 it safely locked but the child was able to get  
14 access to it, so it's important to think about  
15 the access issue.

16 This is just an example. When we do these  
17 trainings, as I said they're usually like four  
18 hours long, we use a lot of case examples to  
19 highlight, because I can sit here and just talk  
20 about look for this behavior, look for this  
21 behavior, it's always important to use examples  
22 of what's occurred in the past so that we learn  
23 from it. This is a tweet that one student in  
24 one of our, in the report that we're working on  
25 now. He had posted this over a series of time

1 frames on his Twitter, and starting around  
2 September 20th, which was about a month prior  
3 to the incident.

4 He had broken, he had, his girlfriend had  
5 broken up with him, and he was very upset about  
6 it, so he started to post this kind of language  
7 on his Twitter. You see it gets progressively  
8 worse. This is October 13th. You can see that  
9 his tweets were getting sort of more agitated,  
10 he was more angry. You could see that he was  
11 saying things that indicated that he was  
12 hopeless, despair. These are some of the  
13 behaviors that we would want to look for, and  
14 I'll talk a little bit about that, that there  
15 might be indications that he might want to  
16 commit suicide.

17 So, these are the tweets he posted in the  
18 weeks leading up to the incident. His incident  
19 was he showed up at his school at lunchtime and  
20 he shot and killed five, sorry, shot five  
21 students, four were killed. The interesting  
22 thing is that most oftentimes when we think of  
23 these type of incidents, we're thinking this  
24 person is exacting revenge, and that is the  
25 majority of the time.

1           But I like to highlight this case because  
2           he actually picked his five closest friends,  
3           two of them were his cousins, and the reason he  
4           did that is because he was suicidal, he wanted  
5           out, he didn't want to be alone, he wanted his  
6           best friends with him. He called them his ride  
7           or die crew. So, he actually shot those kids  
8           because they were the closest to him and he  
9           wanted them with him. So, just -- I like to  
10          use these examples just to highlight, because  
11          we've become so fixated on sort of one  
12          checklist, one way of thinking about these type  
13          of incidents, that we need to really be  
14          assessing all kinds of -- and this is when I  
15          talk about when suicide can become a homicide.

16          In another incident, this is another  
17          perpetrator, it just shows you that they are  
18          posting about it. He actually had a YouTube  
19          channel where he was making explosives at home.  
20          I'm sorry, this was not a perpetrator, this was  
21          actually a diverted plot. I don't know if you  
22          remember a couple of years ago this woman was  
23          looking out the window and she saw this kid  
24          walking across the backyard and she thought he  
25          was acting suspicious, there were storage units

1 back there, and she thought he was acting  
2 suspicious, he was kind of hiding, and when he  
3 got to the storage unit he was taking a while  
4 to open it, so she called local law enforcement  
5 because she thought maybe he was trying to  
6 break in and steal.

7 When local law enforcement arrived, he was  
8 in the storage unit, and the storage unit was  
9 filled with weapons, ammunition, and bomb  
10 making material. He actually had a plot to  
11 kill his parents and go to the local school,  
12 his local school, and carry out an attack. In  
13 the months leading up to the incident, he  
14 started thinking about it nine months before,  
15 he was post, he was going out and practicing  
16 with explosives, he was acquiring materials,  
17 and he was actually posting that on a YouTube  
18 channel, him detonating explosive devices.

19 He involved some other friends and  
20 classmates in those, and he later said when he  
21 was arrested that he did it to test to see who  
22 would be sort of encouraged to kind of act out  
23 the attack with him, so he was kind of testing  
24 these friends by involving them in some of his  
25 explosive things.

1           So, these are just some examples of, just  
2           to kind of highlight that the variety of  
3           behaviors can exhibit. A lot of this  
4           information is out there, and this is why we're  
5           not going to prevent every incident. But,  
6           having effective threat assessment programs  
7           really will help us identify individuals who  
8           are doing these kind of things, and engaging in  
9           concerning behavior. As I said, one of the  
10          biggest things we want to find out are the  
11          stressors. The majority involved stress  
12          involving a significant loss that the student  
13          had suffered, as well as maybe medical issues  
14          for a family member, so they could go through  
15          the stress of that. So, the stress may not be  
16          something happening to them directly, but it  
17          could be to a family member. We've seen that  
18          as well, so keep that in mind when you're  
19          gathering information.

20          Obviously, the bullying, so putting in, a  
21          lot of schools now are doing interventions.  
22          School climates really has a lot to do with  
23          intervening in these kind of incidents of  
24          bullying. You want to know are they  
25          experiencing hopelessness, despair, obviously,

1 we've talked a little bit about that, because  
2 if they are desperate, and they are hopeless,  
3 then they will be more likely to think that  
4 violence is the only acceptable solution to  
5 solve their problems.

6 If they are experiencing these things, and  
7 if they are experiencing stressors, one of the  
8 biggest things, that's sort of going back to  
9 the elements of looking at the person, the  
10 advanced situation and target, you want to  
11 examine how they coped in the past. One of the  
12 biggest things that we see is that these kids  
13 don't have the coping mechanisms and have not  
14 had the coping mechanisms to deal with these  
15 problems, and then they become so escalated,  
16 and so overwhelmed they start to lose hope,  
17 become more desperate, and then they start to  
18 act out their aggression by thinking of  
19 violence as an option. So, these are things to  
20 keep in mind when you're doing your assessment.

21 This is another example, so it's a poem  
22 that a kid turned into, in his English class.  
23 And I like to use this example because this was  
24 in 1993, so this is one of the students that we  
25 looked at, all the other cases I've been

1 discussing have been more recent ones, but this  
2 was back in 1993. This was a poem he turned  
3 into English class, and you can tell from the  
4 content of it -- I'll read some of it. I don't  
5 know if people can see it, but:

6 Sinking into that homicidal thoughts  
7 filling my head.

8 Suicidal thoughts not gone but fleeting,  
9 because it's other people's death I'm seeing.

10 Suicide or homicide, homicide and suicide,  
11 into sleep I'm sinking, why me I'm thinking.

12 Homicidal and suicidal thoughts  
13 intermixing, I know my life's not worth  
14 fighting.

15 So, he had turned this poem into an  
16 English assignment. The English teacher took  
17 the poem and gave it to the principal. The  
18 principal gave it to the school board, and the  
19 school board after looking at it, think this  
20 was 1993, this was pre-Columbine and some of  
21 the other incidents, the school board decided  
22 this was a family matter and that's not  
23 something they needed to intervene in. This  
24 kid was depressive, he had attempted several  
25 suicide attempts in the couple of weeks, and in

1 fact I believe even the night before leading up  
2 to his attack against the school. This was in  
3 Kentucky. He came to the school, and he  
4 actually shot and killed the English teacher  
5 and a janitor. And it's quite tragic because  
6 she had tried to intervene in this.

7 One of the things that this highlight is  
8 this whole desperation, suicidalness, and also  
9 thinking as when he was -- he was actually  
10 arrested after, he did not commit suicide. I  
11 know in a lot of these incidents sometimes they  
12 commit suicide, but he was arrested, and one of  
13 the things that he said was that he's been  
14 suicidal, he's tried to kill himself multiple  
15 times, he hasn't been getting any help, and he  
16 knew that if he killed two people in the state  
17 of Kentucky he would get capital punishment,  
18 and that he would get the death penalty. That  
19 was his goal. So, thinking about the different  
20 aspects -- he did not get the death penalty, by  
21 the way, he was prison, life in prison. But  
22 just thinking about the goals of these  
23 students, and why is it so important that we  
24 intervene early into their behavior.

25 So, you want to find out also, obviously,

1 as I just talked in that age group the majority  
2 of prevalence is going to be more related to  
3 depressive symptoms, as opposed to if you look  
4 at institutions of higher education, that's  
5 around the time when people are having their  
6 first psychotic breaks, so mental illness  
7 affect institutions of higher education a bit  
8 different developmentally than this level, so  
9 you really want to find out are they  
10 experiencing mental health symptoms, and what  
11 kind of symptoms and what interventions to put  
12 in place.

13 Are others concerned about the students,  
14 that's one of the most important one, and I  
15 talked a little bit about that already. And I  
16 talked a lot of about them exhibiting  
17 concerning behaviors, and that's going to be  
18 compartmentalized, it could be a friend, it  
19 could be a parent, it could be a sibling, it  
20 could be a neighbor, so that's why the  
21 importance of gathering information from  
22 multiple sources.

23 You want to find out are they organized  
24 enough to carry out an attack. This is why you  
25 don't see the concern as much at the elementary

1 school level, but at the middle and high school  
2 level obviously they're developmentally more  
3 organized. And as I said, do they have an  
4 attack plan, have they tried to get weapons, do  
5 they have access to weapons, and is there  
6 evidence that they've initiated and started  
7 planning, because obviously that would make it  
8 a lot more imminent.

9 And then looking at consistencies, so when  
10 you're collaborating information from multiple  
11 sources is what the student saying when you're  
12 interviewing them consistent with what other  
13 people are saying about them, and that's why  
14 it's important to gather information from  
15 multiple sources.

16 So, I've talked a little about all the  
17 sort of negative things that could be going on  
18 that you're gathering information on,  
19 stressors, or concerning behaviors, have they  
20 communicated, all that, but also remember the  
21 protective factors. These are the intrinsic,  
22 or maybe inherent things, or upcoming things  
23 that are positive that will mitigate a person  
24 from going sort of down that path of thinking  
25 of violence as an option.

1           So, a threat assessment protocol should  
2           not only be outlining behaviors and procedures  
3           for looking for the things that could  
4           facilitate violence, you also want to find out  
5           other things in this kid's life that are going  
6           to mitigate that, because that's going to be an  
7           intervention that you can use. Did they just  
8           enter a new relationship, are they about to  
9           graduate, did they get into a college that they  
10          want, are they on a sport team, is that sport  
11          team doing well, are they getting accolades.  
12          So, thinking about the factors that are  
13          positive, because that can be used to help that  
14          person kind of focus on the positive things,  
15          and it will help you access sort of where you  
16          can encourage them, and where you can get them  
17          the supports and the help that they need.

18          And then in terms of management option,  
19          obviously if there is an imminent risk that's  
20          going to be immediate. Having procedures and  
21          plans in place for that, this is why the role  
22          of law enforcement is so important. Management  
23          is going to be individualized for every  
24          student. There is no cookie cutter approach  
25          because each problem is different, but you

1       should have a set of management in place,  
2       interventions in place.

3               So, for us as an agency, our management  
4       has to be with the community of resources. A  
5       lot of times the individuals that come to our  
6       attention have not committed a crime so they're  
7       in the community. Sometimes it doesn't rise to  
8       the level of commitment, so you can't get them  
9       committed if they have mental health issues.  
10      So, how are we going to work with their  
11      families, how are we going to work with their  
12      communities to keep them safe?

13             It's the same in a school setting. One of  
14      the biggest things that we teach our own  
15      agents, but also when we go out and do these  
16      training, is building rapport, and building  
17      relationships, and building rapport and  
18      relationships before you need someone, and so  
19      for our agents it's going out and talking to  
20      local police, training them, providing training  
21      for them through us, so that's something that  
22      we do as a give back to the community, but it's  
23      also liaising with the mental health  
24      professionals in the communities to have them  
25      understand threat assessment process.

1           Threat assessment and risk assessment are  
2           two different things, so if you're talking to a  
3           mental health professional about risk  
4           assessment that has a very different  
5           connotation than what a threat assessment is,  
6           so it really is also educating stakeholders in  
7           the community that you want to use for your  
8           interventions before you even need them.  
9           Building those relationships, involving  
10          parents, as I said before in the assessment  
11          process, obviously you know this already,  
12          removing access to weapons if we really are  
13          concerned about that.

14          Providing counseling, mental health, again  
15          that's something that's been talked about  
16          already, identifying what other resources in  
17          the community can, can be put in place to help  
18          with whatever the issues the student is having.  
19          And then having adequate and fair, and that's  
20          going to talk about this a little bit at the  
21          safe school climate disciplinary procedures.  
22          So, let's say that you do have to suspend and  
23          expel, or expel a student, be cognizant that  
24          your plans should spell out what I'd like to  
25          call safe expulsion, and safe suspension, which

1 means that if you suspend or expel someone  
2 you've lost contact with them, right, as a  
3 school, and so you want to make sure what can  
4 you do to stay connected with that student  
5 during that time that they're not in the school  
6 or connected with you, or working with the  
7 parents or someone else, because there are a  
8 lot of negative, as we know, side effects to  
9 suspension.

10 A, you're not going to have information,  
11 this person you're not putting an eye on  
12 anymore because they're no longer at the  
13 school. They're going to be unsupervised, most  
14 likely their parents are working. They're  
15 going to lack any positive peer interactions  
16 that they may be getting from peers at the  
17 school, or even mentorship from school staff.  
18 So, we provide some examples in the guide about  
19 how to establish sort of peer support groups,  
20 teachers, what some people across the country  
21 are doing in front of support, so just thinking  
22 about the procedures at the school for  
23 suspension and expulsion, and how can you stay  
24 connected with that student so that you know if  
25 their behavior is deteriorating or if they're

1 getting better and improving, and if the  
2 interventions that you're putting in place are  
3 recommended.

