

MARJORY STONEMAN DOUGLAS HIGH SCHOOL
PUBLIC SAFETY COMMISSION MEETING

BB&T CENTER
CHAIRMAN'S CLUB
ONE PANTHER PARKWAY
SUNRISE, FLORIDA 33323

August 9, 2018

PUBLIC MEETING COMMISSION MEMBERS/ATTENDEES:

SHERIFF BOB GUALTIERI - CHAIR

JASON JONES - PSC GENERAL COUNSEL

CHRIS NELSON - CHIEF OF POLICE, CITY OF AUBURNDALE

BRUCE BARTLETT - CHIEF ASSISTANT STATE ATTORNEY,
SIXTH JUDICIAL CIRCUIT

RICHARD SWEARINGEN - COMMISSIONER FLORIDA DEPARTMENT
OF LAW ENFORCEMENT

MAX SCHACHTER - VICTIM PARENT

LARRY ASHLEY - SHERIFF, OKALOOSA COUNTY MELISSA

LARKIN SKINNER - CEO, CENTERSTONE OF FLORIDA

PAM STUART - COMMISSIONER OF EDUCATION

JUSTIN SENIOR - SECRETARY, AHCA

CHRISTI DALY, SECRETARY, DEPT OF JUVENILE JUSTICE

MICHAEL CARROLL - SECRETARY, DCF

JAMES HARPRING - UNDERSHERIFF/GC, INDIAN RIVER
COUNTY

DESMOND BLACKBURN - SUPERINTENDENT, BREVARD COUNTY

GRADY JUDD - SHERIFF, POLK COUNTY

DOUG JUDD - SCHOOL BOARD MEMBER, CITRUS COUNTY

LAUREN BOOK - SENATOR, DISTRICT 32

RYAN PETTY - VICTIM PARENT

MARSHA POWERS - SCHOOL BOARD MEMBER, MARTIN COUNTY

KEVIN LYSTAD - PRESIDENT, FLORIDA POLICE CHIEF ASSOC

CHRISTINA LINTON - COMMISSION STAFF, FDLE

1 (Thereupon, the meeting is called to order:)

2 CHAIR: All right, good morning everybody.
3 We're going to -- I think this is kind of a
4 segue way point for us. Up to this point we
5 have largely done what we said we were going to
6 do, and that is, is to set the background, the
7 framework so that everybody has an
8 understanding as we get into meat of it what
9 the framework, what the law, policies, and what
10 was in place here, so you have a way to measure
11 it as we look at what happened on February
12 14th, and the facts of this incident, and
13 really Cruz's life through February 14th.

14 So, I think this is a transition point for
15 us, because we have largely accomplished what
16 we said we wanted to do in that regard. There
17 are still some things, maybe in September,
18 about straggler items that we need to fill in
19 some blanks on, but I think as we now begin
20 this morning with the presentation from Nevin
21 Smith it gets into the specific topics, and the
22 first topic that we said that we wanted to
23 address and include in the report, and that is
24 historically what has happened in this country
25 in K-12 shooting situations, active assailant

1 situations, and what has come from those that
2 we can learn from, or what we should have
3 learned from previously, and what was done or
4 not done in response to those.

5 And then after that presentation this
6 morning we're going to continue moving forward
7 with specific items that we need to address for
8 the report, and for the, the core of the work.
9 So, I'll say that we're going to start getting
10 into the meat of things now, and it will be a
11 segue way point, and I envision the September
12 meeting, and October meeting will be the same,
13 and again anything else, we'll just be cleaning
14 up any particular items.

15 So with that said if any of you up to this
16 point in our four meetings now have anything
17 that's come to mind that we haven't covered
18 that you want covered, or that you, a specific
19 topic that you think you need more information
20 on, more background information on that will
21 help inform that decisions we need to make, let
22 me know, and we can certainly consider that.

23 So, we're going to begin this morning with
24 Nevin Smith from the Florida Department of Law
25 Enforcement, and Nevin has done a very

1 comprehensive job, and prepared a report on the
2 K-12 history of active assailant shootings and
3 situations here in the United States, so I'll
4 turn it over to Nevin, and welcome, thank you
5 for your work on this.

6 PRESENTATION K-12 ACTIVE ASSAILANT IN U.S.

7 DR. SMITH: Sheriff, good morning. Good
8 morning Commissioners. What I'm going to talk
9 to you about this morning is a twenty-year
10 history of forty-six targeted violence attacks
11 on K-12 schools involving forty-eight
12 attackers. As we start I need to define what's
13 in this data set, what's a targeted attack, and
14 you heard that from the Secret Service in, in
15 your last commission, and here what we're doing
16 is we're using that definition as an attack on
17 the school, not an attack on a single
18 individual in a school. So, murder/suicide,
19 for instance, that did not spill over into the
20 school is not on that, in this data set, and
21 these forty-six we're looking at, not all
22 school violence, but specific types of school
23 violence.

24 These are attacks that serve a purpose for
25 the attacker. As the Secret Service has told

1 you they are well planned in advance, they are
2 not spur of the moment attacks, although
3 something may have spurred an attacker who was
4 planning. They achieve an objective for the
5 attacker, and that objective may be, seem to be
6 observable, but the reasons, or logic in what
7 brought the attacker to the point of the attack
8 are complex and may be unknowable.

9 The second question here about this is why
10 1998, why start there. '98 falls sort of in
11 the beginning of a period when we see a change
12 in who attacks schools, who, where the targeted
13 attacks come from. We thought about starting
14 in '99, which is Columbine, and then we looked
15 a little further into that history and saw that
16 in '98 there was an attack on a middle school
17 by an eleven and a thirteen year old, and
18 thought that was very pertinent to the
19 discussion, and so we picked that up, and I
20 will explain that a little more to you as we
21 go.

22 Before I talk about that twenty-year
23 history what I want to talk about is the
24 history before that to set the context, and
25 I'll cover that briefly. And if you look all

1 the way back into the 1800's what you find is
2 that school violence is mostly one on one,
3 mostly somebody shoots somebody at the school,
4 frequently as a result of a conflict that
5 occurs, and the shooting emerges out of the
6 conflict, and it may be student and teacher,
7 parent and principal, other things like that,
8 and but that's the kinds of violence that you
9 see all the way up to 1927 in Bath, Michigan.
10 In Bath, Michigan you find the first, what we
11 call the targeted school attack, and a member
12 of the school board over a period of time
13 plants dynamite and Pyrotol, which is a World
14 War II explosive, in the basement of the
15 community school.

16 When he's ready to attack he burns his
17 farm, kills his wife, sets off the explosion
18 with a timer, then drives a truck bomb to the
19 school and blows himself up, and kills more.
20 He killed forty-four people and wounded
21 fifty-eight people in this, in a town of five
22 hundred.

23 Researchers generally look at 1966 as the
24 first school shooting that's targeted violence,
25 and although this isn't K-12 it's worth noting

1 here. This is the Texas clock tower shooting.
2 It occurs in Austin, Texas, an individual who
3 kills his, who is a student there who kills his
4 mother and his wife, climbs to the top of the
5 Texas clock tower and begins shooting from that
6 perch.

7 Law enforcement has difficulty responding
8 at the time because of the weapons they're
9 assigned, there's a long firefight as this
10 individual shoots down on the community and on
11 the campus. He kills sixteen. He wounds
12 thirty-one. And the longest distance shot in
13 this particular case is five hundred yards. I
14 mention only to give you an idea of the
15 complexity of that event. And as I say that
16 was not K-12, that was a university, but it's
17 generally thought of as where we look at school
18 shooting targeted attacks.

19 The first targeted attack on a K-12 school
20 by a shooter didn't occur until 1984, and that
21 was the stranger, twenty-eight years old, and
22 he shot the 49th Street Elementary School from
23 his apartment across from the school. He
24 killed two, wounded twenty-four, committed
25 suicide.

1 The notable attack on that list is
2 Cokeville. It might be questionable to think
3 of that as a targeted school attack because in
4 part it was driven by an individual who was
5 holding those students for ransom who had a
6 plan to later commit suicide. There's a --
7 there's a complex story here, but nevertheless
8 he attacked Cokeville, and the way it was done,
9 and what occurred there is worth noting,
10 because what he did, at the end of the school
11 he gathered the students into a relatively
12 small space, he had a shopping cart with a gas
13 bomb, he and his wife held them hostage. They
14 negotiated for some outrageous funds. And he
15 separated himself from the group temporarily
16 and his wife accidentally lit the bomb. He
17 came back into the room and killed her, killed
18 himself, and although no one was killed among
19 the students or the teachers, seventy-four
20 people were burned in that explosion, and it's
21 a type of attack that should be noted.

22 January 17th, we see the Cleveland
23 Elementary School in Stockton was attacked by a
24 stranger, twenty-four years old. He killed
25 five, wounded thirty-two. The next two attacks

1 include the first attack in a high school by a
2 student, and they occurred, occurred in 1992.
3 One was an outsider, the second was a
4 seventeen-year-old transfer student who had
5 been in the school for nine days. He took a .22
6 caliber handgun to school, he wounded seven,
7 and he was ultimately apprehended when he ran.

8 Two events took place in '93. One was the
9 first middle school attack, and that was
10 actually the, an individual who was inane who
11 armed with a shotgun took three staff and the
12 principal hostage. In '93 there was another
13 middle school attack at Central High School in
14 Sheridan, Wyoming, again a stranger.

15 In 1994 a middle school attacked by a
16 stranger. In this case he roamed the school
17 and shot the school staff and custodians, but
18 never targeted the students. '96 is the first
19 middle school attack of a student at the middle
20 school, and in this case, it was a
21 fourteen-year-old, he carried two pistols and a
22 rifle into an unlocked math class, he shot and
23 killed the teacher and two students, and
24 wounded another student, and the wrestling
25 coach entered and subdued him.

1 Now we start to see the shift I talked
2 about. There two attacks in 1997, and they
3 were by students, one in Alaska by a
4 sixteen-year-old student, and one in Pearl,
5 Mississippi by a sixteen-year-old student.

6 That will take us to the time period, but
7 before we look at this data that we're going to
8 look at I want to caution you about the same
9 thing that the Secret Service cautioned you
10 about. Multiple studies by researchers,
11 including the FBI and Secret Service say there
12 is no profile or list of characteristics that
13 predicts a future shooter. And this assembly
14 of data doesn't propose such a list. There are
15 similarities and differences, but they can't be
16 turned into a profile.

17 The Foundation Study prepared by the FBI
18 back in 2002 that proposed threat assessments,
19 that I'm sure you heard about, says this model,
20 their threat assessment model is not a profile
21 of a school shooter, or a checklist of danger
22 signs. These things do not exist. The 2008
23 study by the Secret Service, that I would
24 remind you of that they talked about, says
25 there is no useful or accurate profile of who

1 engaged in targeted school violence.

2 There are limitations to the data that I
3 am going to give you today, not all violent
4 events in schools are in this data. Violence
5 occurs in schools that we're not going to talk
6 about, and some of that violence includes
7 firearms, or other weapons, or other forms of
8 violence, we're not discussing here all school
9 violence.

10 The murder suicide, one student to another
11 that doesn't spill over to the school is not
12 included in this list of data. A domestic
13 violence event may occur at the school, or an
14 event of workplace violence, or gang violence
15 outside the school, are not considered targeted
16 school attacks within the context of the
17 definition that we're using. But targeted
18 attacks irrespective of the outcome are in this
19 data. The ability of the attacker to carry out
20 their attack in a way that caused numerous
21 casualties was not used as a criteria to make
22 up this data list.

23 Some events are poorly executed by the
24 attacker. Some events are stopped in process.
25 Some events the attacker broke off for

1 unknowable reasons when they could have
2 continued. So, we're not looking at some
3 threshold of death or injury here, we're
4 looking at did the attack begin at the school,
5 and what do we know as a result.

6 Attacks that were interrupted outside of
7 the school that never began, that's a difficult
8 data set to find. They're not included here
9 but it occurs. You see it when you start to
10 research this data, that, you know, from time
11 to time someone will be arrested, or diverted,
12 who may have been considering an attack, but
13 there's no common database for that, there's no
14 way to gather that, it's kept locally, and it's
15 very amorphous, and very, and while you see
16 some, and occasionally it pops up, there's not
17 good list of that that we can gather and bring
18 you.

19 Also attacks with limited impacts
20 generally have less data, and there have been
21 some commission work on some of the attacks,
22 like Columbine and Sandy Hook, there's more
23 data available on those. The older the attack
24 is in history some of that data starts to
25 disappear. The newer it is, like Santa Fe,

1 some of that data has not yet emerged because
2 it's being close held in the investigative
3 process, and generally some of it will be
4 released over the months that follow as the
5 adjudicatory process, concerns -- we've used
6 public records, and we've used official records
7 wherever we can, and we've triangulated the
8 data to try and be as accurate as possible.
9 Also, some of this data relates to juveniles,
10 and that's going to limit some of what we can
11 see when we gather it.

12 So, when we know about that, I'm not sure
13 how well you can see that, but you have the
14 slide in your book --

15 CHAIR: Hey, Nevin, would you -- because
16 I'm not sure people can -- can you stand a
17 little closer to the microphone?

18 DR. SMITH: I'm sorry.

19 CHAIR: That's okay. Thank you. Thank
20 you.

21 DR. SMITH: Sure. My voice is a little --

22 CHAIR: No, we can hear you, but I'm not
23 sure it's capturing all the way in back.

24 DR. SMITH: All right, thank you.

25 CHAIR: Thank you.

1 DR. SMITH: Will do. Forty-three of the
2 attacks, and that's what this slide shows you,
3 had a relationship to the school. Forty three
4 of the forty attackers were related to the
5 school in some way, and threats from
6 individuals like this can be considered as
7 insiders. The Department of Homeland Security
8 talks about insiders and talks about them as
9 one or more individuals with the access or
10 inside knowledge that would allow them to
11 exploit the vulnerabilities in school security
12 systems. And students, or most student, former
13 students are going to represent an insider
14 threat.

15 I'll talk to you about some exceptions as
16 we go along, but in general students, or former
17 students are an insider threat. They may -- in
18 addition to knowledge they may have a perceived
19 legitimate purpose inside the school at the
20 point they begin the attack. When the attacker
21 is a student or a staff member, and you won't
22 hear of staff members in this data set, just
23 students because we didn't pick up any staff
24 members attacking like this in this data set,
25 but when it is a student or a staff member

1 their appearance at the school is likely not to
2 cause alarm. When they're a former student
3 they may understand how to blend in, how to
4 move past security protocols, or they may be
5 aware of when they need to begin the attack
6 from the outside because they know where the
7 security starts.

8 The strangers here were a fifty three year
9 old of Black Canyon, a thirty year old of West
10 Nickels Mines, a thirty two year old at Deer
11 Creek, a forty one year old at Kelly Elementary
12 School in California, and an individual who was
13 on a community killing spree who attempted to
14 attack a school that was locked down in Rancho
15 Tacoma, and I'll mention those a little more as
16 we go along.

17 This next slide breaks it down by school
18 level, so if that's the overall picture what
19 does it look like, well, it slightly changes at
20 this level. In high school we see once again
21 that it's former students, or students, and
22 it's an insider attack. In middle school, and
23 here I picked up junior high and junior high
24 school and dropped them into the middle school
25 category, although they can overlap with high

1 school a little bit in age, again it's inside
2 threat. But in elementary school it shifts to
3 outsiders. High schools and middle schools are
4 attacked by insiders for the most part.
5 Elementary schools are attacked by outsiders.

6 Now, you'll notice in here that there's a
7 couple of former students. One of those is
8 questionable as to whether we ought to
9 categorize it that way. The attacker as Sandy
10 Hook was a former student at Sandy Hook, but he
11 was twenty- two at the time of the attack. And
12 he attacked with a brute force attack in the
13 way a stranger would have attacked. He shot
14 his way through the glass panel that was beside
15 the locked down school door and entered the
16 school, and immediately confronted the
17 administrators who responded to the entry and
18 killed them and moved to the classrooms. That
19 attack could have been done by a stranger and
20 given his age and his form of attack you could
21 shift that over in this to thinking of him as a
22 stranger, but because he fit the, I used to go
23 to school there, you know, he shows up here.

24 The outsider attack at Flat Canyon High
25 School that I told you I would mention was a

1 fifty-three-year-old male. He apparently
2 monitored the school for a little while. He
3 entered an unlocked school. He entered an
4 unlocked classroom. He fired his weapon into
5 the ceiling. He forced the teacher and all of
6 the males out of the classroom. He held seven
7 female hostages in the classroom. He claimed
8 to have an explosive device in the backpack.
9 They locked down into a negotiation. He
10 sexually assaulted five of the seven girls as
11 he released them one by one during the
12 negotiation. And he had set a time when he was
13 going to explode the bomb.

14 At that point SWAT made entry. One of the
15 girls got away during that entry. The other he
16 shot, and he committed suicide. Actually, SWAT
17 shot him, and he committed suicide
18 simultaneously, so, you know, you almost have
19 to think that he was able to commit suicide
20 immediately prior to that shot.

21 An example of that middle school attack
22 that I wanted to talk to you about by insiders,
23 because it's hard to think of middle school
24 students as insider attackers given their age,
25 things that you would take more seriously in an

1 eighteen year old you may take less seriously
2 in a twelve year old, and the example there
3 that makes that point that I want to give to
4 you is the 1998 attack that occurred at
5 Westside Middle School in Arkansas by an eleven
6 and a thirteen year old.

7 They stole weapons, stole a vehicle, stole
8 camping gear, drove it all to their school.
9 The eleven-year-old walked through the main
10 entry of the school which is observed and
11 bluffed his way by the administrators by
12 claiming he had a hall pass. He walked down
13 the hallway, turned the corner, pulled the fire
14 alarm, ran outside and waited in the woods with
15 his companion. When the students and the
16 teachers came out and lined up in fire alarm
17 response formation, if you've seen schools do
18 that, they shot at them from ninety- three
19 yards away in the woods. They killed five and
20 wounded ten. And the students had a hard time
21 getting back in because the doors locked behind
22 them, because they came out the fire exits.

23 I talked to the Jonesboro police chief who
24 was a sergeant at the time who was there at the
25 time, and what he tells me is that the death

1 toll would have been higher among the wounded,
2 and this is important to mention I think,
3 because the teacher in the schools were trauma
4 trained, and they had trauma kits in the
5 classroom that were typical at the time of
6 1998. Not because they anticipated a school
7 attack, because that was one of my questions
8 for him, right, why.

9 Well, it turns out that that particular
10 school is in an earthquake and a tornado zone,
11 and for sort of their response to earthquakes
12 and tornadoes the school had trained all their
13 teachers to deal with trauma and wounds, and
14 they had put trauma kits in the classrooms, so
15 then the wounded came back into the classrooms
16 they had a way to deal with them, and he
17 believes that that reduced the amount of death.
18 He was unable to tell me how much, but he's
19 convinced from having been there that the
20 amount of deaths were reduced.

21 The Middle Creek, the middle school former
22 student exception that you see on here was an
23 attack at Deer Lake Middle School in Colorado
24 in 2010. He was thirty-two, and he's the only
25 attacker that claimed insane during the

1 adjudicatory process, and yet he bought
2 ammunition on the way to the school. He went
3 to the school and toured it, because it has
4 been under construction. After the tour he
5 went back outside of the school, took his rifle
6 out of his vehicle, and waited until a
7 sheriff's deputy left the parking lot and then
8 attacked. He shot twice, and he was using 30-6
9 bolt action rifle, and a teacher responded
10 while he was racking the bolt and was able to
11 stop the attack at that point.

12 I talked to you about Sandy Hook. The
13 other former student attack that occurred at an
14 elementary school that was an outside, the
15 second one on that list, was a
16 fourteen-year-old who killed his father, and he
17 drove the family vehicle to Townville
18 Elementary School in South Carolina. And this
19 is important, because what he intended to do
20 was carry out a mass casualty attack according
21 to the interviews with him later. And he
22 picked the elementary school he had gone to, he
23 had gone there, then he had been home schooled,
24 then he had recently gone to this middle school
25 and he had just, and he had had some trouble in

1 the middle school, but he picked the elementary
2 school because he knew there was an armed
3 security presence at his middle school, so he
4 chose his former elementary school. He chose
5 away from where he knew that presence was,
6 according to the data.

7 It was a brute force outside attack, he
8 attacked from outside. He killed one person,
9 wounded two, but his gun jammed because he had
10 the wrong kind of ammunition, and he had to
11 fiddle with his gun. And a paramedic who was
12 working at the school, paramedic/firefighter
13 who was working then around the school for
14 another reason overcame him, responded to him,
15 and stopped him before he could do more.

16 The strangers at the elementary schools
17 were forty-one, forty-six, fifty-six. The
18 attacker at the one room school that I
19 mentioned up there that I placed in the
20 elementary school category, it's a one room
21 school in Lancaster County, it was an Amish
22 school. They have still one room schools where
23 they do, you know, bottom to top the -- thank
24 you, David. David is suggesting I stand closer
25 to the microphone. Thank you, I appreciate it.

1 Maybe if I move the microphone that will help
2 us. Thank you.

3 The attacker who attacked the elementary
4 school in West Nickels Mines was thirty-two.
5 Based on what he took to the school there's a
6 strong belief that he intended to sexually
7 assault the students there. He took a bunch of
8 devices to the school with him. He dismissed
9 everybody but ten young girls, and that's why I
10 put it in the elementary school category. He
11 executed five, shot five. He taped them up,
12 laid them on the floor, shot them all. He
13 executed five, shot five. Five survived.

14 Law enforcement breached. And he was
15 known to that community. He was not a member
16 of the Amish community, but he was a milk truck
17 driver, not the kind that delivers but the kind
18 that picks up in large quantities from the
19 farms around the area, and so he was familiar
20 with the school and the community that he
21 attacked.

22 Well, how old are the attackers? Fourteen
23 through nineteen, and again I want to caution
24 us about creating a profile. Because somebody
25 is in that age range does not mean they're

1 going to be the next school attacker compared
2 to somebody who is outside of that age range.
3 You can't profile that way. But fourteen
4 through nineteen was the common age range. Six
5 were thirteen years old or less. Six were
6 thirty-two to fifty-six. It gives you an
7 impression of why, given how rare these events
8 are, we have to look at a wider range of
9 possible threats.

10 Also, when you look at this data I'd like
11 you to remember that schools and middle schools
12 were the predominant location of the attacks,
13 and the age range fits the location. And the
14 other thing I'd like you to remember is that
15 some of these attacks were planned well in
16 advance of when this age range would say they
17 occur. And in addition to being planned some
18 of them were contemplated before they were
19 planned, and there's very little data on when
20 the contemplation would have started. So, when
21 we look at this data we have to keep in mind,
22 if we're thinking diversion, the contemplation
23 may have occurred well before act, although the
24 data here can't tell you how long before,
25 that's something you have to struggle to figure

1 out. But don't -- please don't focus just on
2 that age range.

3 What kind of weapons were utilized? The
4 general answer to that is lots of different
5 kinds of weapons were utilized and have to be
6 dealt with in relationship to what's going on.
7 It's semi-auto pistols, semi-auto rifles and
8 shotguns, were the predominant weapons that
9 were used. Edged weapons have been used, and
10 I'll talk a little more about that later. And
11 IEDs and incendiaries are part of this pattern
12 and must be dealt with.

13 One other note here is that although
14 vehicles have not been used as weapons in K-12
15 a vehicle was used at Ohio State in November
16 28, 2016 to attack students on the campus of
17 Ohio State, and that particular attacker drove
18 a vehicle into a group of students
19 intentionally then got out and used an edged
20 weapon to stab others and killed eleven. Now,
21 I know that's outside of the K-12 range, and
22 there have not been any in K-12, but I'd be
23 remiss if I didn't mention it to you as having
24 occurred, and as being a possibility.

25 Obviously knowing the type of weapons most

1 utilized, and the range of weapons provide
2 insight into procedural and physical
3 protections that must be employed as
4 countermeasures, as well as response, and
5 secondary weapons were sometimes utilized as
6 well. Pistols are obviously easier to conceal.
7 Shotguns may have a lower overall rate of fire,
8 but they can be used as breaching weapons
9 against locked doors. Semi-auto rifles may
10 need to be concealed and the components
11 reassembled inside the school, or the attack
12 may need to start from the outside edge in
13 because the weapon can't be concealed in the
14 classroom.

15 It's important here to talk about
16 Columbine. Columbine was not intended to be a
17 shooting attack, based on the behavior that
18 occurred there. The Columbine attackers, two
19 of them, drove to school and set up their
20 vehicles outside the school in a way that they
21 were going to create a crossfire killing field.
22 They then entered the school and they placed
23 two twenty- pound propane bombs in the
24 cafeteria timed to go off when the cafeteria
25 was full. It would have been four, five

1 hundred students jammed into the cafeteria.

2 The cafeteria sits below the library.

3 The triggers didn't work, thank God. When
4 that didn't happen, the Columbine shooters left
5 their vehicles and entered the school, and they
6 began their attack on the outside of the
7 school. They shot the first people they saw,
8 who were on the outside of the school grounds
9 because it was at lunch. And then they moved
10 into the school, and they had about a hundred
11 incendiaries and smaller IEDs with them, which
12 they deposited, some of which worked, some of
13 which didn't, but essentially it became a
14 shooting attack inside the school because their
15 original plan which was to shoot from outside
16 the school and create a massive fireball inside
17 the school didn't work. And it's worth noting
18 in relationship to what we're dealing with her.

19 Knives have been used on at least two
20 occasions. Knife attacks are a little harder
21 to find because they're not as sensational. A
22 sixteen-year-old in Franklin County Regional
23 High School in Pennsylvania in 2014 took two
24 knives and slashed twenty-one students and the
25 responding security guard in the hallway on a

1 class break. He didn't kill anybody, but he
2 left some significantly disfigured, and some
3 maimed as a result of nerve damage, and others
4 wounded. He was eventually stopped by the
5 assistant principal.

6 And a sixteen-year-old in Utah in 2016
7 took a bo staff, that's a karate device, stick,
8 and a knife, entered the high school locker
9 room, because he knew there would be a lot of
10 students there. He said he wanted to commit a
11 mass casualty attack. He attacked one student
12 with the bo staff and then shifted to the
13 knife. He stabbed five, four other students in
14 the neck, because he intended to kill them, and
15 was stopped by a school resource officer with a
16 Taser. No one died in that, but the trauma
17 obviously, and the fear in both of those
18 attacks with those weapons was significant,
19 although we don't see as much of it happening.

20 In most, in high schools it was shotguns,
21 semi-auto's, either pistols or rifles, as we
22 break this down. In primary schools, in middle
23 schools we see a much wider range of weapons
24 use. I mentioned the eleven-year-old and the
25 thirteen-year-old who used scoped rifles

1 outside of the school. The most recent middle
2 school attack in May of this year the student
3 left the classroom, came back in with two
4 pistols, shot a student, who he wounded, and
5 the teacher overcame him, and was shot three
6 times during the process. The teacher
7 recovered. None of the wounds were life
8 threatening. And of course, Sandy Hook, which
9 I've mentioned to you already, was attacked
10 with a semi-auto rifle.

11 Fourteen and fifteen-year-olds tend to use
12 semi-autos. Shotguns were used by sixteen
13 through eighteen-year-olds. It says something
14 to you about the kinds of things that are going
15 to have to be responded to, or prevented, but
16 all ages used weapons with mass lethality. It
17 wasn't confined to a particular age. And here
18 again I want to, I want to make you aware there
19 are small numbers. These are, you know, as
20 large as this is from a statistical point of
21 view these are small numbers, and we need to be
22 careful about drawing conclusions about, well,
23 fifteen-year-olds always use this or that, or
24 the other. You can't draw that data here as we
25 look at these splits, but you can be aware of

1 the ranges and the patterns that you're dealing
2 with.

3 Where did the weapons come from? Half of
4 them were stolen, parents or relatives. The
5 way in which they were stolen varies greatly.
6 Sandy Hook, the weapon was in the house, and
7 the mother was aware the weapon was in the
8 house and had bought it as a way to bond with
9 her son, who was interested in weapons. In
10 other cases, the weapons were locked down, or
11 in a relative's home and kept away from the
12 child who used them.

13 I cannot tell you from the data whether
14 the weapon location was the target, that is the
15 student decides to shoot with a particular
16 weapon and then seeks the source of that weapon
17 as the point of theft, or whether the use, the
18 availability of the weapons becomes part of the
19 driver as to how it's going to happen. The
20 data doesn't tell us that. It could be either,
21 and likely in some cases it's one or the other,
22 because there is some evidence that multiple
23 weapons were chose, stolen in some cases, and
24 singular weapons were used, like the case of
25 the eleven and thirteen-year-olds, they stole

1 more than one type of weapon and then chose
2 from that theft what they were going to use in
3 terms of how they set up their attack.

4 But that's not always clear in every case
5 so we break it down. And where did youth get
6 the weapons, clearly those in the eleven
7 through fourteen-year-old age range all stole
8 their weapons. As we move to adolescents
9 fifteen-year-olds stole their weapons, but we
10 start to see a movement in adolescents, that as
11 we get older some of them may have had other
12 weapons sources. The Columbine attackers are
13 somewhat unique, because that's the only
14 example I can find where the weapons came off
15 the street. One of the weapons -- one of the
16 weapons in Columbine was a private purchase
17 between two individuals that should not have
18 been made. The other was a straw purchase made
19 at a gun show by the girlfriend of one of the
20 Columbine attackers. She was never convicted
21 for that, by the way. But those are the only
22 two that I can find.

23 There's one other weapons theft in, in all
24 of this data, but that's a theft of a weapon
25 that was used in school. The student was

1 dispelled from the school and the weapon was
2 recovered, and that weapon was not used but
3 another weapon was used. And there's no
4 evidence, in this data at any rate, of street
5 purchase, people going out into the streets and
6 making purchases somewhere of weapons. There
7 is adult weapons, of course, we start to see
8 legal, predominantly legal ownership, and there
9 is an example in the Springs shooting I
10 mentioned where that individual was a convicted
11 felon, couldn't own a weapon, and so he ordered
12 parts and constructed his semi-automatic rifle
13 that he eventually used for the spree shooting.

14 In that particular case, to be more clear,
15 he began that shooting in his neighborhood. He
16 carjacked a couple of cars, he shot at things
17 going by. It's believed he attacked the
18 elementary school he attacked because he
19 thought one of his enemies, he had enemies,
20 children went there, but when he got there that
21 school was locked down and he couldn't breach
22 it, and so he shot at it from the outside, and
23 they put all the students in shelter. One
24 student was slightly wounded, no one was
25 killed, and then he was driven away by

1 bystanders, and then he eventually committed
2 suicide during a firefight later when he was
3 trapped by law enforcement offsite. So that
4 particular, that particular attack on the
5 school is a little unusual because it emerged
6 from a community shooting, but it nevertheless
7 was a targeted attack on that school and could
8 have been different had that school not been so
9 successfully locked down, or if somebody hadn't
10 driven him away.

11 Mental and behavioral health is an issue
12 you've been addressing, and it's present in
13 school shootings. But I want you to be very,
14 very, very careful about the utilizations
15 stated. It indicates that prior mental and
16 behavioral health issues exist, but beyond that
17 I think it becomes difficult to interpret the
18 data in a more granular way. It's very hard
19 data to get. Most attackers were juveniles. A
20 lot of it is covered in HIPAA.

21 What we can see is we can see some
22 evidence in the court records and others, but
23 where that, whether that diagnosis exists, and
24 the extent to which it exists, and the severity
25 to which it exists, and as you heard from the

1 mental and behavioral health experts these
2 things fall out on a range, and just simply
3 knowing the diagnosis, knowing the label
4 doesn't necessarily tell you everything you
5 need to know, but it's present in a large
6 number of cases, and not seemingly present in
7 others. And as I said only one person was
8 adjudicated criminally insane in this process,
9 during the adjudicatory process.

10 It also occurs at every level, but here
11 the important point to make in relationship to
12 this data is remember elementary schools are
13 attacked by outsiders. The fact that it occurs
14 at the elementary school level does not mean
15 that elementary school students had mental or
16 behavioral issues that could have been
17 diagnosed. Here the attackers that we're
18 looking at fell outside the school population,
19 so while it occurred at every school level I
20 don't want you to think it occurred with every
21 school student. But it's clearly an issue.

22 Who responded? Looking at the green bar
23 over on the left what you see is a lot of times
24 there is civilian intervention that was
25 effective. That civilian intervention is

1 usually teachers, administrators, or staff, but
2 not always. Twelve events end in suicide. One
3 of the attackers is killed by a law enforcement
4 officer who is assigned as the SRO for that day
5 and is patrolling the outside of the parking
6 lot where the attack occurs. SROs stop eight
7 of these events, including the one I just
8 mentioned. Five times the SROs engage in
9 firefights in this data. Law enforcement
10 arrests three times onsite, five times offsite.

11 And among those suicides sometimes the
12 suicide -- I keep drifting right, I'm not sure
13 why. Sometimes the suicide -- and I apologize
14 for that. Sometimes the suicide is after
15 there's contact, sometimes not -- breaking that
16 down, again, what do we see in high schools, in
17 high schools including the individual that I'm
18 describing as a law enforcement officer
19 assigned as a school resource officer -- that
20 individual, by the way, is patrolling the
21 parking lot at a prom event, and is essentially
22 the assigned officer on site.

23 I don't know for sure and can't tell if he
24 was a regular school resource officer, if that
25 was his assignment for that, but I've

1 categorized him within the school resource
2 officer here, and in the law enforcement
3 category, because he was assigned in the event
4 at the time, and, you know, working the event.

5 And individual drove his bicycle to the
6 parking lot, got out, started shooting at the
7 prom people after they came out. The officer
8 actually saw the shots sparking off the steps,
9 turned, and immediately crossed the parking lot
10 on foot and engaged the shooter, who turned
11 toward him, and he shot him and killed him, and
12 interrupted the event.

13 That's the only time where we see that
14 particular kind of perpetrator killed by the
15 school resource officer until we get to Santa
16 Fe, where we see the school resource officer
17 contain the shooter. In other cases where
18 we've seen the school resource officer engage
19 the student either gives up, or leaves if it's
20 a gun fight, and commits suicide.

21 Looking at elementary school outcomes, and
22 middle school outcomes, when schools, the first
23 responders were, a thirteen-year-old in
24 Oklahoma fired fifteen rounds, wounded five,
25 and was tackled by a teacher before he could

1 reload. A fourteen-year-old shot three times
2 in a hallway, wounded two, and the teacher
3 approached him and talked him down. I told you
4 about the insane thirty-two-year-old firing
5 with a bolt action rifle outside of a middle
6 school who was charged by a teacher as he was
7 working a bolt and stopped. The
8 twelve-year-old began shooting in a school gym
9 with a shotgun, and he was confronted and
10 talked down by a teacher, and it was noted that
11 that teacher had recently undergone training
12 specifically for that purpose, to de-escalate a
13 school shooter. And the one I mentioned to you
14 just recently about the thirteen-year-old in
15 May who entered the school classroom, shot
16 twice, and the teacher overcame him.