4 And obviously taking legal action is  
5 warranted, that's already been discussed today.  
6 So, some of the components of a safe school  
7 climate, and this is spelled out in the guide  
8 that we're putting out, but also in the  
9 bystander study, is that it's a school that  
10 fosters a climate of respect, and has a  
11 positive effect on the students, to empower  
12 them. A lot of times that's looking at is the,  
13 does the school have equitable practices, so  
14 some schools are actually collecting  
15 information on their disciplinary measures,  
16 because they're going to look across and see am  
17 I being fair, am I, does this student exhibit  
18 this behavior, I gave this action at this time  
19 but when that student exhibited the same  
20 behavior it was this action.

21 So, looking across the different actions,  
22 do schools have processes in place for that,  
23 assessing expulsion and suspension rates, how  
24 am I doing that, what am I expelling, am I  
25 suspending for a period of time, what behavior

1 elicited that, and looking across, because if  
2 the schools are not doing that in an equitable,  
3 or systematic, or standardized method, the  
4 students are going to know it, because they're  
5 going to see it. They're going to say, well,  
6 when he did this he got this, when I did this I  
7 got that. They're very impressionable at that  
8 age, obviously, so the slightest injury or  
9 slights could make a difference.

10 Putting in programs, prevention,  
11 intervention, are bullying programs in place,  
12 threat assessment practices do pick up on that,  
13 but a lot of schools are doing a lot to foster  
14 a climate of respect. Ensuring that all  
15 students have the trusting adult relationships,  
16 in some schools, even in the middle and  
17 elementary school level, I met with, we met  
18 with one of the schools, and there are  
19 different things that teachers are doing, just  
20 little things that you can do, you'd be amazed  
21 at what a difference they make.

22 So, at this one school the teacher will  
23 ask the students periodically to write down, in  
24 her classroom, to write down the name of the  
25 students that they want to work on the next

1 project with. She collects that, she looks  
2 across it, and she looks for the name of the  
3 student that no one wrote, and then she will  
4 engage that student, and partner them with a  
5 popular outgoing student to get them more  
6 engaged, because we know that emotional  
7 connection is huge for students. If they do  
8 not feel emotionally connected to another  
9 student, or to an adult at that school, that is  
10 going to be detrimental to them. And if they  
11 are experiencing distress, and they are  
12 thinking of violence as an option, that's going  
13 to be a facilitating factor, so to be a  
14 mitigating factor you want them to feel  
15 connected to the school. That's just one small  
16 thing one teacher is doing to encourage  
17 connection.

18 We've seen it similarly, this other  
19 teacher doing it at the middle and elementary  
20 school level, what she does is she actually  
21 asks her elementary students, one of them asked  
22 the elementary school kids, similar, who did  
23 they want to sit next to, because at that level  
24 they're not doing projects, but who do they  
25 want to sit next to, and then same thing, she

1 will look across and the kid, and starting  
2 early on getting that kid connected, getting  
3 them to feel emotionally engaged to their peers  
4 in the school is very positive, will give us  
5 very positive outcomes.

6 These are just small simple things that  
7 will make a huge difference. They're not a  
8 drain on resources, but they really do have  
9 such a positive impact. And not only does it  
10 have a positive impact for the student who is  
11 isolated or disconnected but also in terms of  
12 empowering a safe school climate of positive  
13 culture in the school so that students will  
14 report when they notice that another student is  
15 experiencing problems.

16 So, using positive reinforcement right  
17 now, there's positive behavior intervention  
18 programs, you've probably heard of those, in  
19 terms of positive reinforcement is used. We  
20 met with a school in Virginia that, that was  
21 part of the outreach that my center does in  
22 terms of best practices. The reason we picked  
23 this school is because, well, it was local, I  
24 didn't have to ask the bosses for money to  
25 travel, but it was also because -- I'm just

1           kidding, they actually always support that.

2           But the reason we picked it is because we  
3           read about an averted incident that they had at  
4           that school, so we contacted them through our  
5           local field office, contacted the school and  
6           the local law enforcement, and we met with them  
7           to find out more information about the  
8           background and how that happened, and they  
9           actually had very robust programs in place.

10          And one of the things that they said was, you  
11          know, it was a student, and other students  
12          overheard, they reported it to a parent, the  
13          parent told the school. They found out about,  
14          this kid had talked about planning an attack.

15          But then it's what they did after the  
16          incident. Because a lot of to -- they had  
17          obviously sent an alert system, notified, and  
18          the kid, because they could not find the kid at  
19          the time so were making sure he wasn't coming  
20          to the school, it was kind of imminent at the  
21          time. But afterwards they announced on the PA  
22          system the students that came forward with the  
23          information, they gave them a lot of positive  
24          praise, so other students saw a positive  
25          outcome of tattling, because a lot of times,

1       you know, you got to break down these codes of  
2       silence and make sure kids understand, and  
3       that's part of the training, but they announced  
4       it in a positive way. They sent a letter out  
5       to all the parents. So, they did a lot of  
6       things in place after to show that this is  
7       good, this is a positive thing, you should  
8       report information, and they gave a lot of  
9       positive reinforcement for that.

10           This slide just kind of highlights some of  
11       the prevention, intervention. It's in your  
12       slides, but I won't go over it just in the  
13       interest of time. These are some things that  
14       the schools and districts are doing. So, some  
15       have these student assistant programs, which is  
16       where teachers meet and discuss students who  
17       are having just simple academic or behavioral  
18       issues. They meet on a regular basis just to  
19       come up with strategies that each teacher can  
20       use.

21           Peer assistance groups, these are support  
22       groups led by students to encourage students to  
23       come forward with information and provide  
24       support to overcome self-doubts. These are  
25       just little things being put in place that will

1 have such a positive long-term effect. And  
2 this is providing assistance, as I said  
3 earlier, at that lower sort of level of  
4 behavior, when a student is starting to  
5 experience distress, or you see a concerning  
6 behavior not rising to the level of violence.  
7 These are just simple things that are being put  
8 in place to someone who might be being  
9 depressed, someone who's, you know, you notice  
10 drug use, or truancy, they're becoming, they're  
11 absenteeism is increasing. These are the lower  
12 level behaviors that you want to be able to  
13 identify.

14 Law enforcement, sometimes an SRO could be  
15 at one school, the SROs are distributed across  
16 the different schools. Some -- they don't have  
17 maybe a lot of interaction with the other law  
18 enforcement, so in one district they have, the  
19 SROs from the different schools actually hold  
20 weekly phone calls. It's coordinated by the  
21 local police department, and they talk about,  
22 not using names, but they just talk about  
23 challenges they see, behaviors, how other  
24 schools are addressing issues, and things like  
25 that. This is just simple information sharing

1 strategies that really enhances prevention  
2 efforts.

3 And the last thing we talked about is  
4 training. As I said, no plan will work without  
5 training, so thinking about how often should  
6 you be doing training for the stakeholders, and  
7 I'll talk who those are, what mode should it be  
8 delivered in, what type of training should they  
9 be getting, and thinking outside the box.

10 Obviously, for topics of training, threat  
11 assessment, have to be trained. The parents  
12 have to know about it, students have to know  
13 about it, teachers have to know about it. And  
14 as I said, if you highlight this as the  
15 assessment and care, because it really, that is  
16 what it is, you want to find individuals in the  
17 school that are experiencing distress, gather  
18 information so that you can provide them the  
19 care and the intervention to keep them safe,  
20 and keep the school community safe. That  
21 should be the goal of a threat assessment, so  
22 training on that.

23 Training, the other training topics are  
24 really tailored to the audience, so if you're  
25 training school personnel, whether it's

1 counselors, teachers, everyone really involved  
2 in the threat assessment process, it's looking  
3 at what type of training that they should,  
4 conflict resolution, maybe looking at  
5 mediation, looking at suicide prevention,  
6 obviously suicide awareness, being able to  
7 understand simple mental health symptoms, just,  
8 they don't have to be psychologists and do a  
9 diagnosis but they need to understand when  
10 they're spotting mental health symptoms. So,  
11 different kinds of training for school  
12 personnel.

13 Training for students, some schools are  
14 doing conflict resolutions training and  
15 mediation for students, they're doing anger  
16 management training, training to build social  
17 and learning competency in students so that  
18 they are empowered to be able to cope with  
19 various stressors. And obviously training the  
20 students on what behaviors are of concern, and  
21 how to report it, and where to report it.

22 And then doing the same thing, training  
23 for parents. Parents need to understand that  
24 when they're at home sometimes the behaviors  
25 that they see, that the school officials will

1 not be seeing, so if they are, if the child is  
2 engaging in concerning behavior what type of  
3 training should parents look for, and the  
4 parents need to know what their role is in the  
5 threat assessment process. If we're involving  
6 parents in our threat assessment process, and  
7 in our threat assessment protocols, and we're  
8 providing training for them before their child  
9 becomes the focus of anything, that really will  
10 help them understand that our goal, the schools  
11 goal, and law enforcement's goal, is to keep  
12 everybody safe.

13 So, these are just sort of some examples  
14 of the training topics. And that's sort of --  
15 I'm sorry I ran through it fairly fast, so do  
16 you have any questions?

17 CHAIR: Mr. Schachter, go ahead.

18 MR. SCHACHTER: Thank you very much Chief  
19 Alathari. This was very, very informative.  
20 Number one, will you come down here to do one  
21 of those presentations for us, please?

22 DR. ALATHARI: Absolutely.

23 MR. SCHACHTER: Thank you. Thank you.  
24 Number two, I think one of the major gaps that  
25 we've identified today is that there is not a

1 lot of involvement with the students. They  
2 have the information, they have the tips. I  
3 think it's critical to finding this out, and on  
4 the prevention side from them. I was in  
5 Brentwood, New York last weekend, and that is  
6 the heart of MS-13, and they haven't had a  
7 school shooting in that school. They don't  
8 even have SROs in that school. They've got  
9 five thousand kids in their high school, and  
10 they're doing a tremendous job. And one of the  
11 reasons is the director of their security meets  
12 with their students and their teachers monthly.  
13 He also, which I don't think is happening here  
14 in Broward County, he also gives out, he gives  
15 out monetary rewards for tips. He gives out  
16 \$100 for a tip on, on a child, and if he gets a  
17 tip on the kid has a gun in school it's a \$500  
18 reward out of his own pocket. Just -- just  
19 tremendous.

20 Also, have -- as far as the social media  
21 goes do you know of a company or something, you  
22 know, we're going to be putting together, you  
23 know, best practices, we would certainly be  
24 interested in your knowledge base on that, how  
25 to track social media and monitor that.

1           And then lastly, you know, you heard the  
2           presentation earlier from Broward County, and  
3           our job is obviously to try to make this  
4           better, not only for us but the entire nation.  
5           Can you, you know, specifically here can you  
6           compare what you recommend to our program, and  
7           give us some, you know, constructive criticism  
8           on ways we can improve what we do.

9           DR. ALATHARI: So, to answer -- to kind of  
10          comment on your first one, I think that's great  
11          that they're holding -- was it New Jersey, the  
12          --

13          MR. SCHACHTER: No, that's Brentwood, New  
14          York.

15          DR. ALATHARI: New York, sorry, that  
16          they're doing that kind of work. As I said  
17          people are being really creative about how can  
18          we prevent these kind of incidents in our  
19          community, and especially with the school  
20          district and students. In one police  
21          department that I met with in New Jersey  
22          they're doing something similar, but what  
23          they're doing is their school, the police  
24          department are the school resource officers, so  
25          they have officers detailed there.

1           Not only are they detailed as a school  
2           resource officer, and we've seen this, and we  
3           do encourage it, and that's part of the bigger  
4           training, is that the school resource officers  
5           build relationship with students, and that  
6           makes a huge different, so they serve as  
7           assistant coaches on football teams, they  
8           actually teach some of the classes, or co-teach  
9           classes, whether it's anti-bullying, stranger  
10          doing, criminal things, you know, reporting  
11          kind of assaults, or date rape, or whatever it  
12          is that is, that a school resource officer can  
13          really lend a lot of credence, because if  
14          they're teaching the students their building a  
15          relationship with them.

16               And some of the other ones in that local  
17          police department, they have this one school  
18          in, local police department in Virginia has  
19          what they call an Adopt a School Program, that  
20          even though the police officer is not the SRO  
21          they adopt a school on their beat, they stop  
22          by, they talk to the students, they sit in the  
23          cafeteria. Sometimes they even sit in one of  
24          the offices and just to do paperwork, just to  
25          be a relationship so that the students know

1       that they, they have a trusting relationship  
2       with law enforcement. So, that's one.

3             The second is I heard about the overview  
4       of the threat assessment process. Honestly, I  
5       can't comment on it without looking in more  
6       detail, but I do know that it's, it's not an  
7       easy process, there will be things that fall  
8       through the gaps. But what's most important is  
9       if you have everything established there's  
10      accountability, there's follow up. These are  
11      the things that really make a difference in  
12      whether a program is successful or not, is do  
13      people know where to report concerning  
14      behavior, and what is a concerning behavior, A.  
15      B, is there someone that's going to follow up  
16      on that, what information are they going to  
17      collect, and then who is going to follow up on  
18      the management intervention piece, because as  
19      you said earlier that's one of the most  
20      important pieces.

21            We can all sit here and get information,  
22      assess risk, but if you're not following up on  
23      the intervention you are putting in place then  
24      you're not going to know if that intervention  
25      worked, and to keep track of a student over

1 time. In some areas you have, like in Los  
2 Angeles, I just learned about a new program in  
3 that school safety forum that we attended, me,  
4 you, and Ryan, and that, there's a program in  
5 LA where they have the mental health  
6 professional working with the law enforcement.  
7 I want to find out more about that because I  
8 think they're doing a lot of long term  
9 management of, of some of these students.