17 A couple of the elementary schools were
18 actually by civilians, construction workers in
19 one case. And just to give you an idea of the
20 range, in one case here where the teacher stops
21 the event a fifty-six-year-old with a machete
22 piggybacks his way into an elementary school,
23 follows a family in. He is confronted by the
24 principal. She engages him. He begins to
25 fight with her. That fight spills into the

1 classroom. The teachers collectively engage
2 and subdue that fifty-six-year-old, and the
3 injuries, two teachers, nine students, seven
4 students are injured in that event. None were
5 injured critically, but essentially it was a
6 fight, teachers and a man with a machete.

7 Targeted schools' attacks are tragic,
8 psychologically tragic even if no one is hurt,
9 immensely tragic even if only one person is
10 wounded, but they are low probability high
11 consequence events, and in about half of them
12 no one is killed, and in a few no one is killed
13 or wounded. Data indicates, and I'm sure
14 you've heard this, that children are must safer
15 from violence when in schools compared to when
16 they are in the community at large. The
17 national survey from July 2014 and 2015 shows
18 that twenty of the one thousand one hundred
19 sixty-eight homicides of school aged youth,
20 that's age five through eighteen, occurred at a
21 school. Twenty of the one thousand one hundred
22 and sixty-eight occurred at a school. Six of
23 those are in this database, including is a
24 Reynolds High School attack where an attacker
25 at Reynolds engaged with an SRO and committed

1 suicide during the attack, and the death of
2 four students at Marysville Pilchuck high
3 School.

4 That occurred when the shooter invited his
5 cousins and his friends to join him in the
6 cafeteria, he liked them, this wasn't something
7 where he didn't. He then attacked all of them,
8 and killed four, plus some others, and he left
9 notes that said he wanted to take people over
10 to the other side with him. I don't know what
11 that means, and I don't, you know, I mean he
12 committed suicide at the end, and it's hard to
13 look at that beyond that point of view, but it
14 was, it was where, you know, they skipped out
15 to have lunch with him and then he attacked in
16 the elementary school. He was confronted by a
17 teacher, and he committed suicide. Those are
18 in this day, in the NCES data.

19 This gives you an idea of the number
20 wounded, and you can see that it varies.
21 Sometimes the individuals wounded occurs with
22 low death tolls. Sometimes the numbers of
23 wounded occurs with high death tolls. There's
24 not a relationship between wounding and death
25 tolls in these attacks. Twenty-five persons

1 were wounded and two killed in Thurston High
2 School in Oregon by a fifteen-year-old attacker
3 in 1998. Twenty- two persons were wounded
4 along with the fifteen killed at Columbine.
5 Twenty-two were wounded in a knife attack in
6 Pennsylvania, no one was killed.

7 We know of course seventeen were wounded
8 along with the seventeen killed at Marjorie
9 Stoneman Douglas. Fifteen were wounded and
10 nine killed at the Red Lake Senior High School.
11 Fourteen were wounded and two killed at
12 Marshall County in Kentucky by a
13 fifteen-year-old. In Sandy Hook there were
14 twenty-six deaths, but only two wounded. So,
15 what we did to try and give us some more
16 insight into this data is created a lethality
17 score. Now, this is an arbitrary thing. The
18 idea here was to try and see if we could find
19 separation since the data was so variable and
20 so what we did is we multiplied the number of
21 deaths by three, we added the number of
22 wounded, and we said, okay, you know, I get it
23 that that's artificial, one death and one
24 wounded is horrible, this doesn't, this is not
25 intended to be a subjective analysis here of

1 what's worse, but we wanted to look at could we
2 tell anything about events if we did that, and
3 what we noted was the most lethal attacks were
4 committed by sixteen, seventeen, eighteen,
5 nineteen, and twenty-year-olds. And with the
6 exception of Sandy Hook, which it's hard to say
7 that was a former student, although technically
8 he is, the most lethal attacks were inside
9 attacks from students and former students. The
10 most lethal attacks were ended three times by
11 suicide, once by an onsite arrest, and once, as
12 you know, by an off-site arrest.

13 But what about the least lethal attacks,
14 what about the other end of the scale? Well,
15 SROs stopped six. Law enforcement officers
16 stopped three. We saw unforced suicide in
17 three ending them, and civilian capture, that
18 includes teachers, principals, a custodian, and
19 some outsiders, stopped thirteen, covers the
20 sort of twenty-seven less lethal.

21 What I'd like to do now is shift a little
22 and drill down into the five most lethal
23 attacks. I've tried to give you a perspective
24 up to this point, a variation in the scope of
25 what exists for the purpose of context, and I

1 want to take a minute to cover Columbine, Red
2 Lake, Sandy Hook, Marjorie Stoneman Douglas,
3 Santa Fe. And if you look at the six attackers
4 you immediately find a range of
5 characteristics, sixteen to twenty-four, foster
6 parents, single head of household, two parent
7 middle class, traditional school, special
8 school, home school, they were bullies and
9 bullied.

10 As we get current they all have an online
11 presence, but if not, an online presence they
12 kept journals. There are mental health
13 concerns, or none. Some of them seem to be
14 severe. Mental health medication, or
15 behavioral medication appears to be in some
16 cases, no in others, and refused in some. Some
17 had prior arrests, some did not. Some were
18 known to law enforcement by contact, some not.
19 Some had prior school disciplinary issues, and
20 some not.

21 And the weapons, well, Columbine, I told
22 you, straw purchase, illegal purchase, shotguns
23 and semi-automatic rifles. At Red Lake the
24 grandfather was a tribal police officer. The
25 student who attacked at Red Lake killed his

1 grandfather, killed the companion, stole his
2 service revolver and his shotgun, drove his
3 service vehicle to school. Sandy Hook,
4 semi-auto rifle from the mother he killed.
5 Marjorie Stoneman Douglas, illegal purchase.
6 Shotgun and semi-auto pistol stolen from the
7 father, Santa Fe.

8 And what about the school physical
9 characteristics? Well, we have locked and
10 unlocked with metal door, with metal detectors,
11 and I'll mention that later, and open doors
12 from the outside. Classroom doors are
13 unlocked, locked, and we have unlocked common
14 areas. The Sandy -- I'm sorry, the Columbine
15 shooters breached no locked areas, although
16 students fled the school not everybody got out,
17 and everybody who was killed was killed in an
18 unlocked common area.

19 The structures were multi building, multi
20 floor, single building multi floor, single
21 building single floor. The parking was
22 typically adjacent to the building, and there
23 were fire alarm sprinklers, code red
24 announcements, no code red announcements,
25 school radios, intercom only. Hallways and

1 unlocked areas seemed to be killing fields
2 where the school shooter could not breach the
3 classroom, and obviously at Marjorie Stoneman
4 Douglas he shot through the windows.

5 In Columbine the entry actions I've
6 described to you, they drive to school, they
7 planted the bombs, they waited in the parking
8 lot, when the bombs didn't occur, explode, they
9 re-entered the school. They moved in the
10 hallways and unsecured areas shooting. The SRO
11 was outside of the school, actually on a lunch
12 break because of his lunch. He posted up
13 outside, and he briefly engaged them in a
14 firefight from outside the school, they shot at
15 each other. No one was hit.

16 In Red Lake, I've explained he stole the
17 vehicle, moved there. He tried the locked
18 doors. Shoots once, finds the unlocked door
19 with the metal detector. There are two
20 security guards at that location. One
21 confronts him, he kills that security guard,
22 they're both unarmed. The other one locks the
23 school down, and the one who dies is given
24 credit for the delay. Then he moves into the
25 hallway shooting.

1 Sandy Hook I've described. He shoots out
2 the window panel adjacent to the front locked
3 door, and there's no SRO or school security
4 there. Marjorie Stoneman Douglas you know in
5 depth, and I won't repeat it here again. Not
6 because it's not terribly important, but
7 because you're terribly familiar with it.

8 In Santa Fe he enters the school with a
9 shotgun and a hand gun. He routinely wears a
10 trench coat, that's his style of dress all the
11 time, and the weapons are concealed in the
12 trench coat. Now, I will tell you with Santa
13 Fe the data on Santa Fe is pretty tightly still
14 locked down at this point in the investigative
15 process. I don't have a lot of insight into
16 Santa Fe that I can share with you, or that is
17 available, because of where they are in that
18 investigative process, but so if that seems a
19 little thin as we talk about Santa Fe it's
20 because of timing, and adjudication, and other
21 things.

22 Looking back at Columbine, remember they
23 were straw purchase and illegal purchase. I
24 haven't told you anything that's on this -- you
25 haven't -- you've heard everything that's on

1 this slide, with the exception that they create
2 an unforced suicide at the end. Santa Fe took
3 forty-six minutes before law enforcement
4 entered. The timing at Santa Fe fit the law
5 enforcement protocol at the time. It was not a
6 mistake, it was intentional, we form up, we
7 contain the outside, we get everything under
8 control then we enter. It took two or three
9 hours to clear Santa Fe because they had
10 distributed about a hundred IEDs and -- I'm
11 sorry, Columbine. Excuse me. It took -- thank
12 you.

13 It took about two or three hours to clear
14 Columbine, and you'll see later why that's
15 important in the Columbine commission report.
16 In Red Lake, he enters, shoots one classroom,
17 tries to shoot others that are fleeing through
18 the classroom window, and tribal police that is
19 nearby forms up in a tactical formation and
20 enters the school. They were in the vicinity,
21 and so en-force doing something else, and they
22 responded, formed up in a diamond formation,
23 entered the school. But it took about eight
24 minutes overall, they engage in a firefight and
25 he retreated and, you know, but they were in

1 very quickly.

2 Sandy Hook ended in about eleven minutes.
3 Now as I talk about time frame here I want to
4 be careful. If you look at the Columbine -- if
5 you look at the MSD time frame do you measure
6 it from the time he shows up in the Uber to the
7 time he abandons the school, do you measure it
8 in the time in which he's active inside the
9 school killing before he goes to the third
10 floor and stops, you know, all of those dates
11 and time, all that data is important, so when
12 we talk about time I'm typically talking about
13 beginning to end, but the time of which there's
14 active shooting, or other things, because
15 there's movement and other things going on, for
16 instance at Columbine it's forty six minutes,
17 but they were not firing their weapons
18 continuously for forty six minutes, they were
19 moving, you know, but it took forty six
20 minutes, so some of these are interrupted, some
21 of them continuous, and as you look at that
22 data, and you touch on time relative to what
23 you're looking at it's important to recognize
24 that time frames vary in terms of what was
25 actually going on.

1 As I say I'm not going to go over Marjorie
2 Stoneman Douglas because of how well you know
3 it. The time frame there was about eight from
4 the arrival of Uber to when he leaves. In
5 Santa Fe he enters an art compound classroom
6 and he begins shooting. Some students managed
7 to get into a closet, and he breached it with
8 his shotgun and shot through the door. He shot
9 some, and executed some, and let others live.

10 The SROs, there were two, engaged him
11 within four minutes. The first SRO was
12 wounded, but they contained him in that
13 engagement. The school evacuates, and at
14 twenty-five minutes about it ends with his
15 willingness to come out. There was some amount
16 of firefight, sporadic in between him and
17 responding law enforcement. Law enforcement
18 responded and backed up the SROs.

19 So, what do we know, well, Columbine, the
20 SRO posted up outside, Leo established a
21 perimeter, and suicide before SWAT cleared.
22 Red lake, law enforcement arrives, engages in a
23 tactical formation. The attacker is wounded,
24 retreats, commits suicide. Sandy Hook, law
25 enforcement, the data shows that they've

1 arrived at the outside about the time he shoots
2 himself. They think they hear the shot as they
3 get to the outside of the school.

4 In Marjorie Stoneman Douglas the SRO posts
5 up outside, law enforcement responds en-force,
6 the attacker flees, and he is arrested offsite,
7 SWAT is formed up and clear the building.
8 Those are not necessarily in chronological
9 order. In Santa Fe we have the SRO engaging in
10 a firefight containing the attacker, law
11 enforcement providing backup. That's a shooter
12 walking down a hall in a particular location.

13 So what conclusions can we draw from the
14 data? Well, students and former students bring
15 weapons to school in various concealed ways,
16 but there's no record of others using or
17 planting weapons for them to retrieve inside
18 the school. If necessary, they're preparing
19 their weapons in hallways, bathrooms, locker
20 rooms, private spaces, and then they begin the
21 attack. One attack involved driving school
22 students outside using the fire alarm. One
23 attack involved positing up and waiting outside
24 at a prom to shoot. But sometimes the weapon
25 is concealed on their person and it's retrieved

1 at the point of attack after a period of
2 contemplation, they have the weapon with them
3 for a period and it happens later in the day.
4 And sometimes the attack begins shortly after
5 entry, or immediately on entry, they shot their
6 way past unarmed security.

7 Insiders begin their attacks in hallways,
8 bathrooms, locker rooms, cafeterias, common
9 areas, and classrooms. Sometimes they shoot
10 and move from victim to victim through the
11 school, sometimes they shoot and execute, in
12 return they were defeated by school staff, by
13 SRO response, by nearby law enforcement
14 responding to the school. And some break off
15 when they didn't have to when the event could
16 have continued, and I'll give you an example of
17 that later.

18 Elementary schools are attacked by
19 outsiders. There is a difference. And I've
20 given you that, but they've attacked
21 predominantly outside the school with a
22 piggybacked entry, and they've forced entry.
23 With the exception of Sandy Hook the elementary
24 school attacks in this data set, although
25 awful, are relatively brief and not well

1 executed.

2 How old are the attackers? Well, they're
3 fourteen to nineteen predominantly, but they
4 could be as young as eleven in this data set,
5 and they were in their thirties, forties, and
6 fifties. And remember the age range tends to
7 overlap the location. If we were to add post
8 K- 12, college, university, vocational school,
9 trade schools, because attacks occur there too,
10 we would change the age range. The age range
11 there tends to be typical of the age range of
12 the people in those schools, and it's a much
13 wider age range.

14 Firearms were the primary weapons. Edged
15 weapons were used. IEDs were used. And I want
16 to repeat the comment about Columbine, had they
17 been successful Columbine would have been a
18 whole different discussion, as bad as it was,
19 and future attacks where IEDs are used must be
20 considered. Recently in Utah a fourteen-year-
21 old, about a year ago I think, claimed to have
22 a relationship with ISIS, but it may just be a
23 terrorist wannabe. He had tagged the school,
24 and he had flown the flag, and I'm not sure
25 that, you know, I haven't seen data that

1 suggests he was, you know, an absolutely
2 linked, given his age it's a maybe, but he
3 planted a bomb inside the school, and it
4 started smoking instead of exploding, and there
5 was a response, and it was disrupted. But that
6 was an IED only attack, and that was Utah about
7 a year ago. And I don't think vehicles can be
8 overlooked, although we've not seen them.

9 The weapons source, relatives or home,
10 some locked, some openly available,
11 predominantly from this age group, and we have
12 to remember that, and we have to remember that
13 the attackers are insiders in their home as
14 well, so they watch, and they know how to
15 defeat weapons security. They can learn that.
16 Or they can learn where the relative hides the
17 weapon, or which relative has the weapon. I
18 indicated to you we didn't see any street
19 weapon purchase, that is, and we didn't see any
20 I'm going to leave this weapon and you can use
21 it in the school kind of thing in this data
22 set, with the exception of Columbine, where we
23 saw a straw purchase, and an illegal one on one
24 purchase.

25 Behavioral health issues are frequently

1 present, but from the data you're left with
2 that conclusion, and I can't drill that down
3 any more for you given the quality of the data
4 here. I did not talk about leakage in this
5 report. Leakage is an incredibly different
6 data to get a hold of unless you have access to
7 the complete case file, and there wasn't time
8 to read all the case files here, and all the
9 witness interviews, but the Secret Service told
10 you in 2008 that 81% of the incidents more than
11 one person had knowledge, 81% had knowledge,
12 and in 59% more than one person had knowledge
13 of what was going on.

14 Their 2018 report says that students may
15 engage in a continuum of concerning behaviors
16 and communication, the vast majority of which
17 may not be threatening or violent, nevertheless
18 schools are encouraged to set a low threshold,
19 and identify students who may be engaging in
20 unusual behavior. These are tragic, but they
21 are low probability, high consequence events.

22 I want to shift -- who responds, that's
23 the teacher who was shot three times. The
24 individual above was a female teacher who had
25 just received training on how to deal with

1 school shooting. When he got the first shot
2 off in the cafeteria she rushed and grabbed his
3 hands and held them over his head straight into
4 the ceiling because that's what she had been
5 trained to do, to secure where the weapon was
6 until she could get him under control.

7 But you saw how many times teachers or
8 administrators responded. Those are the ones
9 where that ended the event. In places like
10 Sandy Hook the teachers or others are often the
11 first to respond and the first to die, so the
12 list of when they respond and ended the event
13 is smaller than the list of when they respond.

14 I want to talk about some other review
15 commissions before I close. Columbine review
16 commission completed their report two years
17 after the event. I've told you the Columbine
18 attackers were active for about forty-six
19 minutes. One of the primary points in the
20 Columbine report, and it's pretty much be
21 adopted now universally for all kinds of
22 shooting events, was rapid deployment is
23 required, training equipment is required, and
24 communication is a factor. Because of multiple
25 IEDs it took a long time for law enforcement to

1 clear Columbine.