10 For the social media aspect, I don't know,  
11 it's not my expertise, but I do know as an  
12 agency we have some knowledge of other  
13 companies so that's something I can, we can  
14 discuss offline, and I can see if I can find  
15 you any information on best practices with  
16 that.

17 CHAIR: So, do you know of any  
18 jurisdictions that have implemented some lesser  
19 threshold than what exists today for  
20 involuntary commitments for evaluation? So, in  
21 Florida we call it the Baker Act. As you know  
22 every jurisdiction has its own name for  
23 whatever it is, but in all jurisdictions that  
24 I'm aware of is the threshold is, is somebody  
25 is an imminent danger to themselves or others

1 based upon some general criteria, but it is  
2 subjective from case to case on what's known to  
3 the assessor.

4 So, in this situation, and there's two  
5 things that we have to look at here with these  
6 threat assessments. I believe one is, is that  
7 this case in particular, but then more  
8 generally the threat assessment process as it  
9 relates to the students. So, you have a  
10 situation here where you have somebody that was  
11 assessed under current law, and under current  
12 protocols for the Baker Act, and deemed not to  
13 be susceptible to the Baker Act evaluation  
14 because of what they were not presenting at the  
15 time even though there were some things of  
16 concern, so do you know of any jurisdiction  
17 that has effectively dealt with that, because  
18 it's frustrating for everybody to see  
19 indicators that you can't act on because it  
20 doesn't rise to the level of being actionable.  
21 So, are you aware of any place in the country  
22 that has created a lesser standard, or an  
23 intermediate standard, or something short of  
24 what is the consistent standard for involuntary  
25 mental health evaluation commitments?

1 DR. ALATHARI: I'm not aware of any. I  
2 think you're right, for the majority that I'm  
3 aware of the standard is fairly high, in terms  
4 of an imminent risk to themselves or others.  
5 One of the things that for us as an agency we  
6 encounter this all the time, people show up at  
7 the White House, they're mentally ill, and, you  
8 know, obviously we can't, we're not the ones  
9 committing them, but we would transport them,  
10 and then a magistrate or someone would decide  
11 whether they're committable.

12 But I think one of the things that we  
13 highlight in terms of working with mental  
14 health professionals, it's not necessarily just  
15 about the commitment, so there's different  
16 things that you can work on them with, but  
17 specifically for the commitment, or being able  
18 to articulate why you are concerned about  
19 something -- so prior to joining the agency I  
20 worked in a mental health hospital that was  
21 twenty minutes from the White House, so we used  
22 to get patients there that were of interest to  
23 the Secret Service, obviously for having  
24 inappropriate or a threatening interest, and a  
25 lot of times we wouldn't know why because

1           they're not sharing information with us.

2           So, that's one of the things we teach, is  
3           sharing information really makes a difference.  
4           Sometimes the person making the decision  
5           whether to commit someone or not does not have  
6           the whole picture, they may just see something,  
7           so it's, that I think, I think encouraging  
8           information sharing helps with that aspect.  
9           But if they still make that decision that this  
10          person doesn't meet criteria then you really  
11          have to find out what are some alternative  
12          management strategies I can put in place. And  
13          this is where rapport building is essential,  
14          working with the families, working with other  
15          individuals in the community, working with  
16          people around that person, that student, that's  
17          going to help you sort of assess them, and help  
18          you provide that intervention.

19          CHAIR: So, here -- just I ask you all to  
20          keep this in mind. I do think this is going to  
21          be one of the more important topics that we  
22          address and discuss and have an opportunity to  
23          make a difference on with this commission to  
24          work. But also, just keep in mind, so there's  
25          two things here, one, is what happened in this

1 case, and what happened in this situation with  
2 Cruz, but remember Cruz at the time of this  
3 incident in February 2018 was over one year  
4 removed from the entire opportunity for a  
5 threat assessment process.

6 He left Stoneman Douglas in February of  
7 '17. He was gone for a year, and that he had  
8 turned eighteen, again, in September of 2016,  
9 and withdrew from ESE, withdrew from so much of  
10 this, and he was an adult at that point, so --  
11 he was gone for a year so there was not even,  
12 all of this process is not even on the table  
13 from when he committed this, and for a year  
14 preceding it.

15 So, there were contacts, and so that's why  
16 the question about, because there were  
17 community contacts with community based mental  
18 health providers, and sometimes two and three  
19 times a week, and when you look at all your key  
20 assessment themes he checks every single box,  
21 but nothing that rises to the level under  
22 existing law or policies where he could have  
23 been, it could have been acted on.

24 So, as the questions have been asked by  
25 others is, is that, and this is the, an

1 ultimate question for us in recommendations, is  
2 what do you do, because there's no threat  
3 assessment process that you're talking about  
4 that would have done anything with him because  
5 he was gone for a year.

6 DR. ALATHARI: Right. So, I can't comment  
7 on his specific case, because obviously I don't  
8 know all the details of it, but what I can tell  
9 you in terms of what we recommend this is why  
10 we have to begin this early intervention when  
11 the student is exhibiting this behavior early  
12 on, which I believe he was because he had, over  
13 years, right, just from the open source  
14 reporting that I've seen, exhibited this  
15 concerning behavior, what can be put in place  
16 at that time so that that person doesn't get to  
17 that point. But let's say they do get to that  
18 point, then that's incumbent on everybody.

19 Prevention is everyone's responsibility.  
20 It's not just the schools. It's not just law  
21 enforcements. It's not just the mental health  
22 professional, of working together to be able to  
23 find out who is he most connected to, is there  
24 a person in this student's life that they feel  
25 even remotely connected to. It could be the

1 pastor. It could be a neighbor. It could be  
2 someone like that. And that is where  
3 intervention and having an individualized plan  
4 in place can really help with situations when  
5 you can't take legal action, and you can't  
6 commit the person because their behavior did  
7 not rise to the level of that happening.

8 CHAIR: Sheriff Ashley.

9 SHER. ASHLEY: Has the Secret Service  
10 looked at any societal issues or inputs that  
11 encourage this? I mean this hasn't always  
12 happened. I mean our children haven't always  
13 turned to violence, or at least to mass  
14 violence for typical teenage issues like  
15 depression or anger, or the like. And I see  
16 social media is certainly a big factor,  
17 breakdown of the family, psychotropic. You can  
18 go down the whole list of things. Has the  
19 Secret Service looked at any of those societal  
20 issues in regards to this mass violence?

21 DR. ALATHARI: We have not specifically.  
22 So, our studies have focused on sort of  
23 behavioral, a person's behavior, and what  
24 causes them to engage in that. It's not easy  
25 getting data on influences, so in the original

1 study they looked at the interest in violence  
2 and where were they getting it from, but  
3 obviously back then there was no social media.

4 And I have to say that there's a lot of  
5 research and mixed reporting, because one of  
6 the latest studies I read, I think it was about  
7 a year ago, that talked about that there were  
8 actually more incidents in the '90's in terms  
9 of school shootings, so it may look like  
10 there's higher rates but -- so there's  
11 different reporting on that. But obviously  
12 identifying incidents back then is harder  
13 because we did not have internet and  
14 technology, and even reporting. These were  
15 things that might have been reported in a local  
16 paper that you may not know about to the level  
17 that it is now.

18 But I know there's a lot of work now being  
19 done at looking at the influence of, let's say  
20 reporting on mass incidents, and is that  
21 encouraging copy-cat effect, or is that  
22 encouraging a student to want to seek fame  
23 because they see other people are getting it.  
24 So, there's a lot of research being done on  
25 that. There's publications on that. That's

1 not something that we specifically looked at.

2 SHER. ASHLEY: It just brings me to the  
3 point, that infamy effect that you're talking  
4 about, the we want to be famous, and our social  
5 media, our internet service provider's  
6 responsibilities -- I go to Sheriff Judd's, you  
7 know, magic wand. If you could mandate that  
8 internet service providers have a mandatory  
9 reporting requirement when they have a suicide  
10 or homicidal threat placed on their network,  
11 that they have to notify you or law enforcement  
12 --

13 DR. ALATHARI: That's not -- that's not my  
14 area of expertise, sort of the legality, and  
15 all of that I'll defer to other, maybe an  
16 attorney on that. But I do know that, that  
17 I've read, I should say, that some of the  
18 social media -- I think was there a testimony,  
19 right, from the, from technology, I believe  
20 before Congress, looking at what they were  
21 doing, but I think some of them had put in sort  
22 of these key word triggers, more of the  
23 suicidal, picking up suicidal language as  
24 opposed to specifically to this.

25 So, they are looking at that. I know

1           there was a hearing, and they were on one of  
2           the panels I believe, but it's not an area  
3           that's my expertise so I can't really comment  
4           on that.

5           SHER. ASHLEY: Well, I'll just -- I'll  
6           just finish with this for the sake of time, is  
7           it seems like we do, we have these commissions  
8           on every mass violent incident we have, and I'm  
9           just wondering what are we going to do  
10          different; what are we going to do to prevent  
11          this from happening again? And so, I don't --  
12          I don't know, it seems like the more programs  
13          we put together, and the more health  
14          assessments, and threat assessments, and the  
15          like, it just gets worse.

16          And maybe that's better reporting, maybe  
17          it was worse in the '90s's, I doubt that just  
18          from anecdotal evidence, but I'm certainly  
19          prayerful that this commission makes  
20          recommendations that actually change things.  
21          Thank you for your presentation.

22          CHAIR: Senator Book.

23          SEN. BOOK: Thank you, Mr. Chair. And  
24          thank you so very much for your presentation.  
25          I want to just ask a quick question about

1        profiling, because we don't often find mass  
2        violence with young girls and wanted to go to  
3        the two incidences that you talked about. One  
4        was the type of weapon, and I think that we  
5        spend a lot of time focused on the type of  
6        weapon, so speaking to how we can perhaps look  
7        out for some of those things, because I don't  
8        know, I think that we're always thinking about  
9        this when we have to constantly be aware of the  
10       others.

11                Also, I was very interested in the fact  
12       that the other young lady that you talked about  
13       told her teacher that she liked a lot, and so,  
14       you know, just like the emotions of maybe a  
15       young girl, different, I don't know, maybe you  
16       can speak to that a little bit.

17                DR. ALATHARI: So, bystanders were male  
18       and female, in terms of the bystander study  
19       that we did. You're right, the majority of  
20       school shootings are carried out by males, the  
21       majority used firearms, but we don't focus on  
22       that alone because then you're going to miss a  
23       female student who would engage in it. And in  
24       fact, I don't have the date in front of me  
25       because we just started the new study a few

1 months ago, but there are quite a few females  
2 in that study, I want to say maybe six to  
3 eight, but I could be wrong so don't quote me  
4 on that. I don't have the data in front of me,  
5 but I knew there was like, there's at least  
6 several that I've seen in the incidents that  
7 we're currently researching.

8 So, yeah, that is the biggest things,  
9 obviously access to weapons is huge, but I also  
10 want us to make sure that we're not just so  
11 focused on one thing and then we miss this,  
12 this other case where students were hurt because  
13 it was a female and she used a knife, or a male  
14 student used a knife. That incident that I  
15 talked about with the shooting, he had  
16 originally brought a hatchet and a machete to  
17 the middle school, and luckily it was spotted  
18 by another student. He took that weapon from  
19 home, and it jammed after he tried to use it,  
20 so he wasn't able to do the big numbers that he  
21 wanted.

22 So, it is important to focus on that, but  
23 we can't let it close our eyes to other types  
24 of attackers and other weapons.

25 SEN. BOOK: Thank you. And one more

1 follow up, Mr. Chair. Something that  
2 Commissioner Swearingen brought up, and that  
3 was the management, not just the assessment but  
4 managing an assessment that's been done, how do  
5 we follow up, what do those things look like,  
6 and I wanted to tie that into slide 15, and 16  
7 really, in terms of technology. And I know  
8 that, that Commissioner Schachter asked about,  
9 you know, different ways but, and it goes back  
10 to something the Chair mentioned earlier about  
11 we see a situation here, they escalate to here,  
12 but it starts, you know, maybe with a comment  
13 on social media, or something that they post,  
14 or something that happens in a classroom that,  
15 you know, afterward we're like how could this  
16 happen but really it's here all along.

17 So, is there -- is there a best practice  
18 that you've seen in all of the different cases  
19 that you've looked at, whether it's a main  
20 team, a main RSO, whatever that might look like  
21 in a district, in a school, what is the best  
22 practice around monitoring this particular  
23 piece of things?

24 DR. ALATHARI: So, as I said when we go  
25 around and we meet with people we've seen -- so

1           that's why I -- I think, Donna, I don't want to  
2           steal her thunder because she's going to talk a  
3           lot about the implementation piece in Virginia,  
4           and I have to say the Virginia model is great.  
5           I've read a lot about it, and most of the  
6           Virginia model is based on the Secret Service  
7           findings, which why I think it's great, no,  
8           they're actually, they're doing a lot of great  
9           work. There are challenges to it, so I'll  
10          think she'll be able to answer a lot of those  
11          questions.

12                 CHAIR: Unless there's any other questions  
13                 we thank you for being here. We appreciate it.  
14                 Thanks for traveling down and spending time  
15                 with us.