2 Incident command in 1998, which is now
3 very standard, incident command started in
4 World War II, it was adopted by the fire
5 services in California in the '70's. It moved
6 into other areas and was emerging in the '80's
7 and '90's in law enforcement. Incident
8 command, which is now very standard, was part
9 of what was recommended at Columbine.

10 The Columbine attackers planned for more
11 than a year. They built a hundred IEDs and
12 propane bombs. There was leakage of sorts, but
13 it was not responded to. And the Columbine
14 commission suggested several specific models
15 related to safe schools, including the Virginia
16 threat assessment model. They also, because of
17 the length of time it took to clear the
18 building, suggested that SWAT and EMTs either
19 be embedded together, or that SWAT members be
20 cross trained as EMTs, because there was some
21 evidence in Columbine of the difficulty of
22 getting some of the victims treated as they
23 went.

24 The National Academy of Sciences looked at
25 six incidents of ten or less. Oh, Columbine

1 specifically suggested that school hardening
2 was not seen as effective. The National
3 Academy of Sciences -- and it may have just
4 been for emphasis on the idea of threat
5 assessment. It's hard to tell from reading it,
6 but they make that particular point. The
7 National Academy of Sciences did recommend
8 physical school security as important. They
9 pointed out the critical importance of school
10 resource officers, and in particular the
11 ability of school resource officers to create
12 clear channels of communicate for students
13 relative to safety.

14 They weren't just talking about the
15 response issue, but the preventive issue. They
16 talked about the fact that general gun violence
17 is often, among teenagers is often with weapons
18 found in the home and suggested the programs
19 and activities to reduce the availability of
20 weapons in the home by more effectively
21 securing them was appropriate. And they, like
22 others, addressed school climate, a climate of
23 safety, a climate of anti-violence. The
24 underlying principal in this climate
25 recommendation that emerges in several cases is

1 that if the paradigm in the school is everybody
2 is safe here, and should be safe here, and will
3 be safe here, and the students engage in that,
4 then the likelihood of being able to see things
5 where people aren't safe and have them reported
6 will increase. And they had a strong
7 recommendation on climate.

8 Oregon has an ongoing task force. They
9 meet monthly. Their first report was out in
10 2015. But they focused on state level
11 activities, they saw things as standardized at
12 the state level. A state wide tip lines
13 protects, called Our Web, the funding of a
14 state wide common threat assessment system in
15 two levels, where the school would do the first
16 level, but at the point in time the school saw
17 that it was likely to be beyond their capacity
18 to respond a second level that was
19 multi-agency, multi-disciplinary, that fell
20 outside of the school, that was at the request
21 of the school, that was funded at a state wide
22 level. They recommended a state-wide school
23 floor plan, and they also recommended state
24 wide terminology. They found that terminology
25 in response could be confusing because the

1 terms lock down, lock out, shelter in place,
2 evacuate, may not have specific meanings across
3 the entire system, and they thought of that as
4 important.

5 The Sandy Hook commission is different.
6 They finalized their report about three years
7 after the event after issuing a series of
8 preliminary reports, and they covered many of
9 the other areas that we've been discussing in
10 these other reports, safe school climate, an
11 integration of public safety dispatch centers
12 for communication problems, the conduct of
13 joint regional exercises. But they also
14 separately in Sandy Hook talked about three
15 things that are unique to the Sandy Hook
16 commission somewhat, and those three are bolded
17 in red there, and I'm going to cover them in
18 order to fully cover Sandy Hook, but I'm going
19 to cover them at a very high level.

20 They recommended a hundred fifty specific
21 school security physical issues. Safe haven
22 areas that lock from the inside. Exterior
23 doors capable of full automatic perimeter
24 shutdown. Up to date rosters. They went so
25 far as to recommend a state-wide numbering

1 order for classrooms so that in the event of a
2 response law enforcement could be trained from
3 any area to know where things are, because they
4 were all standardized across all schools. As I
5 say they had a hundred and fifty detailed
6 recommendations. And they're -- and they're
7 available to you, and they're in their
8 recommendations, but I'm not going to cover
9 them here.

10 Sandy Hook spent a lot of time discussing
11 firearm and ammunition regulations, increasing
12 background checks, mandatory registration of
13 firearms, extensive limitations on the type of
14 firearms that could be owned, and the types of
15 magazines available, limitations on ammunitions
16 sales, right down to and including mark,
17 individual markings on shell casings. They
18 also touched home storage requirements, and
19 they touched this idea of temporary removal of
20 firearms on a judge's order. And again, I'm
21 not going to go over all of their
22 recommendations. They addressed firearms not
23 just in relationship to school shootings but in
24 relationship to the community at large.

25 The final thing they did at Sandy Hook is

1 they proposed community wide reform of the
2 mental health system. They came at this from
3 the point of view of integrating mental health
4 and physical health into their perception of
5 what they called well-being. They also called
6 for changes in the protocols that insurance
7 companies, that what forms of mental health
8 treatment would be paid for, who would be paid
9 for, the circumstances under which they would
10 be paid, the reimbursement rates, and a series
11 of other recommendations that they believed
12 would increase access to and effectiveness of
13 community mental health, and they expected that
14 to spill over into school safety. So, they
15 here too went, looked at it from a community
16 macro level, and had very specific
17 recommendations.

18 The foundation report on Arapahoe was done
19 by the University of Colorado, and the
20 University of Northern Colorado. This is one
21 of those that I told you about where the school
22 shooter broke off. He entered the school with
23 a shotgun and a significant amount of
24 ammunition. He randomly came into contact with
25 a young lady in the hallway who questioned him

1 as to what he was doing. He shot her, and
2 killed her, at which point he broke off,
3 stepped into the library, stepped in between
4 two stacks of books and killed himself.

5 His -- it's in this data set because it
6 was an intended school shooting of the school.
7 He did not know her. He didn't come there to
8 kill her, he came there to shoot. Why did he
9 break off we'll never know, but her parents set
10 up a commission, and they funded the University
11 to look at school shootings, and here climate
12 was the issue, the building of a state school
13 climate, which I've already talked about with
14 you. Their approach was similar.

15 They saw the lack of ability to exchange
16 data among agencies as very important and
17 looked for a common school database. They
18 recommended the Virginia system, VSTAG as the
19 threat assessment system. They recommended two
20 particular psychological tests for use by the
21 school but noted that psychological tests alone
22 can't predict school violence, but that they
23 can be effectively used as part of the threat
24 assessment process. The insisted that there be
25 an adult who form a relationship with any

1 student that enters the school threat
2 assessment process, with the idea that positive
3 and negative changes over time can be monitored
4 and are likely to occur. And they saw a school
5 climate survey as necessary.

6 They also talked about something they
7 talked about as systems thinking. Those of you
8 that have a business background will relate
9 directly to this. There is a concept in
10 business that a lot of small mistakes can lead
11 to a tragic result, and various business
12 failures, chemical releases, other kinds of
13 things are studied, you know, nuclear plant
14 meltdowns like Three Mile Island, and what they
15 go back and look at is they're just a bunch of
16 very small mistakes that are so complicated
17 that the result can't be predicted and systems
18 thinking is required, being able to look
19 outside of, and somehow look at those issues.
20 And that was one of the thrusts of the
21 university, that you borrow from business
22 failure systems approaches and find a way to
23 incorporate it here into schools.

24 So, what do I want to tell you in closing?
25 Well, the data indicates a wide range of

1 attackers in terms of characteristics using
2 weapons they own, steal, attack outside the
3 school, they enter unlocked schools openly,
4 they sneak inside, they force their way inside,
5 they attack on entry, they prepare in private
6 spaces, they attack in common areas, they
7 attack in locked and unlocked classrooms.
8 Mental and behavioral health concerns are
9 frequent. Leakage is likely, and journals and
10 online presence is common. Leakage is most
11 likely to be understood by their peers, and
12 attackers have preplanned, and sometimes
13 extensively, and pre-considered, and sometime
14 even longer.

15 High school and middle school attacks were
16 age appropriate. Students and former students,
17 they are insiders, and they must be countered
18 with an insider response. After Columbine,
19 depending on how you want to measure this,
20 attacks have resolved in about eleven minutes
21 or less, some even much less. And again, I'm
22 talking about beginning to end kind of thing as
23 opposed to, you know, how long some of the bits
24 and pieces, you know. They're frequently
25 confronted by school personnel, and sometimes

1 successfully, some of whom have been trained,
2 some not, and occasionally they break off the
3 attack for unknowable reasons.

4 Now, from an intelligence perspective then
5 in closing what I want to tell you is that it
6 is likely that some students, and former
7 students, and less like that some strangers,
8 will consider attacking K-12 schools. Threat
9 assessments, school hardening, event trained
10 school staff, and armed trained civilian or SRO
11 presence, safe school climates, anonymous
12 reporting systems, as well as safety
13 procedures, processes and devices, and when
14 necessary rapid deployment of law enforcement
15 will likely reduce the frequency and/or the
16 consequences of attacks.

17 The wide variety of how, why, when, and
18 who, found in this data should inform those
19 concerned with school safety that future
20 attackers may find methods, weapons, and
21 tactics, that are different from those that
22 have been utilized in the past. Thank you.

23 CHAIR: All right, thanks very much,
24 Nevin. We appreciate all of your work over the
25 last few months. I know that was an extensive

1 project to undertake, and I think the
2 information you presented is very valuable and
3 enlightening, so thanks for your work.
4 Questions for Nevin? Yes, go ahead.

5 UNDER SHER. HARPRING: Dr. Smith, thank
6 you very much. The data set that you've taken
7 a look at in your collected information that
8 you've presented to us at least leads me to the
9 conclusion that there's not a single threat, or
10 a single data point that is predicative. In
11 fact, I'm led to the conclusion that a lot of
12 the things that we've heard, that the
13 predictive side of looking at this particular
14 issue is problematic at best, and very
15 difficult without some type of inside
16 information that's gleaned from friends,
17 associates, parents, as opposed to just an
18 external observation or analysis that we in law
19 enforcement might gain. Do you think that
20 that's fair to say?

21 DR. SMITH: I think that both the FBI and
22 the Secret Service have said as much, and I
23 don't think that anything that I've gathered in
24 this data would say anything different.

25 UNDER SHEF. HARPRING: Does that then lead

1 us to many conclusions, one of which might be
2 that fostering the environment that allows
3 those people that would have that knowledge,
4 the parents, the students, and so on, for those
5 insider type attacks, it's going to be critical
6 for us to have that information, to include the
7 positive relationships with the SROs or others
8 in the schools?

9 DR. SMITH: Prior commissions have
10 indicated that parental involvement can be a
11 key in what is going on because they're aware
12 of what is going on, and finding a way to
13 bridge that gap between the fear of law
14 enforcement, you know, something bad is going
15 to happen if something gets told, and the need
16 for law enforcement, along with telling the
17 school, is something that in the school climate
18 survey that is frequently discussed is part of
19 the climate survey, that the idea is that this
20 is a safe place, and it's a collective
21 responsibility.

22 CHAIR: Senator Book.

23 SEN. BOOK: Thank you so much for such a
24 thorough presentation. It has really kind of
25 put some things into perspective. And I know

1 that we, or there is not, and a profile is not,
2 won't, won't be helpful, right, however is
3 there, or have you found indicators that are
4 standard to look at of behaviors? And then as
5 we look into - - we know -- we've talked a lot
6 of about how we can look up behaviors, that
7 escalating behaviors show certain things. Is
8 there like a list of what, what those
9 indicators may be, can that be developed if
10 there isn't, and perhaps if certain red flags
11 are met with indicators SROs, or, you know,
12 guidance counselors within a school could
13 monitor social media for some of the leak --
14 I'm trying to just create nexus, nexes (ph), so
15 that we can really provide some level of
16 recommendation to look at where we go from,
17 where we go from here.

18 DR. SMITH: Yeah, I want to avoid getting
19 outside my area of expertise here, but what is
20 being recommended is a process in every case,
21 and the process is designed to gather data, and
22 then gather more data as concerns raise. And
23 it's not so much a particular piece of data as
24 you read what is being recommended, but a whole
25 look, because not everybody that exhibits

1 certain behaviors that we would describe as
2 concerning behaviors is going to do this, and
3 so part of it has to do, is separating those
4 who will by their behavior from those who
5 might, from those who won't, and that appears
6 based on what the experts are saying to take an
7 analysis, and process that is engaged over time
8 by a group of individuals over time who have
9 the expertise to judge it on a case by case
10 basis.

11 Beyond that I don't think I can help you,
12 but I'm sure there are experts who could tell
13 you, well, if I see it this way then I am less
14 concerned than if I see it that way, but I
15 don't have that expertise.

16 CHAIR: Secretary Carroll.

17 SEC. CARROLL: Thank you, Dr. Smith. Just
18 a comment. I don't have a question. But it
19 struck me listening to this presentation that
20 the landscape really changed following
21 Columbine, and I know Commissioner Schachter
22 has made this fact known over and over in this,
23 most of these things are really quick. If you
24 look at the time from when it started to when
25 it ended it's minutes, and if you look at the

1 time where active killing was taking place it's
2 an even shorter window, you're talking about
3 three or four minutes.

4 So I think when you -- when we look at
5 this thing, and I think we're going about it
6 the right way, it's how, if you're going to
7 respond to this it needs to be an almost
8 immediately response if you're going to stop
9 and prevent death, and so this whole idea that
10 we're going to have school resource officers,
11 guardians, whether you philosophically agree
12 with it or not you have to have a response in
13 minutes, not tens of minutes, and so I think
14 that's good. The whole notion of hardening
15 schools and slowing the person access into the
16 school, and through the school, critically
17 important, because the longer you can draw it
18 out the quicker the response can have an
19 impact.

20 But I think the other thing that the data
21 shows is it's, as tragic as these things are,
22 it's still a rather rare phenomenon, because
23 I'm looking, even in twenty years I'm looking
24 at this total, kids zero to eighteen that were
25 involved in this. I think if my math is

1 correct it's thirty-four kids. Thirty-four
2 kids over twenty years, and I can tell you that
3 during that time we had tens of millions of
4 kids in the school, and so to ever get a
5 predictive model in terms of which of those
6 tens of million is going to be the one in
7 thirty-four is going to be difficult.

8 I think the threat assessment teams are
9 going to help diffuse violence in schools.
10 Whether it prevents all this I don't know, and
11 you never will know, by the way, if it does
12 prevent the school shooting, because how do you
13 know if it never happens. Clearly we have to
14 improve the linkages that we have in the mental
15 health system, and integrate it into the school
16 system to reduce those chances, but what I
17 heard yesterday with the gentleman who came up
18 and talked about the, the videos, I got to tell
19 you that if part of this isn't a societal
20 issue, where we have the faith based community,
21 and other communities stepping up, because part
22 of this is a cultural issue.

23 We've desensitized our kids to violence,
24 we've over glamorized guns. You know, I go to
25 a Mission Impossible movie last week and, and I

1 can tell you no man would survive on episode
2 that you saw in that movie yet he continues to
3 live, and jump off buildings, and shoot folk,
4 and we have totally desensitized our kids along
5 the way to violence, a fascination with guns
6 through video games, through TVs, and the only
7 way you're going to change that I believe is
8 through some type of community local response
9 that focuses on those issues and makes more
10 healthy environments for kids.

11 So, I'm happy the progress we're making,
12 and focusing on making sure we have more
13 responses, we have, we're focused on hardening
14 of schools, and then identifying those threats,
15 and responding to those threats in a proactive
16 way through a threat assessment team, and
17 through integrated mental health services. But
18 because of the lack of our ability to predict
19 which kid out of the tens of millions will be
20 the one kid who does this it's not going to be
21 perfect, and so there's a lot of facets to this
22 that I hope the community understands that even
23 when the work is done here communities need to
24 step up and really look at what we need to do
25 to make is safer for our kids.

1 CHAIR: Yeah, I was -- I was going to let
2 you all go and then save this comment for the
3 end, but since Secretary Carroll raised it I'm
4 going to offer this at this point, because it
5 goes along with what you're saying. If you
6 look at slide, the slide on Page 10, it very
7 clearly says, is that of these incidents what
8 stopped then in eighteen of these cases, so you
9 have forty eight cases, eighteen of them were
10 stopped by civilian capture, and eighteen of
11 them were stopped by a teacher, a principal, a
12 custodian, some personnel, or somebody within
13 the school, and as you just said these are
14 happening within minutes, within minutes.
15 Probably some of these are stopped before law
16 enforcement officers are even dispatched.

17 You know, given what we heard here by the
18 time somebody picks up the phone and calls 911
19 and it goes to Coral Springs, they do what they
20 do with it, and transfer it to BSO, BSO, and so
21 you go through that -- these people are there.
22 So, when you see that the people who are
23 stopping these predominantly are non-law
24 enforcement personnel -- the SROs aren't
25 stopping these, and the cops aren't stopping

1 these. And so, when you couple that with --
2 and this is a point of frustration for me. I'm
3 going to tell you it's a point of frustration
4 because what I hear in our county and hear
5 around Florida from a lot of people is, is that
6 what they don't want.

7 We need to have the discussion about what
8 we may not want, but what is necessary, and
9 what is going to work, and what the data shows
10 is the people who are stopping these things are
11 these civilians, these non-law enforcement
12 personnel. They're doing it, in many of these
13 cases, they're not armed. I can tell you that
14 when people say I don't want armed teachers, I
15 don't want guardians, I don't want to pay for
16 more SROs, I don't want, I don't want -- what
17 do you want? You can't have your cake and eat
18 it too.