16                 DR. ALATHARI: You're welcome.

17                 CHAIR: So, why don't we take a quick ten-  
18                 minute break, and then we're going to come back  
19                 and conclude the day with the presentation on  
20                 the Virginia model, and then public comment  
21                 will conclude. So, just let's just take a  
22                 quick ten minutes and come back, we'll start  
23                 again at 4:10.

24                 (Thereupon, a break was taken off the record and the  
25                 meeting continued as follows:)

1 CHAIR: We're going to have our last  
2 presentation of the day. Donna Michaelis is  
3 the Manager of the Virginia Center for School  
4 and Campus Safety, and we're going to hear how  
5 Virginia has implemented campus safety. And as  
6 you heard at the last presentation it's largely  
7 modeled after what the Secret Service has done.  
8 So, Donna, welcome, and thank you for joining  
9 us.

10 MS. MICHAELIS: Thank you, and good  
11 afternoon to the Commission. On behalf of  
12 Governor Ralph Northam and Secretary of Public  
13 Safety Brian Rand, I'm happy to be here on  
14 behalf of the Center for School and Campus  
15 Safety in Virginia to present what we've done  
16 in Virginia to keep schools safe.

17 I've had the benefit of sitting here all  
18 day and listening to the discussions. I don't  
19 want you to panic and think I'm going to hit a  
20 hundred and thirty one slides in the next forty  
21 five minutes, but because I've had the  
22 opportunity to sit here I know based on what  
23 your intuitive questions and your deep and  
24 detailed discussions what you're most  
25 interested in, so I'm going to fly through some

1 of the things that I don't think are as  
2 pertinent to you, they're there for your  
3 background and information.

4 Also, before I begin I want to expose my  
5 bias to you, because it's going to become  
6 readily apparent to you what it is, so I might  
7 as well let you know. I am a strong, strong  
8 advocate of school law enforcement  
9 partnerships. I was born in a law enforcement  
10 family, worked in a law enforcement agency for  
11 thirteen years, married a law enforcement  
12 officer. And on the other hand, my immediate  
13 family and extended family is full of teachers  
14 and principals. My own daughter started  
15 teaching in an elementary school, in an at-risk  
16 elementary school at the age of twenty, so to  
17 say that the school law enforcement partnership  
18 is in my blood is probably an understatement.

19 And you're going to see that the theme  
20 running through threat assessment and what we  
21 do in Virginia is that you have to have a basis  
22 in school law enforcement partnerships, they  
23 have to be in lock step together, and you also  
24 have to have a very strong positive school  
25 climate or threat assessment will not work.

1           Being the first state in the nation to  
2           implement threat assessment teams in K-12  
3           schools, and for the longest time we were the  
4           only state in the nation doing so, we are still  
5           the only state in the nation that requires  
6           threat assessment in K-12 and higher ed, so  
7           being on the tip of the sphere is bad and  
8           wonderful all at the same time. No one can  
9           criticize you that you're doing it wrong, but  
10          at the same time you learn a lot of hard  
11          lessons that you hope other states will learn  
12          from.

13          The best part of what I have to say is at  
14          the end, and so that's where I hope to get very  
15          quickly, because I think that's what you're  
16          most interested in, and that is what did we do  
17          not as well as we could have, and what do we  
18          wish we want to do going forward. And so if I  
19          were to tell another state what, what would I  
20          have done if I had the best of the best as I  
21          rolled this out, some of the things that you've  
22          already identified in your high level  
23          discussions that need to happen in order to  
24          make threat assessment work, because you can  
25          either begin with schools and campuses in

1 mandating threat assessment, or you can begin  
2 in the community, but one way or the other it  
3 needs to meet in the middle for all of it to  
4 work.

5 So, this is what I'm going to run through  
6 very quickly, and again you can, I want to  
7 leave time for questions. So, we're going to  
8 start with legislation, threat assessment  
9 school resource officers, our data collection.  
10 One of the most important things I'm going to  
11 discuss is school safety audits, and how that  
12 vehicle is so instrumental to what we do in  
13 terms of collecting threat assessment data and  
14 school climate data, and then of course the  
15 challenges and future plans.

16 This is just to show you when the center  
17 was created we were told to basically train the  
18 world, all hundred and thirty-two school  
19 divisions, including all superintendents,  
20 school administrators, school staff, all  
21 sixty-nine universities and their personnel,  
22 forty-two law, three hundred and sixty-seven  
23 law enforcement agencies, forty two of them on  
24 campuses, as well as a plethora of other  
25 people.

1           So, school safety in Virginia, just to  
2           give you, it's very similar to here, it's local  
3           educational control, so there's not mandated  
4           from the state down, very things are regulated  
5           from the state down, but we put it into three  
6           buckets, the physical, the structural, meaning  
7           the policies and procedures, not the physical,  
8           and then the support. And so, the school house  
9           is very much like the previous superintendent  
10          discussed. We stand in loco parentis, so the  
11          school structure is very much like the home,  
12          you have the physical structure, which we all  
13          try to protect our, our homes, by putting in  
14          security cameras and, and making sure our doors  
15          are locked and landscaping is done, very much  
16          like we would for a school, we want to make  
17          sure that the physical security is there.

18                But what's more integral is what goes on  
19                inside the home, and what goes on inside the  
20                building, do you have consistent policies and  
21                procedures that align with social student  
22                structural support, in terms of engagement and  
23                connection with the student. You have to have  
24                all three of these components to make it work,  
25                and when you have the parents, the structure,

1 and the support surrounding the child, then  
2 you're going to get the best outcomes.

3 So, since the school stands in loco  
4 parentis the school mimics very much what  
5 happens in a home. You can have an  
6 authoritative home where you have high  
7 structure and high support, and then things  
8 work best for the child. You get best  
9 discipline outcomes. You get the best academic  
10 success. If you have high structure and low  
11 support we have what we call authoritarian  
12 school, according to Dr. Dewey Cornell, who has  
13 studied our school climate.

14 You can have an authoritarian school, but  
15 when you don't have that connection with the  
16 student you're not going to get the best  
17 outcomes. You can have low structure and high  
18 support, and then we have what we call a  
19 permissive climate, and that is again you're  
20 not giving the best boundaries to the child,  
21 you're not preparing them for what's going to  
22 happen in the, in the community. And I heard  
23 one of your very intuitive commissioner members  
24 say we have to prepare our students for being  
25 good citizens, we can't have one set of rules

1 of law for the schools and another for the  
2 community.

3 We have to prepare them, and show them  
4 that there are consequences to the behaviors,  
5 and what they do in school is going to affect  
6 them on the street, and if we let them get away  
7 with it in schools, and I don't mean get away  
8 with it in terms of arresting them, but if we  
9 don't address it then they're going to think  
10 that that is the way, that it's an appropriate  
11 way to behave.

12 And lastly, if we have low structure and  
13 low support we are going to have what we call a  
14 negligent home, and a negligent school, so we  
15 want to opt for the best, high structure and  
16 high support. And so, when legislation in  
17 Virginia was passed it was passed in the wake  
18 of Columbine to create a Virginia Center for  
19 School Safety at the time, it didn't have the  
20 word campus in it. It was placed in a unique  
21 place, which is in our state called the  
22 Department of Criminal Justice Services.  
23 Around the nation, twenty-seven other school  
24 safety centers were being set up, and most of  
25 them were placed in Departments of Education

1 and Departments of Higher Ed. In Virginia the  
2 decision was consciously made not to do that,  
3 and the reason was we have a relatively small  
4 agency that affects the entire criminal justice  
5 system, from the victims to the perpetrators,  
6 and everything in between, and because of the  
7 unique position we were in we already had a  
8 strong law enforcement partnership because we  
9 oversee all law enforcement in the state in  
10 terms of training and standards, and we had a  
11 very robust school resource officer program, so  
12 by mandating it, and placing it in the  
13 Department of Criminal Justice Services, it  
14 also mandated that we reach out to schools.

15 So, we became what the General Assembly  
16 wanted, was a one stop shop for schools so that  
17 localities could come to the state, the Center  
18 for School Safety, and get all the information  
19 on school safety that they needed without going  
20 to a variety of state agencies. Having worked  
21 in a locality in a police department doing  
22 public information officer friendly, DARE  
23 officer type programs, I was frustrated by  
24 reaching out to the state, and going to the  
25 Department of Health to get suicide

1 information, the Department of Behavioral  
2 Health to get mental health information, going  
3 to Alcohol and Beverage Control to get alcohol  
4 and drug information. I wanted a one stop  
5 shop, and when I had the privilege of coming to  
6 the state and directing the center that's what  
7 we wanted to make it, was a one stop shop so  
8 that schools knew where to go to get  
9 information on best practices.

10 In legislation, we were designed to  
11 provide training for all school personnel, and  
12 as I mentioned that's over a hundred twenty  
13 thousand folks at the time back in 2000. We  
14 were to serve as a resource, a referral center  
15 for technical assistance for school divisions,  
16 and that's integral because they are, they need  
17 that type of support if you're going to mandate  
18 threat assessment teams. They also directed  
19 that we facilitate the school safety audit.  
20 This was already in code, and it was at the  
21 Department of Education. They took it away  
22 from the Department of Education and gave it to  
23 the Center for School and Campus Safety. And  
24 I'll get more into that.

25 We are to maintain and disseminate

1 effective school safety practices, and most  
2 importantly of all develop those partnerships.  
3 As I said we've been, every year they tweak our  
4 legislation and add more mandates. In 2004  
5 they expanded the school safety audits. In  
6 2004 and 2006 they mandated that we develop  
7 standards for school security officers and  
8 campus security officers, because at the time  
9 they could hire anybody, and they didn't have  
10 to give them any training, and these are school  
11 board employees, not law enforcement officers.

12 In 2008, when threat assessment teams were  
13 mandated for higher education, we stepped in  
14 and voluntarily begin providing threat  
15 assessment training for higher education,  
16 because our general assembly mandated that the  
17 higher ed have teams, but they directed no  
18 state agency to provide training. And that's  
19 going to be a common thread here that, that I  
20 would like you to hear. We voluntarily stepped  
21 in, found subject matter experts, because we  
22 knew that the schools, the higher ed could not  
23 do this without that sort of support.

24 And then of course in 2012 Sandy Hook  
25 occurred, and in our general assembly in 2013

1 our governor then, our then governor directed  
2 the School and Campus Safety Task Force, and  
3 over sixty-one recommendations came out of that  
4 task force. The renamed the center the Center  
5 for School and Campus Safety, they mandated  
6 threat assessment teams, they mandated that the  
7 center create a critical incident response  
8 curriculum to address the Run, Hide, Fight, and  
9 the issues of active shooter, which we did.

10 They directed each school division to have  
11 an emergency manager, and for the center to  
12 provide training and direction for those folks.  
13 They mandated that we develop model policies on  
14 threat assessment teams for K-12 schools, and  
15 that the schools develop policies consistent  
16 with the policies that we created, and they  
17 mandated more lock down drills.

18 In 2015 we had the dubious honor of being  
19 named the number one in the nation in the  
20 school to prison pipeline by the Center for  
21 Public Integrity. This -- this designation was  
22 obviously not an honor that we wanted, nor did  
23 we think it was correct, and we immediately  
24 began working on a research with a higher  
25 education university, Virginia Tech, who went

1 after National Institute of Justice grant, who  
2 studied all of our data. They have since  
3 identified that we were not number one in the  
4 nation based on our referrals to law  
5 enforcement, and if you put our rate in with  
6 all the others we are down by forty ninth in  
7 the nation, and the reason why is we collect a  
8 lot of data on referrals to law enforcement,  
9 and that data was misinterpreted to mean  
10 arrest. So, as we collect data through our  
11 Department of Education on our referrals to law  
12 enforcement that are mandated by code, that was  
13 compared to other state's referrals which were  
14 arrests in some cases, but in ours it was  
15 simply we told a law enforcement officer, and  
16 it did not end up in court, or in an arrest of  
17 any kind.

18 But that did prompt our then governor, a  
19 new governor, to direct a children's cabinet to  
20 study the school law enforcement partnership,  
21 and one of the directives that came out of that  
22 was that the Center for School and Campus  
23 Safety should develop a school law enforcement  
24 partnership guide, and a model MOU that schools  
25 should use when they're allowing law

1 enforcement officers into schools, and they're  
2 available on our website.

3 So, let's move to threat assessment in  
4 schools, and as you've heard throughout this  
5 day threat assessment is a preventive system,  
6 it's not punitive, and it's meant to intervene  
7 with individuals posing a risk of harm to  
8 themselves or others. And that's key, is that  
9 our legislation says to self or others. At  
10 first when the legislation passed it used the  
11 word students. At that time two bills went  
12 through our general assembly, one said  
13 students, one said individuals, and because  
14 both passed they went with the one that passed  
15 first, and that language was students. We did  
16 not feel that this captured what the threat  
17 assessment should do, they should look at all  
18 individuals that pose a threat and not just  
19 those enrolled at the school, and so they, two  
20 years later, they changed it to the word  
21 individuals.

22 Marketing threat assessment. You've heard  
23 that throughout, and you heard it from Dr.  
24 Alathari, that threat assessment has been going  
25 on in our school for decades. Obviously, when

1 Johnny starts bad, grades going bad, or  
2 they're, he's not dressing the way he should  
3 be, or, or maybe he's mouthing off, or maybe  
4 he's angry, what happened, the principal would  
5 talk to the teacher, they'd bring in the  
6 counselor, they'd bring in the parent, they'd  
7 say what's going on, what can we do. They  
8 circle the wagons, and they begin a threat  
9 assessment. They didn't call it that, they  
10 called it caring for students. They called it  
11 a behavioral team. They called it whatever is  
12 necessary.