19 Is that we've got to decide what works,
20 and what the data is showing here is what works
21 is who can get to that person first, and so
22 we've got to get off of this. Is it a great
23 idea to arm all school personnel? Not in the
24 perfect that we don't live in, but we don't
25 live in that perfect world. Is it a great idea

1 to increase the millage in a district so that
2 they can pay for more SROs, so we have two or
3 three in a school with three thousand kids as
4 opposed to one; somebody needs to make some of
5 these hard decisions, and we've got to get off
6 with this about what we don't want.

7 I can tell that in the Stoneman Douglas
8 incident with Cruz is, is that when he walked
9 in there, and I've said this to you before,
10 when he walked in there with that AR-15 and he
11 confronted the one student who he shoed out,
12 he assembled it, put the magazine in it --
13 there were only six rounds in that magazine.
14 There were several other times when he was in
15 that school that his gun was empty. There were
16 several other times when school personnel saw
17 him -- on the third floor, when Mr. Rasperski
18 took all those kids to the west side to get
19 them out of there it's because Cruz was
20 reloading.

21 If you had somebody in there with a gun
22 they could have mitigated this, so this whole
23 notion that we don't want guardians, we don't
24 want armed personnel, we don't want, we don't
25 want, we don't want more SROs, well, we want

1 them but we don't want to pay for them, and you
2 see eighteen of these were stopped by somebody
3 other than a cop, because we cannot be
4 everywhere all the time, that's a fact, and
5 whether it's outside the schools, inside the
6 schools, it doesn't matter where it is, we are
7 not going to be everywhere all the time, so
8 it's something that is frustrating, because you
9 here this throughout Florida now in all these
10 districts in all these places about we don't
11 want to fund this, we don't want to do that, we
12 don't want to what, so we've got to come up
13 with some suggestions, and I'm suggesting to
14 the community is people need to change their
15 mindset and figure out how to get this done
16 that's consistent with who is stopping these
17 things, and the way that they can be stopped.

18 Secretary Senior is next.

19 SEC. SENIOR: Just quickly, I do think
20 that the numbers here are so, are so low that
21 is hard to, to actually draw broad conclusions
22 from it, but I have the impression that all of
23 the perpetrators were male; is that correct?

24 DR. SMITH: That's all the ones in this
25 database, yes.

1 SEC. SENIOR: Okay. And is there -- is
2 there kind of rural, urban, suburban, is there
3 sort of a socioeconomic profile at all?

4 DR. SMITH: I don't have the answer on
5 socioeconomic profile, but the majority of
6 these schools are suburban schools or rural
7 schools.

8 SEC. SENIOR: Okay, thanks, that's all I
9 have.

10 CHAIR: Sheriff Judd is next.

11 SHER. JUDD: Sheriff Gualtieri, I'm going
12 to say ditto. I have -- long before the
13 guardians came about I created the sentinel
14 program, because I looked at the same data.
15 And Commissioner Carroll is right, except it's
16 not minutes that count, it's seconds that
17 count, and these school staff members are
18 running in with no guns and confronting very
19 violent people with every intention to kill all
20 that they can. And to back up with Sheriff
21 Gualtieri said I've asked this simple question
22 over and over and over again to everyone,
23 especially those who go I don't want guns, I
24 don't want guns, well, I don't want active
25 shooters. If the active shooter is walking

1 down the hallway and has made it through all of
2 our layers of security and intervention to walk
3 to your child's classroom to murder your child
4 and all of his or her colleagues do you want
5 someone there well trained with a firearm to
6 stop them? And one SRO on the campus is not
7 enough. And one guardian on the campus is not
8 enough.

9 The answer is obviously yes, but we've got
10 to come to the reality that the school staff is
11 scattered throughout that campus, and they are
12 going to be the first responders. We can't get
13 there in time. And if you have one school
14 resource officer, and this individual plans his
15 tactics, and his is what's in the database,
16 he's going to wait until the SRO is on the
17 other end of the campus, or he knows that the
18 SRO or the guardian is down in one piece of the
19 campus and has to spring across the campus,
20 well that SRO or guardian probably has to walk,
21 run past fifteen, twenty, twenty five staff
22 members of the school to get to the active
23 shooter.

24 We've got to recognize that this is a new
25 world, it's a new time, and it's a very rare

1 event, but on those very rare occasions we're
2 going to have to have the right people at the
3 right locations, and that means we've got to
4 change our paradigm in the school systems, and
5 understand whether you like it or whether you
6 don't we've got to have a few well trained
7 people. And over the long term that's going to
8 equate to the staff that's already there on the
9 payroll, because you, to have a program you've
10 got to have accountability, affordability, and
11 sustainability.

12 Well, we can't afford to put three, or
13 four, or five police officers on every campus
14 across this nation. We can't afford to put
15 three, or four, or five guardians on every
16 campus across this nation. But I'll promise
17 you that in most every school district in this
18 nation, and it would be rare, I can find very
19 talented very willing school staff and
20 appropriately train them, and call them
21 guardians under our law, and provide them with
22 the right resources at the right location for
23 that unavoidable event when it occurs to make a
24 difference. Or we can keep doing what we've
25 been doing in the past and watch children get

1 slaughtered on campuses.

2 And that's -- and that's why I want to
3 back up what Sheriff Gualtieri said. This is
4 not something we like, but there's your facts.
5 Dr. Smith has given us the data. Who is going
6 to be the first one there, who's going to
7 intervene, and do you want to stop it before
8 they kill more kids.

9 CHAIR: So, in the next meeting we're --
10 as I mentioned the last time we were going to
11 watch some video perhaps in this meeting. We
12 don't have time, so that's why it's not on the
13 agenda. I think we're going to get to that
14 next time. Keep this in mind when those of you
15 who decide to watch it, when you watch the
16 video next time, and you see him reloading, and
17 you see that he's got an empty gun, and you see
18 where there's school personnel that could have
19 shot him and killed him but they couldn't
20 because they didn't have it, is, is that there
21 is no doubt in my mind from watching the video
22 of inside Stoneman Douglas that if somebody had
23 a gun they could have easily taken him out, and
24 could have mitigated the deaths, because there
25 were several times when he had an empty gun,

1 and there were opportunities for staff to have
2 intervened if they had been armed, so.

3 Commissioner.

4 MS. SKINNER: Thank you, Dr. Smith. I
5 think the thing, two things you talked about
6 stood out the most for me, and one was the
7 concept of systems thinking, and how many small
8 decisions that are really mistakes in hindsight
9 come together and cause a tragedy, and it's
10 very complex, and I think that's one of the
11 things we're faced with.

12 And even an example we talked about
13 yesterday with the City of Tamarac and that
14 tower, they're making a decision in a vacuum,
15 and for I don't even know why since we haven't
16 heard from them, but it's not looking at the
17 bigger community, the bigger systems as a
18 whole, and so that one decision could then be
19 one of those mistakes that leads to a tragedy
20 in the future.

21 The other thing that stood out to me was
22 the concept of lowering our threshold, and we
23 need to do that to create safer schools. We've
24 lowered our threshold in settings such as
25 airports, why wouldn't we do it in schools when

1 we're talking about our most precious resource,
2 our future really, which is our kids?

3 And I think that part of it is that we
4 spend so much time trying to protect individual
5 rights, and not label individuals, and not make
6 individuals feel bad, that we don't want to
7 make a false accusation, but I firmly believe
8 that if we train people what to look for, and
9 really any unusual behavior, whether we can
10 define that, or somebody can define that or
11 not, but anything that's out of the ordinary,
12 we need to have a safe place where we can
13 report that and not have any consequence, and
14 actually feel like someone's going to act on
15 it, which is the other thing.

16 It's not just about do I trust the adults,
17 it's about is someone going to do something
18 about it, because that sense of learned
19 helplessness, well, I'm not going to bother
20 because nobody will do anything, is rampant. I
21 just -- I didn't have any questions, I just
22 wanted to make those statements for
23 consideration.

24 CHAIR: Commissioner Petty is next.

25 MR. PETTY: Thank you, Mr. Chair. Mr.

1 Smith, thank you for the comprehensive look at
2 this. It was tough for me to look at some of
3 this data, it's sort of -- I know you had a job
4 to do. It was a little personally tough for me
5 to distill down into data what happened to my
6 daughter that day but thank you for the work.

7 A couple things stood out to me, and I
8 want to agree with what's been said by the
9 other commissioners, seconds matter, the data
10 is telling us that whoever is on campus is in
11 a, in a position to stop this, so we need to
12 rethink that approach. What is clear from the
13 data is the way we've been approaching this has
14 not worked, it's not stopped these incidents of
15 violence, so we've got to try something
16 different.

17 I'm intrigued by the leakage. I think
18 ideally in my mind we stop there before they
19 get on campus, and this idea that, you know,
20 80% of these violent actors tell somebody
21 they're going to do it -- and whether it --
22 whether it reaches the level of what happened
23 at Stoneman Douglas or not these acts of school
24 violence are typically shared with somebody
25 else, somebody knows, so that ability to report

1 that, see something, say something I think is
2 incredibly important. And I think we have to
3 remove the stigma, particularly for the student
4 body, because I think they are aware of these
5 things, they are aware of these attacks, or
6 potential attacks, and they need to be, they
7 need to feel safe to report these behaviors,
8 and these indicators.

9 I want to -- I also want to say that we
10 are, we are starting to collect data on averted
11 incidents of school violence. I'll just point
12 to the Police Foundation website, they've got a
13 website where they're collecting data now. It
14 goes beyond just, you know, these severe
15 incidents like Sandy Hook, Marjorie Stoneman
16 Douglas, but there are other school, acts of
17 school violence that have been averted, and
18 we're starting to see data on those, so I do in
19 fact think we can stop these, and I think we
20 can learn from the averted incidents as much as
21 we learned from those that, that were
22 unfortunately carried out. So, I just want to
23 make sure everybody is aware of that too.

24 Thank you.

25 DR. SMITH: Thank you, Commissioner.

1 CHAIR: Commissioner Blackburn is next.

2 DR. BLACKBURN: Sheriff, like you I was
3 going to say some of these comments towards the
4 end, but since we're on the topic, not, as a
5 superintendent, as a lifelong educator, not
6 surprised at all to see the high number of
7 school personnel that intervened in these
8 activities. Teachers and counselors, and
9 administrators, and school district leaders,
10 are some of the most selfless people I've ever
11 been around.

12 As you all know when the Governor
13 announced that he was going to allow for school
14 staff to be armed Brevard County was one of
15 the, the few that seriously considered that,
16 while other districts made a commitment not to
17 go that route. I spoke to many, many teachers,
18 and other school staff, and they gladly wanted
19 to arm themselves. The challenge was we've
20 already done, we've already put so much of
21 ourselves into a professions, we've known for a
22 couple of decades now that the current
23 accountability structure where we're focused on
24 these finite academic, while important,
25 measurements, and, and not prioritizing the

1 mental, social, emotional welfare of children,
2 so educators have known that, so we need a
3 complete, society needs a complete reset of
4 what we expect from teachers, counselors,
5 school and district leaders.

6 As a parent, and the parents who suffered
7 this tragedy, I want my kids to come home every
8 day, and I want them to be happy mentally and
9 physically, and if we're not going to
10 prioritize that in how we train our teachers,
11 select our teachers, evaluate our teachers, and
12 compensate our teachers, then, then we're not
13 going to take the deepest dive into addressing
14 these issues.

15 CHAIR: Sheriff Ashley is next.

16 SHER. ASHLEY: Thank you. First, I wanted
17 to ask if all these studies, or cases, had SROs
18 in the school. I mean we're talking about the
19 difference in civilian intersession versus law
20 enforcement intersession. Did all of these
21 schools that are, that have these matching, did
22 they have SROs?

23 DR. SMITH: The answer to that is no, but
24 I can't --

25 SHER. ASHLEY: If you had a ration of how

1 many --

2 DR. SMITH: I may be able to identify that
3 for you and get it back to you.

4 SHER. ASHLEY: Well, I just -- for the
5 commission's sake I wanted to, you know, yes,
6 there's a lot of civilian intercession but it's
7 only because there was a lack of law
8 enforcement there to begin with, it was a
9 responding rather than being there. I would
10 take a note that in this case we did have a guy
11 with a gun there, a good guy who did not act
12 for whatever reason. And the second point I
13 would disagree with that, with my good friend,
14 that we can afford to have a law enforcement
15 officer, and multiple law enforcement officers
16 or guardians at these schools, and I would
17 argue that we can't afford not to, that if we
18 can't protect our kids I don't know how society
19 functions outside of that first and foremost
20 basic parental responsibility, society
21 responsibility, and every teacher and counselor
22 that, that I've ever spoken with, seemed to
23 know who the killer is well before we did, so I
24 would suggest that there is some that out
25 there, there is some means by which to identify

1 who these would be shooters will be, and that's
2 the points I would like to make.

3 CHAIR: So, what we're going to do, after
4 we come back from the break we're going to get
5 into some of that, because some of the
6 questions there, Sheriff Ashley, are not just,
7 you know, whether there was a school resource
8 officer but were there enough school resource
9 officers. And even if you take the Stoneman
10 Douglas situation, and what Peterson didn't do,
11 is remember at that campus on that day there
12 were, there was no SRO at Westglades 'cause he
13 was off, and you had one SRO on that entire
14 campus. So, for roughly three thousand kids, a
15 sprawling campus, you had one.

16 And one of the things that we're going to
17 ask the question of you about when we come back
18 from the break and will take us into the next
19 meeting where we start formulating this, what
20 is the appropriate role of the SRO. So as you
21 raise the question is, is that was there one on
22 campus, but if he's in a classroom, or she's in
23 a classroom teaching, and you've got a campus
24 monitor who sees something, they're not going
25 to get there on time, so all of that has to be,

1 I suggest, part of the discussion, what -- do
2 we -- are we okay with the current role of the
3 SROs, or does that role need to change. And if
4 we're going to ask them to keep doing the same
5 things they've been doing, which is mentoring
6 kids, relationships, teaching, doing all the
7 things, then how are they going to adequately
8 provide the security function, which then begs
9 the question is, is that can we pay, and are we
10 willing to pay to have more, especially on
11 campuses that have to and three thousand kids
12 on them, because having one is nothing more
13 than feel good because they can't get the job
14 done.

15 So, we'll come back -- so that's going to
16 lead into -- this is a segue way into the next
17 one. Commissioner Harpring is next.

18 UNDER SHER. HARPRING: I think the
19 commission has a unique opportunity at this
20 time, in light of the fact that, know it's in
21 2019, there's going to be a legislative session
22 to talk about the importance of resources,
23 resources being funding, and unfortunately, I
24 think the reality is, is we know that there
25 will be another mass casualty event. I hate to

1 say it, but we know it's going to occur if
2 history is, is true. The only thing that we
3 can do I think as a commission is make some
4 definitive statements about what kind of
5 resources can be dedicated to the locations
6 that we're talking about, and let's not forget
7 these are our children, whether they're
8 biologically ours or not they're all ours,
9 they're our most precious resource, and what
10 can we do to mitigate that on site.

11 And we've already mentioned a few things,
12 which is training the staff, having enough
13 personnel. But through the training of the
14 personnel, having sufficient personnel, law
15 enforcement, or otherwise, and I think law
16 enforcement personnel are important, it comes
17 back to the practical thing of cost. And much
18 of cost is willingness, what are the people who
19 ultimately hold the purse strings willing to
20 do, and willing to say is their priority,
21 what's their value judgment, what do they value
22 in regard to funding.

23 And I'm just overwhelmed in some ways
24 with, with anger, and incredulity when I hear
25 finance people and county administrators tell

1 sheriffs, tell state law enforcement personnel,
2 tell school districts that they're unwilling,
3 as Sheriff Gualtieri mentioned, to heaven
4 forbid adjust the millage rate to ask people to
5 pay to protect the most valuable resources that
6 we have. And it becomes a value judgment, and
7 if we don't make those defined strong
8 statements in our recommendations for the
9 legislature to address in the beginning of 2019
10 to be followed up thereafter then I think we're
11 doing a disservice to all the children that,
12 that we really need to think about protecting.

13 CHAIR: Commissioner Dodd.

14 MR. DODD: Thank you for the great
15 information. I do have a couple questions on
16 commonalities. Is there -- from what you've
17 said there's no commonality on the time of day,
18 the day of the week, or the time of the year
19 that these incidents take place, correct?

20 DR. SMITH: They vary widely.

21 MR. DODD: Okay. But yet we have not seen
22 an incident, a mass casualty incident, happen
23 at an after-school event; is that correct?

24 MR. SMITH: The shooting that I mentioned
25 where the assigned officer killed the attacker

1 at the prom was an after school event, but it,
2 there were a couple of minor injuries, but
3 because the officer acted and killed the
4 shooter before he could be effective, he had
5 posted up outside that prom which was after
6 school in order to do that.

7 Now, having said that there is school
8 violence that occurs at football games, at off
9 campus dances, at assemblies of students who
10 leave high school and go other places. That's
11 not here because it's not considered targeted
12 violence. So, you know, I don't want to leave
13 you with the impression that violence can't
14 occur, including shooting and death, between
15 even, you know, rival students from outside
16 that school. Those are now what we are looking
17 at here. Although that sort of violence is
18 also relatively minor it does occur.

19 MR. DODD: Certainly, and I know that the
20 districts take that seriously, our district
21 does. I think that would be something we don't
22 want to lose sight of. I also think about
23 summer schools. When school districts have
24 summer schools they may not have it at all of
25 the campuses, but some of the campuses, that

1 would be an area that maybe we should discuss
2 when we talk about the SRO ratios, and how
3 officers are assigned at those schools. I
4 would like to say my hopes are that the active
5 shooter drills that we have in the senate bill
6 that we will be required to have will help our
7 school staff realize their importance in
8 protecting students, and so I think that in our
9 district the work with law enforcement and the
10 active shooter drills, and the way that's going
11 to go about, it's going to be a good thing.

12 CHAIR: Okay, thank you. Mr. Schachter,
13 and then I think we'll take a break after your
14 question. Go ahead.

15 MR. SCHACHTER: Thank you, Sheriff. Thank
16 you very much, Doctor. It's very upsetting to
17 hear all this news, but it's important that the
18 public does. I have several comments, and then
19 several questions. I think as far as what I
20 would like to see out of our commission is a
21 couple of things that have been brought to
22 light here. I think it's extremely important
23 that we empower our teachers, train our
24 teachers in self- defense, especially in light
25 of the fact that they are unfortunately going

1 to be the first responders with ability to stop
2 these shootings. The more you train the more
3 you build confidence, and you give teachers the
4 ability to act and save lives. So, whether or
5 not we recommend to train all teachers in run,
6 hide, fight, or in ALICE, I think that's very,
7 very important.

8 Number two is that I would like to make a
9 recommendation our report that all school
10 districts have a reporting, or tip line. One
11 of the things that I think could have possibly,
12 you know, stopped this, is, is if we had a tip
13 line in Broward County. There -- there is a
14 tip line, and we didn't really get into that in
15 this commission, but it's called Safe to Tell.
16 You spoke about that, Doctor. In Colorado they
17 have stopped many shootings, many suicides, and
18 has been the gold standard. Hopefully that
19 will be in about twenty-one states soon. So --
20 and actually Susan Payne, who developed that,
21 will be presenting, along with myself, at the
22 Federal Commission on School Safety at the
23 White House August 16th.

24 Number three, in light of the fact that
25 weapons have been, you know, stolen from

1 parents, I'm in favor of our commission making
2 a recommendation that all guns be properly
3 stored and, and locked, to try to prevent this
4 from happening, and that there be penalties if
5 that doesn't happen.

6 Concerning my questions, have
7 interoperability did you find to be a
8 mitigating factor in other casualties like it
9 was in Marjorie Stoneman Douglas?

10 DR. SMITH: Mr. Schachter, could you
11 explain interoperability a little further for
12 me?

13 MR. SCHACHTER: Well, I mean I know that,
14 you know, we had radio problems here, to the
15 extent that the BSO and Coral Springs could not
16 coordinate, they had to use hand signals. I
17 was just curious, is that a prevalent factor
18 that you found in your research in all these
19 other shootings?

20 DR. SMITH: It was prevalent in the
21 commission recommendations from prior
22 commissions.

23 MR. SCHACHTER: And this might -- this is
24 a question to the law enforcement personnel.
25 Maybe I don't know, but NIMS is the command

1 structure for the fire service, and I hear that
2 that is extremely successful. Do we have
3 something that, like that in law enforcement?

4 CHAIR: Yes, everybody uses NIMS.

5 MR. SCHACHTER: Okay. Okay. I'm not sure
6 if everyone is aware that the news that came
7 out yesterday, that children were found in a
8 New Mexico compound that were training for
9 school shootings. Even though, you know, I
10 feel all of these attacks on schools are
11 domestic terrorism are, are you surprised that
12 we haven't had multiple attacks on a school at
13 the same time, and are you fearful that we need
14 to be preparing for that, Doctor?

15 DR. SMITH: Surprised and fearful are the
16 wrong words for me in relationship to answering
17 that. Is it possible? Certainly, the
18 international data says that schools have been
19 attacked by terrorists. The data related to
20 terrorists and their publications, online and
21 in the internet, makes children in some
22 terrorist organizations, and not in others,
23 legitimate targets. So, the question is will
24 they be a soft target that a terrorist chooses
25 in the United States, that is a home-grown

1 violent extremist versus another target, that's
2 going to be unique to that particular
3 terrorist, but there is certainly evidence
4 outside of the United States that it occurs.

5 MR. SCHACHTER: Thank you. I have always
6 been, you know, curious, as to when I visit
7 the, the highest crime rates in our country,
8 for instance in Brentwood, New York, that is
9 the heart of MS-13, the high school there,
10 which is actually two high schools combined,
11 there's five thousand kids that's in that high
12 school, they don't have school shootings in
13 that school. Now, there's violence outside the
14 school, but do you have any idea, or opinion
15 why, it seems to me, and correct me if I'm
16 wrong, that these school shootings happen in
17 low crime areas? Is that an accurate
18 statement, or not?

19 DR. SMITH: I don't know if it's accurate
20 to say low crime versus high crime, but they do
21 tend to be suburban and rural, and I don't
22 think there's any data by any researcher that
23 has been able to parse out why that is part of
24 what we're seeing, or if it's just a random
25 effect of the small numbers that we're seeing.

1 MR. SCHACHTER: On a macro picture in
2 your, in your research, did you find
3 duplication amongst the federal agencies, be it
4 Secret Service, FBI, Department of Homeland
5 Security, DOE, did you find duplication, that a
6 lot of these agencies are, you know, producing
7 the same reports, and overlapping?

8 DR. SMITH: I found similarities in all
9 the federal reports relative specifically to
10 threat assessment, specifically to the lack of
11 profiles, and specifically to concern about the
12 issue as an issue of public concern.

13 MR. SCHACHTER: And then concerning no
14 notoriety, concerning the fact that these
15 shooters, you know, crave this fame, and crave
16 to be on the news, was that a factor in a lot
17 these shootings?

18 DR. SMITH: I made no attempt to -- in the
19 data I collected I made no attempt to find
20 cause for a shooter to act, because of the
21 complexity and the uniqueness in the nature of
22 each shooter. Nor did I find any in any
23 research that suggested, or other commissions
24 that suggested we understand specifically why
25 John or Bill does what John or Bill did. It's

1 multi-factored, and it changes. Sometimes the
2 shooters' stories themselves change.

3 There is no question that there are some
4 shooters that track Columbine and school
5 shootings. There is no question that there are
6 fans of school shooters. There is one example
7 in this data where the school shooter actually
8 visited Columbine and bought a trench coat
9 while he was in town and tracked that
10 routinely. But that said, you know, was that
11 simply because he was a fan of that event or
12 was that the primary driver for why he did it;
13 I don't think that's knowable from the data I
14 identified.

15 MR. SCHACTHER: And then my last question,
16 the monster that, that killed Alex, had an IEP,
17 and I don't know if you can answer this, and
18 I'm certainly not, not making a general
19 statement that, that all students, you know,
20 that have mental issues are, because the, the
21 actual data is not, is not that case, I was
22 just curious how many other shooters, I don't
23 know if you know the answer, had IEPs?

24 DR. SMITH: I don't know the answer to
25 that.

1 MR. SCHACTHER: Thank you for your
2 presentation.

3 CHAIR: All right, thank you, Dr. Smith,
4 we appreciate it. Let's take a fifteen-minute
5 break, and we'll start again about 11:15.

6 (Thereupon, the meeting is in recess.)

7 CHAIR: We're going to go ahead and begin
8 with the next presentation. And we have
9 Rebecca Kapusta, who is an Assistant Secretary
10 for Operations with the Department of Children
11 and Families with us to talk about DCF adult
12 protective services, and one incident involving
13 Cruz that warrants some clarification. So,
14 welcome, and we appreciate your being here.

15 PRESENTATION DCF ADULT PROTECTIVE SERVICES

16 MS. KAPUSTA: Thank you, Sheriff
17 Gualtieri. Again, my name is Rebecca Kapusta.
18 I am the Assistant Secretary for Operations for
19 the Department of Children and Families. I
20 oversee the six regional offices throughout the
21 state, and all field operations, as well as
22 adult protective services and children's legal
23 services. Today I'm going to give you a brief
24 presentation of our two investigative
25 processes, one involving child protective

1 investigations, and the other involving adult
2 protective services. As we walk through that
3 you'll notice there are some similarities,
4 however there also are many differences
5 throughout those processes, and we'll talk
6 about those differences as we walk through
7 them.

8 Before I get started, however, I do want
9 to offer my condolences to the family, the
10 parents, and the friends in the room who have
11 lost loved ones through the incident that
12 occurred.

13 I am going to start with the, gosh, this
14 is really loud, child protective
15 investigations. It is governed by Chapter 39
16 of the Florida Statutes, and a call comes in,
17 and is initiated, an investigation is initiated
18 in the same way for adult protective
19 investigation, which is a call to the hotline.
20 The population of individuals that we're
21 dealing with for child protective
22 investigations are population for individual
23 zero to eight, to seventeen, excuse me, zero to
24 seventeen. The cutoff is at seventeen-year
25 age.

1 When a call is received by the counselor
2 an assessment is done to see if it rises to the
3 reasonable level of suspicion for abuse,
4 neglect, or abandonment. If so an
5 investigation is initiated by a field
6 investigator. The primary goal of a CPI
7 investigator is of course to assess the safety
8 and well-being of the child, to determination
9 whether or not the family has protective
10 capacity, and to determination the functioning
11 of that family. At all times the investigator
12 is assessing risk to the child, and how to keep
13 that child safe in their, in their environment
14 if possible. So again, the primary goal is the
15 safety, permanency, child well-being, and
16 family well-being.

17 The focus of the investigative process is,
18 of course is to engage in the family, that's
19 first and foremost, then to go and perform, and
20 gather information around that child, and
21 around that family. They will engage with
22 school personnel, medical professionals,
23 family, neighbors, and anyone else who has had
24 contact with that child in the recent past, to
25 determination whether or not that child is at

1 risk for abuse, neglect, or abandonment. Once
2 that investigation is performed what that
3 investigator does at that time is try to
4 determination whether or not that child can
5 safety remain in their home.

6 If that child is safe, then of course
7 services are offered. The parents have the
8 ability to decline those services that are
9 offered, and the case is closed. If the child
10 is unsafe the investigator assesses to
11 determination what services can be put in
12 place, of course with the initiation of a
13 safety plan to keep that child in their home
14 with adequate services to make sure that that
15 child can remain safely in that home with those
16 services in place until those services can be
17 ended.

18 If the child is, of course, at risk, at
19 high risk, and unsafe, and there's no other
20 alternative, then the child will be removed.
21 At that point of removal that child comes into
22 state custody. That is not true on the adult
23 side. I just want to make that clear. That is
24 one distinction that's important. When a child
25 is removed the child comes into the Department

1 of Children and Families' custody, a court case
2 is begun, and that court case usually lasts
3 about twelve months, in some circumstances
4 longer than twelve months, so we try to get
5 that child to permanency.

6 Again, the main goals of a child
7 protective investigator is to look for and
8 assess for child well-being, permanency, and
9 safety of that child. So, our goal through
10 that court process is to get that child to a
11 permanent place, whether it can be in that
12 child's own home and returned to the family, or
13 in another permanent setting for that child.
14 Again, that process takes about twelve months,
15 sometimes longer.

16 I'm going to transition -- does anyone
17 have any questions about that child protective
18 investigative process that I just kind of
19 walked us through?

20 All right, so I'm going to start now with
21 the adult protective investigations. It is
22 different. It is governed by Chapter 415. At
23 one time adult protective investigations and
24 child protective investigations were all
25 captured under Chapter 415. The legislature

1 carved out Chapter 39 and put child protective
2 investigations in Chapter 39. Chapter 415
3 remained intact, and you have adult protective
4 investigations governed by Chapter 415 of the
5 Florida Statutes.

6 And an investigation for an adult
7 protective services case is initiated in the
8 same way as a child protective investigation,
9 and that is through the call to a hotline. The
10 hotline counselor again makes the same
11 assessment that they make on the child's side,
12 and that is to see whether or not there's a
13 reasonable suspicion of abuse, neglect, or
14 exploitation. So, there is one different
15 element, that's exploitation or self-neglect.
16 If so then an investigation is initiated, and
17 an investigator is on the field performing an
18 investigation, ordinarily within twenty-four
19 hours.

20 I do want to make it clear in the vast
21 majority of our investigations those
22 investigates involve elderly folks, and it's
23 ordinarily, I think it's about 70, maybe 75% of
24 our cases do involve the elderly or disabled.
25 The first assessment, so on a child's side

1 they're assessing for safety, their assessing
2 for risk, and they're assessing for permanency
3 and well-being of that child and the parent's
4 protective capacities. On the adult protective
5 side, it's a very different assessment that is
6 being conducted by the investigator.

7 The investigator first has to
8 determination, one, whether the individual, the
9 subject of the investigation is a vulnerable
10 adult. The definition of a vulnerable adult is
11 up on the screen. I'm going to read it so that
12 I don't get it wrong, but a person eighteen
13 years of age or older whose ability to perform
14 the normal service or activities of daily
15 living, or to provide for his or her own care
16 or protection is impaired due to a mental,
17 emotional history, long term physical or
18 development disability, or dysfunction, or
19 brain damage, or the infirmities of aging.
20 That last category, infirmities of aging, is
21 really where the bulk of our investigations
22 lie.

23 If that individual that's the subject of
24 the investigation is deemed to be a vulnerable
25 adult by the investigator they next have to

1 determine two things, one does that individual
2 have capacity to consent to services, or do
3 they lack capacity to consent to those
4 services. If the individual is a vulnerable
5 adult and has capacity to consent to those
6 service being offered, and the definition of
7 capacity to consent is up on your screen as
8 well, or in your slideshow that you have for
9 you, then the individual can accept or decline
10 any services being offered.

11 Those services are ordinarily services
12 that we have in the community. The adult
13 protective investigator can connect that
14 individual with those services that are
15 available and are appropriate for the needs of
16 that individual and connect them with those
17 services that are existing in the community.
18 And again, the vulnerable adult that has
19 capacity can say I don't want those services,
20 no thank you, and that will conclude our
21 involvement with that individual per statute.

22 If the individual lacks capacity to
23 consent to those services then the adult
24 protective investigator can do one of two
25 things, and that is to put services in place in

1 the home. If the services are reasonably
2 available and can adequately meet the needs of
3 that individual those services will be placed
4 in home to kind of wrap around that individual
5 who is suffering at that moment and get them
6 back and stable. If that is not an adequate
7 need to meet the needs of that individual, then
8 the investigator will place that individual
9 into an appropriate facility. And those are
10 our only two options per statute, is to provide
11 those services or to place that individual into
12 a facility. That facility would meet the level
13 of need for that individual, so it would be an
14 assisted living facility, a nursing home, or
15 whatever the needs of that individual might be
16 at that moment.

17 The API process is much like a CPI
18 process. They go out, they gather the
19 information, they do the assessment to
20 determination whether or not that individual is
21 able to function with, perform their daily
22 activities of living. They assess and gather
23 information from collateral contacts, meaning
24 neighbors, family members, doctors, people in
25 the community who have had contact with that

1 individual in the recent past. Once they
2 gather that information they will make an
3 assessment. Also, again, they cannot leave out
4 the two main criteria, is the victim, or the
5 subject of the investigation a vulnerable
6 adult, and do they lack capacity, or have
7 capacity.

8 If the individual lacks capacity and is
9 needing services, and those services are put in
10 place, whether it be services in their home,
11 whether that individual is placed into a
12 facility that's appropriate to meet the needs
13 of that individual, then a court case ensues.
14 Much like on the child side we don't act
15 without court involvement and court oversight.
16 When we get that court oversight one big
17 difference between the child side and the adult
18 side, again, is that the involvement of the
19 Department in that adult individual's life is
20 sixty days.

21 We have to petition the court within sixty
22 days to request further involvement, ongoing
23 protective services being put in place, or
24 whether or not services should be discontinued
25 at that time because the needs that were

1 existing at the time have been ameliorated, or
2 whether or not the Department would recommend a
3 petition for guardianship be filed under
4 Chapter 44, 744 of the Florida Statutes.
5 Again, that's 744. I misspoke. I apologize.

6 When an API investigator is not, what does
7 not happen throughout the API investigation is
8 API is not authorized to Baker Act under
9 statute, under Chapter 415. The API determines
10 the victim's personal risk, and whether any
11 further risk is going to be ensued by the
12 caregiver, if there's a caregiver involved, or
13 by the victim themselves through self-neglect,
14 but not the risk of the behavior of that
15 individual, and what it poses to other
16 individuals. So, we simply look at the subject
17 of that investigation.

18 Again, the subject of an adult protective
19 investigation can decline services if they have
20 capacity at any time. The caregiver as well,
21 if there's a caregiver involved the caregiver
22 can also decline services at any time.

23 So, I just wanted to do a side by side
24 comparison of the CPI process and the APS
25 process, and some of the distinct differences.

1 CPI service children, when I say CPI, Child
2 Protective Investigators serve children that
3 are zero to seventeen, whereas the Adult
4 Protective Investigators focus on individuals
5 eighteen and older. Again, the vast majority
6 of our investigations are an elderly population
7 or disabled. A child if they are removed from
8 their home does come into state custody, is
9 under the state custody of the Department of
10 Children and Families, whereas the adult
11 protective investigation, if that adult is
12 needing services, or is placed into a facility,
13 they are not in the custody of the Department.

14 And the child case, if a child is in our
15 custody and turns eighteen that child does not
16 transition into an APS case. They are very
17 different by nature. If a child becomes an
18 adult you would still have to assess to
19 determine whether or not that individual lacks
20 capacity, and whether they're a vulnerable
21 adult and needing of services. So those are
22 two distinct areas that I wanted to make sure
23 we went over one more time.