13 And we found in our own survey of our  
14 schools that threat assessment was going on in  
15 fifty percent of Virginia schools before it was  
16 mandated in 2013. They might not have called  
17 it threat assessment, which is very much a law  
18 enforcement term, but it's been going on for  
19 decades, so we know that when we we're mandated  
20 to develop these model policies there was going  
21 to be push back, because people see this as a  
22 law enforcement initiative, so what we did was  
23 we created a marketing scheme called Virginia  
24 CARES for Schools and Campuses, and CARES is an  
25 acronym for caring and connection, awareness,

1 recognition, engagement, and support. And if  
2 you're pushing out threat assessment across  
3 your state, community, school, you need to make  
4 sure we market and train everyone what this is  
5 about.

6 This is not big brother labeling, or  
7 profiling students, this is a program to  
8 intervene and help students be successful, keep  
9 them engaged with a caring adult, because we  
10 all know what the research says about one  
11 caring adult in one troubled youth's lifetime,  
12 how that can change things.

13 After Columbine, as I said, many schools  
14 already began doing it. We -- we dipped our  
15 toe in threat assessment in 2008 with higher  
16 ed, and we began to enact the governor's  
17 recommendations in 2013. I think you all are  
18 familiar with our law, it's in the back of this  
19 document that I think that we also sent to you,  
20 and it's in your notes. Again, it mandates  
21 that there must be a team to serve one or more  
22 schools. We advocate that it be one team, one  
23 threat assessment team for every school. If  
24 it's one team serving two schools those two  
25 schools should be in close proximity and serve

1 the same community and have the same type of  
2 clientele. It also allows divisions to set up  
3 an overarching oversight threat assessment  
4 committee at the division level, and I highly  
5 recommended this.

6 It tells each threat assessment that they  
7 are to provide guidance to students and staff  
8 on recognizing threatening or avert behavior.  
9 You heard a discussion from Lina about what  
10 that is. We knew this was also going to be a  
11 problem because schools don't know what this  
12 is, and it's an odd term to tell schools to  
13 educate people, so we developed a video and a  
14 manual that help schools tell teachers and  
15 parents what is threat assessment, and it gives  
16 them a minute by minute guide in the, in the  
17 curriculum in the video about how to explain  
18 what these various things are, and how to  
19 report, and what they should be doing.

20 Again, upon preliminary determination that  
21 a student poses a risk it tells that they have  
22 to immediately report it to the division  
23 superintendent, they have to attempt to notify  
24 the parents, and then again, nothing in this  
25 subsection shall preclude a school division

1 from acting immediately to address that threat.  
2 There are a lot of Freedom of Information Act  
3 exemptions that we put in place at the time,  
4 because we knew we can't collect this data on  
5 students and then have it available for anyone  
6 to come after. And we are currently  
7 experiencing some of those concerns, where  
8 newspapers are wanting our threat assessment  
9 data, so we have protections in the Freedom of  
10 Information Act section of our law that, that  
11 protects our security plans, some of our crisis  
12 management plans, and our threat assessment  
13 data.

14 Also, we, we mimicked the law in higher ed  
15 that allowed access to health records and  
16 criminal, criminal records at the time as well.  
17 And that's all this legislation for your, for  
18 your information.

19 So, the role of SROs in Virginia threat  
20 assessment teams, this is the link that I heard  
21 you talking about earlier that I think is so  
22 very important. We have a very robust program  
23 of SROs in Virginia. Virginia has had SROs in  
24 their schools since the mid 1980's. We began  
25 actually actively funding SROs in Virginia in

1 the mid '90's. When I first came on board  
2 there twenty years ago I had three hundred  
3 sixty-seven SRO grants that I managed  
4 personally, so we began a very robust SRO  
5 program in Virginia. We have a training  
6 curriculum that they must go through if they're  
7 on grant funds.

8 I have to say it's one of the most  
9 successful grant programs to ever come out of  
10 our agency, because here we are twenty years  
11 later and those grant programs that were  
12 started for a four-year period are now fully  
13 funded by their localities, a lot of times by  
14 the school divisions that want those SROs so  
15 badly they're willing to pay the salary of the  
16 law enforcement officer.

17 A law enforcement, an SRO, for the  
18 purposes of grant funding we also established,  
19 Virginia established the school resource  
20 officer grant program in 2000 in the wake of  
21 Columbine. It was funded to a level of \$1.7  
22 million. Today it's funded at \$3 million, and  
23 again it's seed money to start these programs,  
24 but as you're going to see shortly we have a  
25 high saturation rate of SROs, and so a lot of

1       folks are not accessing this money. But they  
2       must be a certified law enforcement officer,  
3       and I think that's key. Only if they're using  
4       grant funds do they have to be a certified law  
5       enforcement officer, so in localities where a  
6       sheriff has court, or civil process folks, or  
7       jailers, they can put those folks in, in the  
8       schools, however it's not recommended. We  
9       highly recommend that they be certified law  
10      enforcement officers and have three to five  
11      years of experience working with youth on the  
12      street, and in de-escalation.

13             And we also have a school security officer  
14      defined in code. A school security officer is  
15      a school board employee. They stand in loco  
16      parentis. They -- their standard of search is  
17      reasonable suspicion and not probable cause.  
18      They are to investigate student code of conduct  
19      violations, and they are not to investigate  
20      crimes. And so, it's really important that in  
21      Virginia, the general assembly decided that  
22      there are two paths, there's the law  
23      enforcement officer, and there's the school  
24      personnel, and never the twain should meet.  
25      One should not be an agent of the other, to

1 ensure due process for the child, but to know  
2 when to hand off the baton to the other, the  
3 other credible investigators, what needs to be  
4 done at that time.

5 So, as I said we have nineteen hundred and  
6 fifty-six schools in Virginia. The break down  
7 is there upon elementary, middle, and high.  
8 The vast majority of our schools are  
9 elementary, over half of them. We have in full  
10 time resource officers, in our middle schools  
11 we have sixty eight percent of full time,  
12 seventy nine percent of our high schools have  
13 full time SROs, and only a small percentage of  
14 our elementary. If you add in the part time  
15 school resource officers, these are officers  
16 who may serve a middle and a high school on the  
17 same property, we have a saturation rate of  
18 eighty five percent of our middle schools have  
19 school resource officers, and eighty seven  
20 percent of our high schools have them, and  
21 about a third of our elementary schools.

22 School security officers are mainly a  
23 phenomenon that occurs in our urban areas, and  
24 this is in addition to SROs. They have also a  
25 very robust school security officer program,

1 and this is in our areas where we have, in our  
2 urban areas is where most of those are  
3 employed. Last year our general assembly  
4 passed legislation that had been trying to be  
5 passed for the last several years, and this is  
6 allowing school resource, I mean school  
7 security officers to carry a weapon, so  
8 therefore we now have armed security officers.  
9 We have legislation that allows armed security  
10 officers, but only if they're retired law  
11 enforcement, they have met all the  
12 qualifications of training for carrying a  
13 firearm and have also received active shooter  
14 emergency evacuation and threat assessment  
15 training. And we're finding that schools are  
16 looking at this as an option for those  
17 elementary schools where it's to feasible to  
18 place a full-time school resource, law  
19 enforcement officer, but you have someone there  
20 to provide mentoring, school security, and also  
21 be armed in the case of an active shooter  
22 event.

23 Our threat assessment requires, our  
24 legislation requires that the members of our  
25 team include counseling, instruction, school

1 administrator, and law enforcement. And I've  
2 highlighted law enforcement here, is because  
3 this doesn't work if you don't have law  
4 enforcement on the team. Most school board  
5 violations, student code of conduct violations  
6 that rise to the level of garnering the  
7 attention of the threat assessment teams are  
8 also going to be criminal infractions. That  
9 does not mean that the school resource officer  
10 will be arresting or placing charges on all of  
11 these things, but what that does is it gives  
12 you a leverage, it gives you a hammer in a way  
13 that you can raise that student to the level of  
14 needing more services, and sometimes by  
15 demanding he cooperation of parents when they  
16 are not cooperating with the school.

17 Having a law enforcement officer on the  
18 team also gives you a segue way to the  
19 community, because when you have a student  
20 who's posing a threat of harm to themselves or  
21 others, they're only at school six hours a day,  
22 where are they the rest of the day, they're in  
23 home, and in their community, and who needs to  
24 know that you have a suicidal student at home  
25 when they get a report to respond to the home,

1       it's law enforcement, so it's critical that we  
2       break down the barriers of distrust between  
3       schools and law enforcement so that everyone  
4       knows we're on the same team. Because, again,  
5       this is not a school problem. You stand in  
6       loco parentis six hours a day, the other two  
7       thirds of the day the parents and the law  
8       enforcement officers are dealing with these  
9       same individuals, and so it's absolutely  
10      integral that we share information, and that we  
11      all are on the same page, that we want to get  
12      the student off of the pathway of violence and  
13      into, and onto success.

14             SROs are a vital link between schools and  
15      the community, and can provide valuable  
16      resources to the family, and connect them to  
17      services. And they're also more intimately  
18      familiar with the emergency custody order, as  
19      well as child protective services, and they can  
20      facilitate those connections as appropriate.  
21      Law enforcement officers are extremely adept at  
22      dealing with youth in crisis, it's what they do  
23      on a daily basis, and they can be a stabilizing  
24      influence. And some students may find it safer  
25      to open up to a law enforcement officer than to

1 a mental health professional.

2 This is not research based but, based on  
3 what I know from having a teacher in my family,  
4 and from my own growing up, students would  
5 prefer to seem dumb, I mean would prefer to  
6 seem, would prefer to be viewed as bad rather  
7 than dumb. That's why they act out when things  
8 don't go well. Students who are having a  
9 problem would prefer to be seen as bad than go  
10 to a mental health and be seen as weak. It's  
11 really important that we use our law  
12 enforcement officers working in schools to  
13 connect with students who are on the fringes,  
14 to connect with students who, and build those  
15 rapports and relationships.

16 Data collection and research. This is  
17 integral if you're rolling out threat  
18 assessment, and we know in Virginia that when  
19 they mandated threat assessment teams, that  
20 other people were going to want to know how  
21 well was this working and what are you doing  
22 about it? And so, the general assembly  
23 mandated that through our safety audit process  
24 we had to collect quantifiable data. Obviously  
25 quantifiable is not qualifiable, qualitative

1 data, about just the numbers. Well, in order to  
2 get numbers you kind of got to dig in and  
3 figure out what are we measuring here, and is  
4 everybody seeing this as apples against apples,  
5 so in order to realize what that is you have to  
6 know that safety audits in Virginia are  
7 designed to collect, analyze, and disseminate  
8 school safety audit data, and that the Center  
9 for School and Campus Safety gets to identify  
10 what those items are that they have to report  
11 to us. They also added that each threat  
12 assessment team would need to report those,  
13 that data to the Department.

14 So, the safety audit is comprised of five  
15 different components. It's a school safety  
16 survey that's done every, every August and  
17 September of all two thousand principles. And  
18 we ask about climate, we ask about the safety  
19 practices, we ask about their security  
20 personnel, so in our school safety audit  
21 report, school safety survey report, we have  
22 data that gives our general assembly a snapshot  
23 of what safety looks like in Virginia. They  
24 know how many schools are reported how many  
25 threats. They know how many schools have SROs,

1       how many have school security officers. They  
2       know what training they want. They know what  
3       kind of needs assessment they're doing, and  
4       other things that are going on, so that survey  
5       ranges from eighty to a hundred and twenty  
6       questions. We have trend data over the last  
7       eighteen years, and we're getting ready to put  
8       out a report on that trend data.

9               We also do the division level survey where  
10       we ask -- and we don't do that every three  
11       years, we're doing it every year now, because  
12       we need to ask policy questions of the  
13       division, and not of the schools. We also  
14       mandate that the school crisis plans be  
15       reviewed every year by their superintendent and  
16       their school board, and they certify to us  
17       every year by August 31st that those plans for  
18       each and every school in Virginia has been  
19       reviewed by their local school board and  
20       updated accordingly.

21              The fourth component is that we require a  
22       secondary school climate survey, and this  
23       climate survey is done by an outside university  
24       that administers it through us, and every other  
25       year, we do high schools one year and middle

1 schools the next, and that gives us data, and  
2 the school data, on what do the students think  
3 of the school. And that's important. Not only  
4 that, they survey staff and they find out the  
5 discrepancies between what the students think  
6 and what the staff think, and that's integral.  
7 Another piece of that is we compare their  
8 school climate to the region, and then to the  
9 state, so they can see if their climate is  
10 higher or lower than others, and they can make  
11 the necessary improvement.

12 And lastly, our general assembly mandated  
13 back in 2013 that schools conduct school safety  
14 audit, school's safety inspections. This is a  
15 physical checklist that they directed the  
16 center to create. The schools have to use our  
17 checklist, or something very consistent with  
18 it, and they go through their schools, and this  
19 is the physical safety walk-through, you know,  
20 windows and doors that aren't locking,  
21 identifying and recommending to their  
22 superintendent what needs to be fixed. And  
23 then we survey through the division survey what  
24 those school's safety security checklists said,  
25 and what the top three recommendations were, so

1 we can tell the general assembly, hey, if you  
2 want to put your money somewhere the schools  
3 are saying that they need more in these areas.  
4 And so, we use that as our physical bucket list  
5 that we can report out to the general assembly.