24 Bear with me, I think I've -- API
25 investigations and child protective

1 investigations are not public. They are not
2 subject to Chapter 119 of the Florida Statutes,
3 so any time an investigator, be it on the child
4 side or the adult side, goes out and performs an
5 investigation, those records are confidential
6 pursuant to Chapter 39.202, so they are not
7 provided to the general public.

8 In this case involving Nikolas Cruz the
9 Department within five days of the
10 investigation, or of the incident, went out and
11 sought for these records to be made public, and
12 we got a court order. So that's the only time
13 that records do become public, is whether there
14 is a death, or whether there is a court order.
15 In this case the Department petitioned for
16 those records to become public and
17 disseminated, and they were disseminated
18 nationally, to the legislature as well, and to
19 congress as well, so they have been well
20 disseminated throughout.

21 I will give you a high-level overview of
22 the Department's involvement with Nikolas Cruz.
23 We became involved in Nikolas Cruz on September
24 28, 2016. A call came into the hotline
25 alleging that the subject was a vulnerable

1 adult, and that his mother was the caregiver,
2 and that he was being neglected, and that he
3 was not receiving medication, and also that he
4 was having a mental health crisis at the time.
5 An investigation ensued within twenty-four
6 hours, and the investigator went out and made
7 collateral contact. So, the investigator
8 contacted school personnel, contacted mental
9 health professionals, contacted family members,
10 and law enforcement.

11 Through that course of that investigation
12 it was determined that Nikolas Cruz at the time
13 did have capacity, that he was able to perform
14 all of his daily activities as well, and that
15 his mother was cooperative, and providing
16 essential oversight. Again, he was an adult,
17 he is eighteen so he's responsible for the care
18 of himself. His mother transitioned in and out
19 of that role as caregiver when Nikolas was
20 needing that assistance, that additional
21 assistance.

22 At that time of the investigation the
23 subject of that investigation was able to
24 perform all of his daily activities and was not
25 in a mental health crisis at that moment.

1 Again, collateral contacts were made with his
2 mental health counselors. It was determined
3 that in times when that additional oversight
4 was needed the mother was taking care of making
5 sure that the medicines were being taken, and
6 it was confirmed throughout the course of the
7 investigation that that medicine was being
8 taken, and that the appointments were being
9 made and kept.

10 At that point the case was closed with no
11 indicators that the mother was neglecting the
12 subject of the investigation, and the mother
13 was the alleged perpetrator in that
14 investigation by the way, so there was no
15 indication throughout the course of that
16 investigation that the mother was not acting in
17 the capacity of the caregiver in times when she
18 needed to, or that at times when she wasn't she
19 was neglecting him in any way, so the case was
20 closed with no indicators, and services that
21 would have been available were already being
22 received by the subject so those additional
23 services were not warranted or necessary,
24 because all of those services were intact
25 throughout the course of our investigation.

1 That was the determination, that those services
2 that could have been provided were being
3 provided and were being followed through on.

4 So that concludes the investigation piece
5 of what we did, and our involvement with
6 Nikolas Cruz. I do want to indicate that we
7 had no involvement other than that one
8 investigation on September 28, 2016. He was
9 not involved on the child side so there was no
10 child protective investigation that occurred
11 ever, and that at the conclusion in November
12 that was the end of our contact with the
13 subject involved in this situation.

14 CHAIR: And just for clarification,
15 because he turned eighteen on the 24th of
16 September, so this is the 28th, so is the APSI
17 that went out and never did the CPI side, or
18 child protective services side, ever go out, or
19 no calls. So, this is on the adult side, one
20 time, limited to the 28th of September, and
21 we'll hear more about that this afternoon.
22 That also ties into some other things that were
23 going on at the time, because when your
24 investigator went out BSO was there, and
25 others, and it was part of the threat

1 assessment process.

2 MS. KAPUSTA: Yes.

3 CHAIR: So, we'll hear more about that
4 this afternoon though. Mr. Petty.

5 MR. PETTY: Thank you for your
6 presentation. A couple of questions. I want
7 to -- we've talked a little bit on the
8 commission and heard testimony about the gap
9 between youth mental health services and, you
10 know, zero to seventeen, and then when you,
11 when you become an adult you shift into a
12 different system. You've talked about that a
13 little bit here today. Is there a transition
14 process in place? Is data shared, or do you
15 start sort of at zero when you turn eighteen,
16 and everything we, we knew about you, or
17 everything we were doing to try to help you, or
18 any information we have, we might have, doesn't
19 get transferred to you as an adult? I'm just
20 trying to understand the gap, and how it's
21 looked at by, by your office and others.

22 MS. KAPUSTA: So, I'm going to try to
23 answer your question the best I can. A child
24 that is in our system and receiving services at
25 the time that child turns eighteen can stay

1 under our services through adult, through
2 independent living process. In that process
3 that child can continue to receive services.
4 And it's really a process to help them
5 transition into adulthood, help them be able to
6 manage and budget a check, you know budget a,
7 you know, balance a budget, excuse me, or, you
8 know, make good decisions around, you know,
9 jobs and schooling, and educate, you know, all
10 of those sorts of things, making sure they're
11 keeping up with their appointments, that, that
12 sort of stuff.

13 The independent living process is designed
14 to help that child transition into adulthood.
15 However, a child does not, will not transfer
16 into, or transition into an adult protective
17 services case, so I'm trying to understand your
18 question as best I can. If -- if we had
19 involvement with a youth at the time they were
20 zero to eighteen, and we performed an
21 investigation, they're receiving services, so
22 on and so forth, that information would still
23 be in our system from the previous
24 investigation that was done if another one
25 comes in when that child is now an adult.

1 But if you're talking about the mental
2 health services being received by a child, and
3 when they transfer into, or transition into
4 adulthood, I can't answer that. Those are
5 outside the Department's role, if that make
6 sense. I don't --

7 MR. PETTY: I think it does. And I don't
8 want to blur the two, but I'm just trying to
9 understand. We've got this, again not a
10 profile, but we have incidents of these violent
11 attackers being, you know, new adults, and
12 they're -- and there's some history of care and
13 services that were provided to them and their
14 families as they were minors, and they become
15 adults, how much of that is carried forward.

16 And I'm trying to understand because I
17 think, I think, and I don't know this, but I
18 think there may be a gap, and so we're missing
19 an opportunity perhaps to carry services
20 forward.

21 CHAIR: Mr. Petty, maybe -- and I want to
22 clarify, and let Secretary Carroll weigh in on
23 this, but I want to just -- what she's talking
24 about here is, is that in all but seven
25 counties in Florida for child protective

1 services it's done by DCF. In seven counties
2 now the sheriff's do it, but it's all still
3 within their system, okay, so it's within FSFN,
4 which is the system, the database if you will,
5 and then you've got the adult side of
6 protective services for vulnerable, but you've
7 got also an entire mental health system, and
8 providers of mental health services, and the
9 Department engages in some of that, but then
10 you've got a whole private network out here as
11 well.

12 MS. KAPUSTA: Right.

13 CHAIR: So if your question, and I'm just
14 making sure, trying to help frame this, because
15 I want to make sure I understand it, is, is
16 that some of the information the Department
17 would never have, so as an example Henderson
18 information, private providers, Dr. Negin, or
19 anybody else, I mean is that, that is not in
20 the Department's database. So, if they got an
21 APS call when let's say Cruz was twenty one
22 years old, and he had been treated at fourteen,
23 fifteen, by private providers, that's not
24 anything that, and you can speak to this,
25 that's not anything that they would even know

1 about, or even have any access to. So, if
2 there's kind of what you're -- that's why I, I
3 kind of am trying to help you --

4 MR. PETTY: That's helpful, Chair, and
5 that is where I'm going. I'm trying -- it's
6 sort of continuity of services across the
7 board, right, when you graduate, you turn
8 eighteen, you can, you can voluntarily choose
9 to, to no longer be part of the ESE services in
10 the school district, the mental, your mental
11 health status I would imagine changes,
12 certainly you become an adult, and things
13 change there, so I'm just trying to understand
14 how all those things weave together, and, and
15 that transition, because it seems to me we have
16 a gap when somebody becomes of age, right, and
17 how do we, how do we continue, if we've
18 identified a threat as a minor how do we
19 continue that as they become an adult.

20 CHAIR: In order -- remember, the child
21 protective service complaints are --
22 allegations that they would investigate are
23 abuse, abandonment, and neglect of a kid. So,
24 it is a situation generally where there is some
25 type of harm, or a jeopardy situation that the

1 kid is in, and child protection isn't
2 necessarily focusing on the bad behavior of the
3 kid or concerning the behavior of the kid.
4 It's more the environment the kid is in, or are
5 they subject to, again, abuse, abandonment,
6 neglect, environmental harm, those kinds of
7 things, physical harm, but it's at somebody
8 else's hands. So that system is dealing with
9 that, more so focusing on the behavior, so.

10 MS. KAPUSTA: Correct. That's exactly
11 correct.

12 MR. PETTY: Well, let me -- let me shift
13 gears to that for just a moment, just a couple
14 of questions.

15 CHAIR: Sure.

16 MR. PETTY: So -- so when -- when you
17 visited -- when the investigator went out after
18 receiving the tip from the hotline the, I guess
19 the target of the investigation, if that's the
20 right word, was, was the mother?

21 MS. KAPUSTA: Correct. The mother was the
22 alleged perpetrator at that time. Of course,
23 the investigator has to determine whether or
24 not mother actually meets the statutory
25 definition of caregiver, so the first

1 assessment is always on the subject of the
2 investigation, which is in that case Nikolas
3 Cruz, to determine whether or not he met the
4 definition of a vulnerable adult, because
5 otherwise the mother would not qualify as a
6 caregiver.

7 MR. PETTY: So -- so based on that
8 investigation, or based on the questions that
9 were asked of the mother it was determined that
10 he was not a vulnerable adult, is that, was
11 that the determination?

12 MS. KAPUSTA: Not just -- not just the
13 questions of the mother. So, they went out,
14 they assessed the subject of the investigation,
15 which was Nikolas Cruz. They assessed his
16 environment. They assessed and talked to him
17 to determine whether or not he was functioning,
18 whether or not he was able to perform his daily
19 activities of living, whether he understood the
20 situation and was able to make reasonable
21 decisions about his well-being, and talk to
22 mental health providers, talk to school
23 personnel, talk to law enforcement. So
24 collateral contacts were made, and through all
25 of that information it was determined that he

1 was at that moment not, you know, in crisis.
2 He was able to perform all of his daily
3 activities of living, he was not truly a
4 vulnerable adult. He transitioned in and out
5 depending on his, you know, mental state at the
6 time, but was engaged in mental health services
7 through Henderson Health, his mom was compliant
8 with all of his, you know, medical
9 appointments, making sure he was taking his
10 medications if he was not making sure he was
11 taking his medications, which the investigation
12 revealed that he was predominantly doing those
13 things.

14 MR. PETTY: And -- and --

15 CHAIR: Can you just let -- Secretary
16 Carroll wants to weigh in on this and let him.

17 SEC. CARROLL: I want to clarify real
18 quick, because I think I can answer some of
19 these questions. Your first question about
20 does the information transfer over, any
21 information that we gather as part of a child
22 protective investigation will always be
23 available to an adult protective investigator
24 because it's in the same system. In this case
25 we had no information because this family had

1 no prior contact, so when the AP went out
2 there, API went out there, they had really no
3 information on this family, because this was
4 our first contact with the family through the
5 investigative process.

6 In terms of vulnerable adult, in this case
7 it was assumed he was in vulnerable adult,
8 because as Ms. Kapusta said this statute was
9 originally established to look at elderly
10 folks, so your grandmothers in the nursing
11 home, and the, it's about folks who are over
12 sixty or -- no, I would argue with the sixty,
13 I'm getting pretty close to that myself, but it
14 is typically older folks who can't care for
15 themselves, or it's a disabled adult.

16 And so, in this case because one of the
17 accusations that came in on the hotline was
18 that this, that Cruz may have been in some type
19 of mental health distress, that's why it was
20 taken, and the assumption was made that he was
21 a vulnerable adult based on that. When they
22 went out it was quickly determined that he
23 could, he had the capacity to do all of his
24 daily living activities, that he was not
25 inhibited by that, and once that determination

1 was made that difference between the seventeen
2 year old and an eighteen year old, as a
3 seventeen year old he is a child and we can in
4 effect make decisions for him, and what's in
5 their best interest. As an eighteen year old
6 or older once it's established that you have
7 the capacity to consent, and you can conduct
8 your daily living activities, then we can
9 assist, advise, encourage, work with you, but
10 in the end you can decide to cooperate with us,
11 not cooperate with us, you can accept services,
12 not accept services.

13 In this case he did cooperate initially in
14 the investigation, and then at some point he
15 said I don't want to talk anymore, and we can't
16 force him to do that. Ms. Kapusta also said
17 what's available to us in adult protective
18 investigation is we don't make -- and this kind
19 of irritated me because it was portrayed in the
20 newspaper that somehow, we found Cruz to be at
21 low risk. What we found Cruz to be was at low
22 risk of being abused and neglected as a victim.

23 MS. KAPUSTA: Right.

24 SEC. CARROLL: We never found him to be
25 low -- that's what not adult protective

1 investigators do. But when the API went out
2 the API was made aware that a Baker Act
3 assessment had been done, and the Baker Act
4 assessment had found that there was not a basis
5 to involuntarily commit Cruz, and so at that
6 point it was a question of does this, can we
7 hook this person up with services.

8 It was also determined at that point that
9 he was active, this is at a time period where
10 he was still actively involved with Henderson,
11 and there was a medication regiment already in
12 place. Those are the things that adult
13 protective investigative would have referred
14 him to, and It was already in place. So -- so
15 when that investigation was closed mom was
16 never alleged necessarily to be the perpetrator
17 of abuse and neglect, but the way our system is
18 designed you need a perpetrator in order to
19 evaluate abuse and neglect, and so she was by
20 de facto in this case a perpetrator, but there
21 were no direct allegations from anybody that
22 she was actively abusing and neglecting this,
23 this child, that was the trigger that allowed
24 us to look at. Okay?

25 MR. PETTY: So, Secretary Carroll, thank

1 you, that's very helpful. When -- just some
2 follow up questions then. When you look at
3 things like was he taking his medications, I'm
4 assuming you're talking to the mental health
5 professionals, you're asking mom, you're asking
6 Cruz himself, others. And the purpose of my
7 question is we see in his life periods where he
8 is managing life okay, and then periods where,
9 you know, he is clearly not. What's the
10 investigative period when you go out there, do
11 you look back six months, do you look back a
12 year, do you look back a month? What -- what
13 was the sort of time frame and determination
14 that he was following treatment, attending,
15 going to treatment, taking his medications,
16 those kinds of things? What's that time
17 interval?

18 MS. KAPUSTA: So when the adult protection
19 investigator goes out and assesses the
20 situation they look and gather information
21 from, you know, if they went to, you know,
22 talked to Henderson Health, they gather all the
23 inform to determine, you know, how long he's
24 been receiving mental health services, so on
25 and so forth, but it's not really a, a look

1 back, a look forward, it's what's going on at
2 that time.

3 But all that information is assessed, it's
4 gathered, it goes into the decision making
5 process, and throughout that course of that
6 investigation, that investigation was open for
7 I want to say a couple of months, a month and a
8 half, something along those lines, and
9 throughout that course of that investigation of
10 course all that information was a look back,
11 but not really, you know, a look forward.
12 We're not looking forward to determining
13 whether or not he may or may not have another
14 incident where he's unable to manage, that's
15 not the statutory framework.

16 The reason for my question, I'm just
17 trying to understand, there are periods, again
18 periods where he's been well and periods where
19 he's not, so if you look at a short enough
20 interval it may appear that he is managing
21 things okay and, and investigation might
22 determine as was done here that everything is
23 okay, but if you look back far enough I think
24 there's some evidence that perhaps he wasn't
25 taking his medication, or complying with, with

1 treatment, and mom wasn't necessarily
2 cooperative. That's -- that's where I'm going
3 with this I guess.

4 MS. KAPUSTA: So our statute -- our
5 Statute 415 allows us to look at the
6 circumstances existing at that time, so if we
7 were to go into court and say, but, Judge,
8 tomorrow or the next day, or a month from now
9 he may not be in the same circumstance, that's
10 not sufficient within Chapter 415 so there's
11 nothing we can do in terms of oversight or
12 intervention with that individual at that time
13 unless that individual is agreeable and accepts
14 the services that the Department wants to
15 intervene with and assist with.

16 Again, as Secretary Carroll pointed out,
17 the services that the Department would have
18 intervened with and put in place were already
19 existing at the time.

20 MR. PETTY: Okay. And then ultimately, he
21 rejected them.

22 MS. KAPUSTA: Correct.

23 MR. PETTY: Okay, thank you.

24 MS. KAPUSTA: You're welcome.

25 CHAIR: And just -- is that -- is your

1 role at the time of going out there, you
2 receive this complaint and you go out there, is
3 that, is your role at the time, because this is
4 the first time the Department ever had any
5 contact with the Cruz family.

6 MS. KAPUSTA: Yes.

7 CHAIR: Is your role at the time holistic,
8 and to look at the big picture of the Cruz
9 family and Cruz, or is it to deal with the
10 instant allegations, the instant complaint, and
11 your scope if narrow as it relates to those
12 allegations regarding that moment in time?