6 So, again this is what the safety audit is  
7 designed to do, it's to give a picture of  
8 safety in Virginia to drive best practices, and  
9 prove, improve school safety for school  
10 administrators. We have data, and I'm not  
11 going to go over all of this data, but nearly  
12 two thirds of our schools, and this is our  
13 latest data, we'll have some more this year,  
14 reported conducting one or more threat  
15 assessment.

16 Do you think, wonder if the other third of  
17 the schools weren't doing threat assessments,  
18 no, I think that they did threat assessments,  
19 that they did not have, did not write down the  
20 data, did not keep good data, and didn't want  
21 to report false data to the state, and so  
22 therefore they just put zero. We are working  
23 on a case management tool that will help them  
24 keep that data handy.

25 These schools totaled nine thousand two

1       hundred thirty-eight threat assessments, mostly  
2       involving current students, so ninety eight  
3       percent of the threats the threat assessment  
4       team assessed dealt with students. Half of the  
5       threats from current students involved threats  
6       against self. That's huge. When you know that  
7       half of the threats that are going on in your  
8       state are because students want to harm  
9       themselves that helps you hone where you want  
10      to put your resources. Of the, again that's  
11      the breakdown. Four thousand of the cases  
12      wanted to harm themselves only. Thirty-six  
13      hundred or more wanted to, threatened only  
14      others, and four hundred and forty-three  
15      threatened self and others.

16             Seventy-six schools reported assessments  
17      involving other persons, and that would be  
18      spouses of staff or other affiliated people,  
19      and that's a breakdown of that. But here we  
20      go, of the nine thousand two hundred  
21      thirty-eight less than ten percent, nine  
22      hundred and twenty-eight threat assessments  
23      were classified at the highest level. So, we  
24      asked them in their survey how many of the  
25      threats were at any point in the threat

1       assessment process classified at the highest  
2       level, meaning it could have started out low,  
3       went high, and then it abated, but we asked  
4       them at any point was it high. And then of  
5       those cases we asked how many were averted, and  
6       as you see less than forty cases, less than one  
7       percent of them the event actually occurred.

8               And we don't believe that either. We  
9       don't believe that forty cases that they were  
10      actively managed actually had a threat that,  
11      that had, that they knew was going to happen  
12      and then occurred. What we think happened was  
13      an incident occurred, like a fight in the, a  
14      fight in the boy's room, they did a threat  
15      assessment after the incident to determine if  
16      there was an ongoing threat, and then they  
17      managed it and they reported it to us as an  
18      averted, as a non-averted threat. But that's  
19      not what threat assessment is, it has to have  
20      done prior, and so we're asking better  
21      questions this year to find out were these  
22      really averted, non-averted cases, or were  
23      these things that happened and then you did a  
24      threat assessment.

25             Obviously, the data is going to show that

1       you have more high-level threats at the high  
2       school level than you do at the elementary, so  
3       in summary of those nine thousand two hundred  
4       thirty-eight threats nine hundred, ten percent  
5       were classified at the highest level by three  
6       hundred eighty schools, and among those less  
7       than one percent resulted in an act being  
8       carried out. That's good news.

9               Again, as I mentioned we have a climate  
10       survey, and the definition of a safety audit  
11       says we're supposed to identify and develop  
12       physical, solutions for physical safety  
13       concerns, and the second part of that is  
14       identify and evaluate patterns of student  
15       safety concerns. The only way I could fulfill  
16       that mandate when I first began doing this was  
17       to ask the schools did you do an anonymous  
18       survey, and if so what did the students say  
19       they were, were their problems. That's not  
20       researching, so what we did was we went out and  
21       we found a university to apply for the grant so  
22       that we could administer a statewide anonymous  
23       survey to all students, mandate it, and do as I  
24       mentioned earlier.

25              So, these are some of the questions we

1       asked. I like the school. I like being at the  
2       school. I feel connected to the school. I  
3       think the school rules are fair. I can't read  
4       that one. Students have treated me fairly.  
5       And as you can see it them aggregates it into  
6       the school, the region, and the state. And you  
7       can see the starred ones there where, where  
8       it's relatively high. I think it's an  
9       important selling tool for the principals and  
10      the schools to know, hey, look, the vast  
11      majority of my students feel, feel safe here.  
12      Most students, seventy four percent, reported  
13      they feel safe in the school. And you have  
14      some others there about physical appearance and  
15      whether they've been teased.

16           And I'd like to make a side not about  
17      bullying. We have a definition of bullying in  
18      Virginia code, and it's in our education code,  
19      and it very specifically lays out the three  
20      criteria. It has to be targeted and meant to  
21      humiliate or cause harm. It has to be  
22      repeated, and it has to be an imbalance of  
23      power. And all three criteria need to be fit  
24      before, checked before we call it bullying.  
25      And I think that we've gotten into a habit of

1 calling things bullying that are not bullying.  
2 There's on this end of the spectrum mean, rude,  
3 and bad behavior, and it happens every day in  
4 your workplace, and in mine. People are mean.  
5 People are hateful. People say wrong things.  
6 That's at one end of the spectrum.

7 And then we have bullying, which is  
8 repeated, and targeted, and meant to be an  
9 imbalance of power. And then we have crimes.  
10 If I go to work and somebody shoves my head in  
11 a toilet somebody is going to jail, end of  
12 story, it's a crime. We can't call that  
13 bullying. And it's really important that we  
14 send that message to students. If somebody is  
15 doing things that physically harm you at school  
16 that's not bullying, that's a crime, and we  
17 prosecute crimes. And we need to let our kids  
18 know that they don't have to endure bullying  
19 behavior, and when, if teachers identify  
20 bullying behavior they need to have tactics at  
21 which to address it, and the school needs to  
22 address it.

23 How do we deal with mean, rude behavior?  
24 We don't call it bulling, we address it through  
25 classroom management, and we address it through

1 character education programs. And -- and you  
2 can see how the students feel about bullying at  
3 their school. And we have, we have a complete  
4 separate report, technical report on our  
5 climate survey results over the years.

6 And I just want to rush through these, so  
7 I can get to the, get to the good stuff. So,  
8 the research that we have, we have four grants  
9 with the National Institute of Justice. We  
10 have two with the University of Virginia, one  
11 focusing on threat assessment and school  
12 climate. Those reports are coming out soon.  
13 We have one with Virginia Tech that studied the  
14 school to prison pipeline, and as I said that  
15 kind of overturned what the first report said,  
16 that we were leading the nation, and out of  
17 that we're also studying our school resource  
18 officer program.

19 So, we have a variety of publications and  
20 resources that we put out to assist schools.  
21 As I mentioned we have our model policies, and  
22 then we have a curriculum to support that.  
23 It's absolutely necessary that it if you're  
24 going to mandate teams that you mandate a state  
25 agency to deliver that training, because

1 otherwise it's going to be all over the board,  
2 and it's really important that we provide  
3 school divisions if we're going to put one more  
4 thing on them, we provide them the means and  
5 the mechanism to get it right.

6 This is the other document I just reported  
7 to you, but as you can see there's a whole host  
8 of other training, other documents that the  
9 center puts out. We put it out, a Virginia  
10 educator's guide on conducting drills. We did  
11 that when they mandated lock down drills. We  
12 knew schools didn't know how to do lock down  
13 drills, and what's the different in a lock down  
14 drill and an active shooter drill, is there a  
15 difference. When -- when schools have a crisis  
16 occur they have three options, they can lock  
17 down, they can evacuate, or they could shelter  
18 in place. Active shooter doesn't mean anything  
19 to them. We have to make sure that we are  
20 understanding and delivering information in a  
21 way that makes sense with the clientele that  
22 we're dealing with.

23 And as I showed you we do a host of other  
24 things there. Juvenile Law Handbook for school  
25 administrators. This takes our Virginia

1 juvenile code and it translates it into their  
2 student code of conduct, and it shows them  
3 where, where the crosswalk are, and what things  
4 they have to report to law enforcement, and  
5 again trusting that law enforcement will use  
6 their discretion and consult with the school to  
7 get the best outcome for the student.

8 We provide a host of training, and  
9 obviously the center is very small staffed. We  
10 have four to five folks that work there. We  
11 cannot be subject matter experts on everything  
12 we touch, and we so we are, absolutely  
13 necessary for us to have contracts with outside  
14 agencies. We've long used John Moore in  
15 Response Law to do our legal training. We have  
16 consulted with SIGMA Threat Management  
17 Associates to deliver our threat assessment  
18 training, and are, are consulting with the  
19 school divisions.

20 And one more thing here, after we rolled  
21 out our training, and we did our, trained the  
22 trainer, we noticed that school divisions were  
23 calling me for case management. I'm not a  
24 threat assessment expert, and I knew that I  
25 needed consultants on staff, where if they had

1 a case of a troubled child that they've done  
2 everything they could and they didn't know what  
3 else to do, that they needed someone that they  
4 could consult with that we pay for, and so I  
5 developed a contract with an outside consulting  
6 agency, schools can apply to me and say, hey, I  
7 need four hours with an expert because we're  
8 out of options, and I can pay, authorize that,  
9 and pay for that, so school divisions know what  
10 to do with those difficult cases.

11 I am not going to cover our model. It's  
12 in your packet. It is based on the Secret  
13 Service model. And just the topics that you'll  
14 see here, the rationale for a threat assessment  
15 process, understanding the pathway to violence.  
16 Again, the questions that you would find in the  
17 Safe School Initiative back in 2002, the  
18 questions, the guiding principles, how you  
19 develop and operate a threat assessment team,  
20 identifying and reporting threats, how do you  
21 conduct a threat assessment, and then the key  
22 questions that you would ask if you were doing  
23 a threat assessment, classifying the threat in  
24 the threat case management, our levels are low,  
25 medium, high, and imminent, and there's our

1 definitions. It's also in our book there. And  
2 then how do you respond by the threat  
3 assessment level, so we have actually in our  
4 guide those things that line up with low,  
5 medium, high, the different interventions that  
6 you can use. And then of course the legal  
7 issues in confidentiality. We've talked a lot,  
8 you've talked a lot about FERPA here, so we  
9 addressed that in this section. Reporting and  
10 record keeping, and why that's so important.  
11 And then lastly enhancing the school climate.

12 The last thing I want to cover before I  
13 get to the end is the training and conferences.  
14 We train constantly, and it will never stop.  
15 We are five years into rolling out threat  
16 assessment in K-12 schools and we are nowhere  
17 near where we need to be. And I can tell you  
18 that when we first started this we were doing  
19 twelve to fifteen K-12 threat assessment  
20 trainings a year where we had seventy-five to a  
21 hundred folks in them coming from various  
22 school divisions. We thought we'd to that for  
23 a few years and then step out of it, do a train  
24 the trainer, let them have our curriculum, and  
25 move on to the next topic. This is not going

1 away, because the turnover in schools is  
2 twenty-five to thirty percent, and this is  
3 something that is necessary to begin with them.  
4 It should be targeted to help them begin to set  
5 up their own system and provide direct services  
6 to help them change their climate.

7 And as Lina also said there's other  
8 trainings that surround threat assessment,  
9 applied suicide intervention skills, disability  
10 awareness for law enforcement officers so they  
11 recognize when they're dealing with a child  
12 with a disability, and how that's going to  
13 manifest itself. Mental health, mental health  
14 first aid for youth, understanding mental  
15 health crisis, understanding de-escalation in  
16 trauma, inform classrooms, how do you peel back  
17 the layers of a kid to find out what triggered  
18 that child, and is here a time-out room where  
19 that child can go with a caring adult and  
20 figure out what made this child go off.

21 I have to tell you a quick story that  
22 happened to someone, with someone I love  
23 dearly. A child came into school and  
24 everything was fine, 8:00 in the morning sat  
25 down, eating his breakfast, having a great day.

1       Something happened, the child pulled out  
2       something, a railroad tie from his britches,  
3       and began trying to stab the ground around him,  
4       barely missing toes. And when -- when -- when  
5       that child was pulled out of the classroom and  
6       somebody peeled back the layers they found out  
7       that mom had, mom had arrested, been arrested  
8       the night before for beating somebody, the  
9       boyfriend over the head that was trying to  
10      break into the house, and yet that child was in  
11      class the next morning at 8:00.

12           It's important to know that these kids are  
13      bringing what they have from the community and  
14      home into the classroom, and we need to  
15      deescalate that, we need to get to the root of  
16      it, and we need to surround that child with the  
17      help that they need to be successful, but you  
18      have to have resources and training in place to  
19      help make that happen, and not just suspend,  
20      and not use, call the police, but have the  
21      police involved.

22           Our training is around three different  
23      areas, or four different areas, school safety,  
24      campus safety, public safety, and then our  
25      mixed audiences to include counselors, et

1       cetera. We do six to nine large conferences a  
2       year. A hundred and fifty to two hundred fifty  
3       trainings, and we -- although it sounds like a  
4       lot of constituents that we reach it's still a  
5       drop in the bucket based on what we know that  
6       we have.

7               And here are some of those other trainings  
8       that I've mentioned, identification of  
9       abhorrent behavior. They're going to want to  
10      know about legal issues, and FERPA, and HIPAA,  
11      and how do I get information from our mental  
12      health providers, and that's why it's really  
13      important to provide legal training. Again,  
14      applied suicide intervention trauma, inform  
15      classrooms, and then a whole host of other  
16      trainings.

17             So, let's get to the challenges. So,  
18      again, when the state rolled this out the only  
19      mandate that the center had was to develop  
20      policies and collect data, so we immediately  
21      knew we needed to provide training in order to  
22      do that, but no funding was, no money or  
23      funding was, was directed to the center. So,  
24      you need a dedicated staff at the state to  
25      orchestrate this roll out, and it needs to

1 place somewhere where they're going to  
2 coordinate it from the top down to give the  
3 school divisions what they need in order to  
4 make this happen. Again, there was no  
5 legislative mandate for any agency to provide  
6 training, we did so because we knew that the  
7 schools were going to come to us looking for to  
8 anyway. There's going to be an ongoing need.  
9 This is not a one-time fix. This isn't going  
10 to make things perfect in a year, or even five  
11 years, it is a beginning of the snowball to  
12 roll down the road, that it's going to take a  
13 long time.

14 There's a continual need to keep resources  
15 update based on the latest research that comes  
16 out from the Secret Service, or the FBI.  
17 You've got to constantly tweak your resources  
18 and make sure they're up to date. You need to  
19 apply for grant writers who can look for  
20 research opportunities to study your data and  
21 give you really good information. And you're  
22 going to need online training because a lot of  
23 the people you want to reach, the teachers are  
24 not going to come to your training. They can't  
25 leave the classroom. They can use it for

1 professional development, but you need to do it  
2 in bite sized modules that, that build upon one  
3 another so that you're creating a base for  
4 their information.

5 We -- there was a lack of qualified  
6 trainers in our school divisions. Again, I was  
7 hopeful we could do a train the trainer, pass  
8 them curriculum and they would become their own  
9 experts, and that's not how it goes. It's  
10 really important that you hone a cadre of  
11 threat assessment trainers within the state or  
12 you're going to constantly be looking for  
13 subject matter experts that you pay for to  
14 bring in. So, again, we're five years into  
15 this and we're just now getting to the point  
16 where we're honing a cadre of school divisions  
17 that are doing it really well and preparing  
18 them to be trainers for the state.

19 And again, there's a lack of centralized  
20 school division personnel to oversee the threat  
21 assessment process. It was not mandated that  
22 schools had to have to a division oversight  
23 team, or that they have anybody there to direct  
24 and help support the teams within your, the  
25 school division, and we have divisions that

1 have a hundred and sixty-seven schools or more.  
2 We also have divisions that have three schools,  
3 and so it is important that you hone it, and  
4 make it flexible enough to deal with the range  
5 of school divisions that you have.

6 There was no funding given for this, none,  
7 and so we were able to go after asset  
8 forfeiture money and other grants, and again we  
9 are looking at exploring that in Virginia, but  
10 it's important that we do fund these mandates.  
11 And there was a lack of formulized guidance  
12 around information sharing, you've brought it  
13 up. We need someone to tell us FERPA, FERPA,  
14 what can we share and what can't we share, and  
15 schools want to know that, and so we're looking  
16 at putting out informational papers, which  
17 we've already done, on what you can and cannot  
18 do.

19 So, our future plans are we're seeking the  
20 dedicated staff to support the school divisions  
21 at the state level. We're rolling out  
22 community behavioral threat assessment teams.  
23 We've noticed that even though we have SROs in  
24 most of our middle and high schools we don't  
25 have them at our elementary schools, and yet

1       their teams are supposed to have a law  
2       enforcement officer on them, so who are they  
3       getting, they're returning to their community  
4       and saying send me someone.

5               Well, if you haven't trained the law  
6       enforcement agency in what community behavioral  
7       threat assessment is, and what the school is  
8       doing, they're not going to know their role,  
9       and so again when you suspend school students,  
10      or you expel them from their school, where are  
11      they going to go, they're going to go to the  
12      community so it's absolutely integral that you  
13      train law enforcement at the other end of the  
14      spectrum so they know who they're supposed to  
15      be surrounding, who they're supposed to be  
16      helping, who are they supposed to be connecting  
17      with, and making them aware of what they're  
18      walking into if they have to respond to that  
19      home.

20             We're working on a case management tool  
21      that is a module that will hook onto the  
22      discipline records system in the state so that  
23      as they walk through our process, through our  
24      questionnaire, they can do it electronically in  
25      a separate module that collects it on their

1 student discipline, but apart from their  
2 discipline so that it's law enforcement  
3 records, and it's not foible, and nor is it,  
4 and nor is it part of protected by FERPA, and  
5 that way we can collect the data from the  
6 division level instead of from the schools, we  
7 get more consistent data, and you're also  
8 easily able to transfer that to higher ed if  
9 that child moves onto higher ed, or if somebody  
10 wants that information.

11 We're looking for a cadre of threat  
12 assessment trainers, and for funding. And  
13 we're also looking at developing those online  
14 modules. So, that's just a brief quick look at  
15 what we've done here in Virginia.

16 CHAIR: So, do you have a threat  
17 assessment instrument that is used in each  
18 division, or each school level consistent  
19 throughout the state as they go through the  
20 threat assessment process?

21 MS. MICHAELIS: Yes, our model policies  
22 and procedures, and the forms that are in here,  
23 are what the schools are supposed to be  
24 consistent with. So, they don't have to use  
25 our model, but they have to use a model

1 consistent with the one that we put out. And  
2 as Lina indicated we looked, when we were  
3 mandated to do this we looked at all the models  
4 that were out there. In Oregon, Salem Keiser  
5 had a model, the University of Virginia had a  
6 model at the time, Virginia student threat  
7 assessment guidelines, and the Secret Service  
8 had a model, and a few others other places.

9 We did a big lit search. I contracted  
10 with a researcher who, who evaluated all of  
11 this. I had an advisory committee made up of  
12 various superintendents, law enforcement  
13 officers and subject matter experts, and this  
14 is where we landed, on the model that most  
15 emulated --

16 CHAIR: I believe I have a copy of that,  
17 and it's all about not reinventing the wheel,  
18 so that's why I asked. I haven't seen anything  
19 in here on it, so we'll take a look at that  
20 though. Any commissioners have questions? Mr.  
21 Schachter.

22 MR. SCHACHTER: Thank you very much.  
23 Since 2013 Florida has had over twenty-one  
24 fatalities, obviously seventeen recently,  
25 that's why we're here. In Virginia you've had

1 zero, is that correct?

2 MS. MICHAELIS: Yes.

3 MR. SCHACHTER: That's pretty impressive.  
4 Number one, why don't you think we have this  
5 system nationwide, and number, number one, and  
6 number one -- number -- number two, in the  
7 survey how do you make sure that schools are  
8 accurately reporting data? We have found out  
9 that Marjory Stoneman Douglas did not report,  
10 let's see here, between 2014 to 2017 we had  
11 zero cases of bullying, zero harassment, zero  
12 trespassing, zero threats, zero intimidation,  
13 three cases of vandalism, and two batteries.  
14 How accurate do you think that is? So, how do  
15 you ensure that, you know, people are not lying  
16 to you, and not reporting the facts?

17 And then, let's see here. Do you have  
18 intervention programs like, like PROMISE, like  
19 we have here in this state, you know, we have  
20 those thirteen nonviolent crimes that they  
21 don't punish kids for? And -- and lastly how  
22 do you view, you know, had, you know, Chief  
23 Alathari here, and she's fantastic, and then  
24 you've got FBI's BAU, and you've got DHS, how  
25 do you view all these different organizations,

1 do the others help you, and how would you  
2 compare them in their help to solve these  
3 problems.

4 CHAIR: So, hang on, before you answer  
5 that, is a lot of questions there, so sometimes  
6 it's helpful if you could just maybe break down  
7 your questions a little bit for the people  
8 because it's really hard to follow, if you  
9 could.

10 MR. SCHACHTER: Okay.

11 CHAIR: Okay. And you can answer if you  
12 want, but some of those things I don't think  
13 that she's really qualified to answer, about  
14 what was reported or not reported, or how  
15 Marjory Stoneman Douglas keeps its information,  
16 so I don't think that she's really in a  
17 position to answer that specific information.

18 MR. SCHACHTER: You mean whether or not  
19 they have an intervention program like we do?

20 CHAIR: No, you mentioned what they -- you  
21 gave some statistics about what they reported  
22 or didn't report, and maybe why they didn't  
23 report --

24 MR. SCHACHTER: No, I was just saying --

25 CHAIR: I don't think she's really in a

1 position to answer that.

2 MR. SCHACHTER: No, I was just saying --  
3 she had -- she mentioned that they have a  
4 survey, and I was just curious if you, because  
5 that's one of the problems here, we didn't, the  
6 school didn't report all these incidents. I  
7 was curious how you, you know, fix that if you  
8 have a system.

9 CHAIR: Well, we don't -- we haven't  
10 gotten there yet, so we don't know that.

11 MR. SCHACHTER: Okay. Okay.

12 CHAIR: And, you know, and some of it is,  
13 you heard a presentation last time about SESIR,  
14 and you got to look at what's required to be  
15 reported versus what isn't, so I think we're,  
16 we're going to get into that, and information  
17 sharing, that will be a topic in August. So,  
18 if you -- if you feel like you're qualified to  
19 answer it go ahead, but --

20 MS. MICHAELIS: Yeah, no, I'm not  
21 qualified to answer the question about your own  
22 reporting, but I will say that in Virginia we  
23 have a law that names eight different crime  
24 categories that must be reported to law  
25 enforcement. Then we then take those eight

1 crime categories and translate them into the  
2 student code of conduct, which results in fifty  
3 four student code of conduct violations that  
4 must be reported to law enforcement, so when  
5 school divisions report that they have one of  
6 those incidences they can look at the chart and  
7 say, okay, I don't need to know what a  
8 kidnapping or a schedule 1 drug is, I know that  
9 it's a drug with intent to distribute, or I  
10 know it's one of these, these drugs, then I  
11 must report it to law enforcement.

12 And when they go to enter it into the  
13 system for the Department of Education to  
14 report those incidences to the Department of  
15 Ed, it's called our discipline crime and  
16 violence report, there's an automatic edit  
17 check where, wait a minute, it's flagged, if  
18 you don't check the box and say that you told  
19 law enforcement it will not let you submit it.  
20 So, it's an edit check that requires schools to  
21 report to law enforcement. Now, what that,  
22 that report to law enforcement is, it could be  
23 the principal telling the SRO, hey, I had this  
24 in the cafeteria, here's what I'm doing  
25 discipline wise, feel free to do what you want

1 with it your way. And the SRO and the  
2 principal will talk, and if they decide, hey,  
3 this is the best course of action for this  
4 student, we're not going to take a report  
5 unless the parent would like us to take a  
6 report, then it doesn't enter the system.

7 So, it's an edit check that requires that  
8 report to law enforcement. Now we're following  
9 up and adding an edit check, was an actual  
10 charge placed, so that we know, hey, out of the  
11 forty thousand referrals to law enforcement  
12 only a thousand of them required, resulted in  
13 an actual charge, and so we collect better data  
14 that way. But it is absolutely dependent on,  
15 on the schools reporting that.

16 MR. SCHACHTER: I think it's extremely  
17 impressive that, you know, the results that,  
18 you know, you have in Virginia. Do you have  
19 any -- what's your opinion on why you don't,  
20 why this is not a nationwide --

21 MS. MICHAELIS: Well, we had Virginia  
22 Tech, and as horrendous as Virginia Tech was  
23 there's a lot that we learned from it, and what  
24 we learned was in the interactions of the  
25 perpetrator with the various silos of

1 information within the university, and we have  
2 a chart that shows all the various  
3 interactions, we learned that there wasn't one  
4 place that connected the dots, that a professor  
5 may have information, a counselor may have  
6 information, the review team, or the sexual  
7 assault team might have information, but there  
8 was not one place connecting the dots. It's  
9 important to connect dots. It's important that  
10 you have a threat assessment team that gathers  
11 a fact through a fact driven information-based  
12 process what is going on with this child and  
13 connect the dots.

14 Virginia is not perfect. We -- this, what  
15 happened could happen anywhere, and there are  
16 always going to be cracks in the system, but  
17 the way that we address those cracks is, again,  
18 we began getting everyone on the same page,  
19 sharing information, connecting the dots, and  
20 putting policies and procedures in place that  
21 support the child but also adhere to the safety  
22 and security of the entire, the entire staff.

23 MR. SCHACHTER: And then just the last  
24 question. Have you found the FBI and DHS  
25 helpful at all?

1 MS. MICHAELIS: Absolutely. Just hot off  
2 the press from the Department of Homeland  
3 Security is a K-12 school security guide for  
4 preventing and protecting against gun violence.  
5 I read through it this morning. There's an  
6 excellent Excel spreadsheet in here that takes  
7 you through all the processes of setting up and  
8 assessing what you've got to work with, and I  
9 found that very consistent. As -- as you know  
10 they're getting ready to come out with another  
11 guide on Thursday. We read all the latest  
12 information and go back and update our  
13 resources to reflect those, so absolutely we do  
14 not do this in a vacuum.

15 And just like I've stolen with, with  
16 abandon from across the nation, whatever we've  
17 created is available for others as well.

18 MR. SCHACHTER: Thank you very much.

19 MS. MICHAELIS: Thank you.

20 CHAIR: Any other questions? Okay, thank  
21 you, Donna, for being here. We appreciate it.

22 MS. MICHAELIS: Thank you.

23 PUBLIC COMMENTS

24 CHAIR: Thank you. So, we have, for  
25 citizen comment we have two comments cards.

1 The first is Ronald Barish. Again, we'd ask  
2 that citizen comments be limited to three  
3 minutes.

4 MR. BARISH: Good afternoon, MSD  
5 Commission, ladies and gentlemen. According to  
6 Local 10 News, there were ten items that I'm  
7 going to talk about, but also there's two that  
8 I'm going to, that I already have. The first  
9 is I want metal detector wands in every middle  
10 and high school, keep classroom doors locked,  
11 lock and monitor all entrances and gates,  
12 install window coverings on all classroom doors  
13 and windows, monitor all public areas with  
14 cameras, funding for district mental health  
15 programs, an external audit of school  
16 discipline, at least one officer, maybe two at  
17 every school, enhancing active assailant  
18 training, single, and a single point entry for  
19 all campus visitors.

20 My two are bullet proof steel reinforced  
21 doors for every classroom in all middle and  
22 high schools in Broward County. And my twelfth  
23 one is revamp the PROMISE program and coerce  
24 the students to be in it or they will not  
25 graduate. The PROMISE program is good if it's

1       used properly. Let's do that. Let's revamp it  
2       so it will be used properly so we won't have  
3       this problem again. One more thing. And  
4       another thing, I want to make sure all police  
5       officers know where the shooter is and not  
6       guess. And these are the things that are very  
7       important, that has to be done.

8               I've been working with this since 1990,  
9       and I will tell you that the reason I'm  
10      starting it is because there was a bully in  
11      Reading, Pennsylvania, and a fifteen-year-old  
12      boy went in and blew his bully away right in  
13      front of biology class. He ended up with  
14      twelve to twenty-four years. He probably just  
15      got out for years ago. Please let's get this  
16      done, because we never want to see this never  
17      again. Thank you.

18             CHAIR: Okay, thank you, sir. The next is  
19      W.R. Carney.

20             MR. CARNEY: Thank you. I know I don't  
21      look like it, but I am a Broward County  
22      elementary student. I went to elementary  
23      school here, I went to junior high, I went to  
24      high school. I had a current Mayor of Broward  
25      County singing Christmas carols at my house. I

1       grew up with many of these Cruz individuals,  
2       and as a result of the lifestyle I wound up,  
3       fortunately, in prisons; not because you guys  
4       put me there, but because I saw there was  
5       something missing in a lot of the kids that I  
6       went to school with, and I became a part of the  
7       solution, and at one point it became all about  
8       drugs, because I grew up in South Florida  
9       during the cocaine wars.

10           And this is very resonant of the same lie  
11       that's being told, you know, it's a drug  
12       problem. It's a school problem. No, it's the  
13       children's minds problem, and if we don't  
14       address it as someone said in this commission  
15       there's going to be a thousand of them, and  
16       just like the drug war that was started by our  
17       president in 1971, and he started a commission,  
18       it was called the DEA, which all of you police  
19       officers can appreciate, there was  
20       approximately fifteen hundred officers and a  
21       budget of \$75 million. Today there is a budget  
22       of \$2.4 billion, five thousand DEA agents.

23           In 1993 they killed the epidemic, so they  
24       thought, Pablo Escobar in Medellin, Columbia,  
25       where my wives live, and the reality is they

1 produce three times more cocaine there today  
2 than they did when they killed Pablo, why,  
3 because we're all focused on the drugs. We're  
4 focused on AR-15s at the age of seventeen. I  
5 served in the Air Force as a weapons  
6 instructor. I never seen one of those weapons  
7 jump out of the armory and hurt anybody. It's  
8 the minds that we're dealing with here, folks.

9 And I came here because at 2:00 I found  
10 you on the internet, that you were meeting  
11 here. I have met with parents that have lost  
12 their children in this incident. I started a  
13 nonprofit in Coral Springs, in Parkland, but  
14 they thought they was above this. They told me  
15 to take my message to the inner city, but you  
16 know what, it isn't an inner-city problem, it's  
17 a mind problem of youth all over this country.

18 And so in closing what attracted me to  
19 come here was that you guys are here to bring a  
20 report back to the governor, well, I think more  
21 than a report of what went wrong, and crisis  
22 management so next time we can do something,  
23 how about we starts working with the children  
24 when they're seven and start in school, and  
25 instead of requiring me to learn science, that

1 I didn't want to know nothing about, have a  
2 class that teaches me about how to live life,  
3 how to process my fears, because they mentioned  
4 stressors. You know what stress is, it's the  
5 adult word for being afraid.

6 A child will tell you I'm afraid mommy,  
7 daddy, but once we grow a little bit older we  
8 call it a stressor. No, that person, those  
9 persons, be it a bully, a rapist, a person  
10 using drugs, it's all about they're afraid, and  
11 if we don't get to the youth of seven years  
12 old, and before they become twelve, because  
13 that's where these behaviors begin, okay,  
14 there's never going to be enough commissions.

15 And all's we got to do is look at the drug  
16 war. This is very parallel to it. We're  
17 looking at the wrong solution folks, it's to go  
18 into the minds and give them the gift of  
19 understanding how to operate their own minds  
20 when they're afraid, and how to communicate  
21 healthy, harmonious, and prosperous  
22 relationships. I have a stack of cards. If  
23 any one of you wants the magic wand, as I heard  
24 mentioned many times, I'll be more than glad to  
25 meet with you, have coffee, any time, and show

1           you the solution. It's a quick eleven module  
2           syllabus to teach them how to live as a human  
3           being --

4           CHAIR: All right, sir, thank you for your  
5           comments.

6           MR. CARNEY: -- and not a feared animal.  
7           Thank you.

8           CHAIR: I let you go over by two minutes,  
9           so thank you. The next is Julie, and I'm sorry  
10          I can't read the writing here. It looks like  
11          Ganas, G-A-N-A-S.

12          MS. GANAS: Hello, I'm Julie Ganas, and I  
13          am a former twenty plus veteran teacher in  
14          Broward County, elementary school teacher. I  
15          took a medical leave for two years because my  
16          administration bullied me in many ways, lowered  
17          my evaluation scores immediately when I spoke  
18          up for my off-duty lunch. We were required to  
19          have a meeting during our lunch period, so that  
20          really caused a lot of anxiety, and my symptoms  
21          got worse. So, I was at the same school for  
22          fifteen years in a row with a satisfactory  
23          evaluation every year, and so therefore my  
24          doctor at the end of two years asked me to  
25          resign, I wasn't well enough to return, and it

1 really hurts me because my passion was teaching  
2 ever since I was in first grade, and I'm a  
3 victim of retaliation, and it really hurts me  
4 because it's just -- it hurts because I really  
5 loved what I was doing, and I was just speaking  
6 up for my rights, and then -- teachers really  
7 have their hands tied.

8 So, I wanted to give you some of my  
9 experiences as a teacher. When I taught third  
10 grade in the school I had an extreme violent  
11 and defiant student in my class, and he threw  
12 desks in the room, he picked fights, and he  
13 bullied other students verbally, and injured a  
14 few on the playground. And I wrote a few  
15 referrals, and yes, therefore he was given  
16 internal suspension, and an external  
17 suspension, and there was a time when I was  
18 about to write another referral and my  
19 assistant principal told me don't write  
20 referrals on the same students, it makes our  
21 school look bad.

22 This student also never received any small  
23 group counseling from the guidance counselor  
24 though on record, on paper there's like little  
25 small groups that are being held for anger

1 management, divorce support, and it came to my  
2 attention, you know, months and months later,  
3 like in October I said to her, I said, well why  
4 aren't we calling small groups. I went to her  
5 office and she told me in a very low voice, and  
6 she showed me like the paperwork on her desk,  
7 she said, oh, the principal has me doing all of  
8 this work, and I said I understand.

9 So -- so as a teacher our hands are tied.  
10 When we do speak up for our rights, and the  
11 rights of students, we get retaliated, as it  
12 happened to me, and we really don't know what  
13 to do in these situations, and we just walk  
14 away. And I'm a victim of what happened. So,  
15 teachers really know what's going on in the  
16 classrooms. It's my experience that we don't  
17 know who to go to, and in my opinion there  
18 needs to be somebody outside of the school  
19 board, or the principal's level, to report what  
20 we know is really happening. Thank you.

21 CHAIR: Thank you. And the last  
22 appearance card we have is from Michael  
23 Sirbola.

24 MR. SIRBOLA: Hello, and thank you for  
25 having me. And I apologize for not wearing my

1 tie dye, that's kind of it. I want to touch  
2 real quickly on the Secret Service and their  
3 behavioral threat assessment to ask why they  
4 don't identify epidemic hot spots of high aid  
5 scores, because that would surely in addition  
6 to the individual behaviors be the strongest  
7 indicator of problems, and absolutely  
8 necessary.

9 And also, I want to touch on the very  
10 telling attitude shown in the PROMISE update  
11 associated with this meeting, and the word and  
12 verbiage used. There is no delineation between  
13 child and adult. It could have been for adults  
14 or children, there's no difference. Shame on  
15 us. Change is coming. Either our current  
16 superintendent and staff are going to succeed  
17 in delivering the promise of revolutionary  
18 Runcie, or they'll need to be replaced. Change  
19 has to come. Our children have made that  
20 clear.

21 The superintendent in the ROAD Foundation  
22 delivered zero tolerance into our schools here  
23 with gusto. We suffered the consequences, and  
24 are suffering it to this day, as is the nation.  
25 Zero tolerance was a symptom of our national

1 reactive illness. The Department of Education  
2 does zero research on effective mainstream  
3 education methods, zero, it's all done on  
4 special needs and maintaining inclusion, so  
5 when we went to zero tolerance that was  
6 strictly out of our illness, there was no  
7 research to back any of that up, and all the  
8 research shows that it caused this situation.

9 Financial abuse by the state has occurred,  
10 and that underfunding is child abuse. There's  
11 also been emotional abuse through the state  
12 through zero tolerance and zero connection.  
13 This is all why the shooting occurred. Our Mr.  
14 Runcie and Oprah have seen the light. These  
15 ills are not part of our human nature, they are  
16 a blight upon it, and they are curable. And  
17 this is backed up, by the way, by the Center  
18 for Disease Control and the NIH. This is  
19 science. And enough is enough, it is time  
20 start acting like adults.

21 How real is this behaviorally transmitted  
22 complex PTSD that we suffer? Let's do a word  
23 frequency analysis of all of your and the  
24 guardian programs documents and verbiage on  
25 non- lethal training with, for example, pepper

1 bullets and stun guns. You know what, I bet  
2 there isn't very much mention of non-lethality.  
3 How dare we talk about putting these people  
4 into our schools without that being the major  
5 discussion? There is no separation between  
6 mind and body, or between school safety and  
7 whole child education.

8 Mind is body and body is mind, and our own  
9 superintendent Mr. Runcie is moving away from  
10 the past, and from zero tolerance, and  
11 accepting the fact, I've got the little thing  
12 here, I just came from it at the Center for  
13 Mind Body Medicines, Dr. Jim Gordon who worked  
14 with Gaza, and traumatized children there, has  
15 been brought in, and he is the guy who worked  
16 with the CDC and the NIH to change the face of  
17 twenty first century medicine and bring us into  
18 a reality where we understand the connection  
19 between mind and body.

20 They are also looking into bringing in Dr.  
21 Andres with Think Kids --

22 CHAIR: Okay, Mr. Sirbola, if you could  
23 wrap, wrap up --

24 MR. SIRBOLA: -- who trained over five  
25 thousand SROs up in in New York in non-lethal

1 methods, and they had great success. By the  
2 way, for reference, the five thousand SROs in  
3 New York are all armed with pepper bullets.  
4 They aren't in an arms race where they feel  
5 they have to match and M-16 for an M-16, or  
6 whatever the ridiculous thing is. They're --  
7 this is why this shooting occurred. School  
8 safety and whole child education means that the  
9 NIH and CDC's describing of behaviorally  
10 transmitted social dysfunction and CPTSD in  
11 fact is a disease. This is the disease model.  
12 Extreme social dysfunction and crime are not an  
13 integral part of human nature, it is a blight  
14 upon it, and thus is curable.

15 We're talking about curing these  
16 shootings. A cure means a phased change in  
17 what a school is, and --

18 CHAIR: Okay, Mr. Sirbola --

19 MR. SIRBOLA: -- and change it from where  
20 errors --

21 CHAIR: -- your time is up. Your time is  
22 up.

23 MR. SIRBOLA: Close -- closing up to --

24 CHAIR: No.

25 MR. SIRBOLA: -- from where errors are

1 opportunities to be punished or judged, just  
2 seeing errors as opportunities to learn and  
3 teach.

4 CHAIR: Thank you.

5 MR. SIRBOLA: Thank you.

6 CHAIR: So, do any commissioners have any  
7 questions, comments, any thoughts before we  
8 recess for the day? So, tomorrow 8:30 in the  
9 morning, it's going to be all communications  
10 all day. We'll begin in the morning with the  
11 911 centers, and then we'll get into the radio  
12 communications in the afternoon. So, we'll see  
13 everybody at 8:30 tomorrow morning. We'll be  
14 in recess until then. Thank you.

15 (Thereupon, the above meeting concluded.)  
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C E R T I F I C A T E

(STATE OF FLORIDA)

(COUNTY OF BROWARD)

I, NIDELIS GONZALEZ, Reporter, certify  
that I was authorized to and did report the  
foregoing proceedings and that the transcript is a  
true and correct transcription of my notes of the  
proceedings.



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NIDELIS GONZALEZ, Reporter

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