13 MS. KAPUSTA: It's both. So when we go
14 out an investigator will look at holistically
15 what's going on with the subject of the
16 investigation, and what's going on within the
17 family dynamics, however the statute does not
18 contemplate future harm, so if that individual
19 had in the past had circumstances where they
20 were, they may have fallen into that category
21 of vulnerable adult and may have not been able
22 to perform their daily activities of living, if
23 they are at that moment, the statute doesn't
24 allow us to go in and ask for intervention
25 because they are functioning, they have

1 capacity at that moment, and the adult has the
2 ability to say yes or no and decline the
3 services offered by the Department. So, we
4 always look back at all the history, but with
5 the adult side, unlike the child side, our
6 ability to intervene is really limited to
7 whether or not that adult has capacity at that
8 time, and whether or not they're willing to
9 accept those services.

10 CHAIR: And one of the other things you
11 need to know is, is that, and you'll hear more
12 about this hopefully this afternoon, is, is
13 that one, one thing though that is sacrosanct
14 in this area is who the reporter is, and that
15 is something -- but know this, and I'm just
16 going to speak in a hypothetical sense, and it
17 has some bearing on this, is, is that sometimes
18 it is circular, because you have mandatory
19 reporters, and you have people who are required
20 to report, and there's already other things
21 that are in motion.

22 So as an example, if there are things that
23 are going on in the school, and there's a
24 process going on, and a threat assessment, and
25 law enforcement is involved, and there's a

1 whole bunch of people involved, somebody
2 touching that may have felt that they were
3 required to report, and then that gets the
4 Department involved. The Department is coming
5 in when the wheel is already spinning at a
6 hundred miles an hour, there's a lot of other
7 things, happening, a lot of other people
8 involved, and this is where when Secretary
9 Carroll is talking about in conjunction with
10 this there was somebody else there that was
11 either had already done or at that point doing
12 a Baker Act evaluation.

13 There were other people involved, so the
14 Department's touch is often collateral to what
15 else is going on because of others who are
16 already involved, but they are reporters, and
17 they're bringing the Department into it; is
18 that accurate?

19 MS. KAPUSTA: Correct. That is absolutely
20 accurate. Often times on the child side and on
21 the adult side we are met at the subject
22 location with law enforcement, and we're doing
23 a dual investigation. As Sheriff Gualtieri
24 already pointed out those investigations are
25 conducted by Sheriff's Offices, in many of our,

1 seven of our counties across the state, so it's
2 a collateral.

3 If there's criminal activity involved, and
4 we go out and we determine that there's some
5 sort of exploitation going on, or abuse going
6 on by a caregiver of an adult, we of course
7 immediately involve law enforcement, and we
8 report it to the State Attorney's Office, so
9 it's a dual investigation at that point, and we
10 ordinarily take a step back and let that
11 criminal process take its natural course.

12 MR. PETTY: I guess -- I'm not looking to
13 find fault with what happened here, I'm just
14 trying to, you know, it's the definition of in
15 the moment, right? In any moment Cruz may have
16 appeared to be okay, and there were other
17 moments where he didn't, and so that definition
18 of moment is, is vital in understanding whether
19 or not he was vulnerable, et cetera, et cetera,
20 in my view.

21 CHAIR: Well, and -- and -- and what she
22 just said is extremely accurate, and I believe,
23 I know that this will crystalize for you more,
24 and make more sense as we get into some of the
25 things we're going to get into this afternoon,

1 and you see more about what's going on. If
2 it's not we'll get the answers, or bring
3 somebody back to answer any additional
4 questions you have, but I think that if you let
5 it evolve with some of the things you're going
6 to hear this afternoon, I think that will,
7 you'll have a better understanding and feel for
8 it at that point, okay?

9 So, you -- Sheriff Ashley, go ahead.

10 SHER. ASHLEY: Thank you. My only
11 question is, I'm assuming the Department has
12 already reviewed their, their services in this
13 case, and made some determination of whether it
14 was effective or not effective. How do you do
15 that in all cases? How do you determine the
16 Department's services are effective or not,
17 what measurements do you use to determination
18 whether you are or not?

19 MS. KAPUSTA: So, I want to distinguish
20 between services and investigation, because we
21 perform the investigation. All of the services
22 that are provided to families are provided by
23 private entities, so the Department does not
24 directly provide services in adult protective
25 services cases, or in child cases.

1 SHER. ASHLEY: You can refer them to that.

2 MS. KAPUSTA: Absolutely, absolutely. But
3 when we're talking about how the Department
4 takes a look at what we did in terms of the
5 investigative process, we have a QA process in
6 place, we have rapid safety feedback in place,
7 so we have lots of opportunities for us to go
8 back and look at all of our cases and make sure
9 that the quality of the investigation was
10 there. We have certs unfortunately, you know,
11 that's on the child side, when a death of a
12 child occurs and there was a verified abuse
13 report within the last twelve months. So, we
14 have lots of opportunities on both the adult
15 side and the child side to take a look at what
16 we did, and some missed opportunities, and to
17 improve the system, or whether we did
18 everything fabulously and unfortunately still
19 something bad happened as an outcome, because
20 that sometimes is the case.

21 CHAIR: And Mr. Schachter, go ahead.

22 MR. SCHACHTER: Chair, can you -- and
23 obviously, you know, you've identified a lot of
24 the different silos, and I think one of our
25 goals is to eliminate these, these barriers to

1 information sharing. Do you think it would be
2 important, and you know, if somebody goes from
3 a juvenile to an adult, obviously there's a lot
4 more information, I understand you said you
5 would have that information if he was in the
6 juvenile system, do they have access to the
7 school board juvenile system, the disciplinary
8 process, and what happens in the school? Do
9 they have access to law enforcement? I'm just
10 curious. And -- and also is there one person
11 that can holistically look at an individual as
12 they age and grow to help make this process
13 better; what do you think?

14 CHAIR: Well, the answer to the second
15 question is, is no, there's no, at this point
16 in this juncture there's nobody sitting with a
17 three sixty view of everything, and I think you
18 know that, you know, for everything that's been
19 discussed, so. As far as the other questions
20 that you have is, is that, and we've seen, is
21 that there are, it's a complicated question
22 with various answers, as far as do they have
23 access to the school records, and you've got
24 FERPA, you've got state requirements, you've
25 got, you know, everything we talked about

1 yesterday, all that comes into play, and I
2 think the answer is, is maybe it depends on the
3 circumstances.

4 Now, you do have a provision in 7026 that
5 at least for Florida law breaks down those
6 barriers and allows for information sharing
7 among the various entities, and that's in
8 SB7026, which of course is what, it made great
9 changes, but that still doesn't affect FERPA,
10 it doesn't affect HIPAA, it doesn't affect, to
11 the extent that those apply. As we heard
12 yesterday some of those may not apply. So, the
13 answer is, is that it's not clean across the
14 board that all information at all times is
15 available to everybody, but again, 7026 took it
16 in a significantly better direction to allow
17 information sharing. Of course, we have the
18 threat assessment teams that are required to be
19 in every school, we know who the members of
20 those teams are, and all of those members can
21 share information.

22 So, it's better than what it was, and but
23 there's still some times where there might be
24 some challenges, and as we progress we'll
25 identify some of those, and perhaps we can make

1 recommendations to the extent that we can on a
2 state level, and if there's any potential
3 federal barriers then that would have to be
4 addressed separately, okay?

5 MR. SCHACTHER: Great, thank you.

6 CHAIR: Okay, so here's -- thank you very
7 much, we appreciate it, Ms. Kapusta, great
8 information. Thanks for being here.

9 MS. KAPUSTA: Thank you. Thank you for
10 having me.

11 CHAIR: So, here's where we are. On the
12 agenda we had scheduled to close the meeting
13 for this afternoon's session. We're a little
14 bit behind schedule so what I'm going to do is
15 to leave the meeting open. We're going to
16 break for lunch. We're going to come back at
17 1:00, and we're going to continue with the open
18 meeting to cover some of those topics, and then
19 we'll take a break to close the meeting.

20 I just want to make sure that everybody is
21 aware, I know Mr. Schachter got with me
22 yesterday on this, is, is that the parents from
23 Stoneman Douglas are holding a press conference
24 at 12:30, but that press conference has nothing
25 to do with this commission, it is one that's

1 being held by the parents on their own so it is
2 not commission activity, and they're going to
3 do that in back, but I just want to make sure
4 we separate that, and bifurcate it so there's
5 no misunderstanding that this has anything to
6 do with the commission.

7 And your press conference will go from
8 12:30 to a little before 1:00, or at 1:00, and
9 then we'll start again in open session at 1:00,
10 take care of the rest of the business that we
11 have to, and then we'll go into closed session
12 for the rest of the day. So, we'll see
13 everybody at 1:00. Thank you.

14 (Thereupon, the meeting is in recess.)

15 CHAIR: All right, we're going to go ahead
16 and resume here. We can finish up this
17 morning's agenda. So, one of the things that
18 we said we want to talk about, just to kind of
19 put on your dashboard for further discussion is
20 one of the issues about the SROs. Do you have
21 that PowerPoint presentation? Can you put that
22 up? Okay.

23 So, in your books under the last tab you
24 have this presentation. Just go ahead and
25 advance the slides. I don't have the clicker,

1 so you can just advance it for me. And keep
2 going. There you go, right there. Okay, so in
3 the statute there are a few things that we have
4 to do regarding the SROs, and making a
5 recommendation, and the first thing that we
6 have to do is make specific recommendations for
7 improving law enforcement and school resource
8 officer response in the futures so -- if
9 everybody would, if you're engaged in
10 conversation if you can, we're trying -- we're
11 back in session again, so if you have
12 conversations please take them outside the
13 room. Thank you.

14 The -- some of the factors that are going
15 to come into play with that, is we have here
16 our single officer response to active shooter,
17 how rescue task forces may come into play.
18 Those of you who are not familiar, and you've
19 heard that terminology used during this meeting
20 and the previous meeting a little bit, is, is
21 that the trend is to combine law enforcement
22 officers with fire/EMS personnel so that they
23 are jointly going in, and that the fire/EMS
24 personnel and law enforcement form these rescue
25 task forces to go in and rescue the victims,

1 and to provide emergency medical services.

2 One of the places that was notoriously
3 done and talked about was in Las Vegas. In Las
4 Vegas this is probably leading, and one of the
5 leaders in rescue task forces, where you're
6 taking fire/paramedics, combining them on teams
7 with law enforcement officers, and they're
8 going in to treat the victims in what's called
9 that hot zone, if you remember that discussion,
10 and that terminology from last time, so that's
11 what that's referring to. Active shooter
12 training with other agencies so that you have
13 seamless response, and alarm systems and
14 notifications.

15 So those are some of the things that we
16 want to talk about. If you would go the next
17 slide. We have here for you something you can
18 go back and take a look at on previous
19 presentations. And go ahead to the next slide.
20 And the second require is, is to, and this is
21 like I mentioned yesterday in my opening
22 remarks, and this is a lot easier said than
23 done, but to make specific recommendations
24 about the appropriate ration of school resource
25 officers and done by school type. So, it was a

1 segue way from this morning into this
2 conversation, as we were talking about that
3 issue a little bit, because there's a lot of
4 different considerations, again the whether
5 it's an elementary school, whether it's a high
6 school, the size of the school, the location of
7 the school, and a number of factors. But the
8 statute says at a minimum the methodology for
9 determining the ratio should include these
10 things.

11 As we've explored this, and I believe have
12 exhausted it, is that there is no methodology
13 out there. The methodology, or, I'm sorry, the
14 ration that was talked about if 1:1000, and
15 that came from NASRO, which is the National
16 Association of School Resource Officers, but
17 when we contacted them they said that, just
18 kind of how they felt, there was no
19 methodology, there was no framework, there was
20 no analytics, there was no basis for it other
21 than they thought that that was a good number.
22 So that's not a good way to do it, and it's not
23 what our mandate is by the statute, which is to
24 come up with something.

25 So, if you would go ahead to the, to the

1 next slide, there are some things to consider,
2 population of schools, the grade level, the
3 design, et cetera. So I think the first
4 consideration though, and the first thing that
5 we have to discuss, if you would go to the next
6 slide, before you can get to any of that is
7 what's the role of the SRO, because the role of
8 the SRO is going to drive whether we go Path A,
9 Path B, and before we can get to all of the
10 rest of it we have to decide has the time
11 changed enough where the role of the SRO should
12 be different than what it is, and if it's not
13 going to be different than what it is then
14 that, or should that impact the ratio, because
15 if we want SROs to be in the classrooms
16 teaching, we want them to be in offices doing
17 counseling, and doing mentoring, and doing
18 those types of things, that means they're not
19 going to be driving the perimeter, that means
20 they're not going to be, arguably, at the bus
21 line, that means they're not going to be in the
22 hallways, they're not going to be performing
23 that security function while they're doing
24 these other things, and what needs to go hand
25 in hand with that discussion I suggest to you

1 is, if you go to the next slide, is additional
2 security.

3 So, is it straight SROs or is it a hybrid?
4 Do you have SROs with guardians, do you have
5 SROs with armed school personnel, do you -- so
6 those are the discussions we need to have, and
7 -- go ahead, Senator Book.

8 SEN. BOOK: I also think it's something
9 that has been talked about quite a bit today,
10 also location of school, you know, how far is
11 the commute time for law enforcement to get to
12 a school that's farther away, and maybe those
13 SROs if having other responsibilities in a
14 classroom, as you described, you'd need more of
15 them, or guardians would take X responsibility
16 and SROs do others.

17 CHAIR: So what -- what my suggestion is,
18 and I just wanted to put this on the table
19 today because we don't have time, and it wasn't
20 designed to have an extensive discussion, I
21 think that this topic warrants an extensive
22 discussion, and we need to allocate the right
23 amount of time to have a thorough discussion
24 about it, and that's not for today. What I
25 wanted to do is put it out there with these

1 slides, with some of these factors, and kind of
2 frame the issue, and frame the question, and
3 then come back in September and allocate the
4 right amount and have a discussion.

5 And my suggestion is, is that we white
6 board it, is that you bring forward your
7 suggestions, you'll have the next few weeks to
8 come up with your ideas and your thoughts, and
9 then we open that segment of the next meeting
10 with hearing from you all, and we have
11 somebody, literally that we white board it, and
12 we come up with the ideas, and we move it
13 around, and we frame it, we get everybody's
14 feedback, and we come up with, and I want to
15 walk away from that topic in the next meeting,
16 I'm going to allocate enough time, whether it's
17 a couple of hours, or whatever it is, so we can
18 have a good solid thorough discussion, and that
19 that will be the basis of what we put in the
20 report.

21 So, it gives you time to look at it
22 yourselves, to consider it, to come up with
23 your thoughts and your suggestions, then we'll
24 walk away from that. And along the lines of
25 that is that if there is anybody -- we've heard

1 a lot, we've heard a lot from a lot of people.
2 Is there anybody that you all believe, and you
3 don't have to answer this question today, you
4 can send me the information, you can send us
5 the information on it, but I think it needs to
6 be limited, is there anybody that you want here
7 that we've heard from in the past, any subject
8 matter experts, or anybody that you want here
9 when we have that discussion to ask questions
10 of that would help us as we make those
11 recommendations.

12 Do you want somebody from FASRO, the
13 Florida Association of School Resource
14 Officers, do you want a principal, do want an
15 actual school resource officer? The only
16 thing, I throw it out there, but I caution, you
17 say that cautiously because we can't spend a
18 whole day on it. And so, I'm going to stop,
19 that's what I wanted to put on the table. And
20 Sheriff Ashley, you had something.

21 SHER. ASHLEY: Along with the same line
22 you had on what the primary goal of an SRO is I
23 would think that we would need to consider also
24 what the response goal is, and in this case it
25 would be an immediate response, it's not a

1 Priority 1 or Priority 2 call where you have
2 one or two minutes, it's an immediate response,
3 and so I think we need to consider that as a
4 commission as well.

5 CHAIR: Yeah, and right, and that goes --
6 and so that begs the question, is, is that if,
7 you know, if you have a campus, and, you know,
8 let's just use MSD as the example, is, is that,
9 at least my opinion is, and you couple that
10 with, this day with, that day with Westglades,
11 on armed law enforcement officer on a campus of
12 twenty three hundred kids with a middle school
13 next door with a thousand, as sprawling that
14 is, is feel good. It doesn't even, it barely
15 checks the box, and that is not effective. So,
16 the question becomes is what, what are you
17 looking for in a response.

18 We know that Cruz was in the 1200 Building
19 for right around six minutes. We know about
20 three minutes of that was in the teacher's
21 lounge trying to shoot out the windows, so all
22 the carnage that he caused happened within
23 three minutes. And we know, and you'll see is,
24 is that the first law enforcement officers
25 weren't even dispatched for probably the first

1 two minutes that he was in the building, so
2 who's going to stop that?

3 And that gets back to the discussion this
4 morning about what we saw, which was the
5 civilians, so what do we want to suggest? And
6 if it's going to be purely SROs, purely law
7 enforcement officers, who's going to pony up
8 the cash?

9 So, Mr. Schachter.

10 MR. SCHACHTER: You know, I think that
11 everybody has got to face the realization, and
12 we keep talking around the subject, but in
13 Indiana they have a system where they can stop
14 a shooter in under minute. Everybody is trying
15 to figure out the salutation, how to do it,
16 it's already being done. The law -- the --
17 instantly the teacher hits the key fob, and
18 then law enforcement can look inside that
19 school, they can identify the shooter, and then
20 they can launch a countermeasure. They can
21 launch, it's smoke from the ceiling and it
22 blinds the shooter. And if we're looking for a
23 solution of how to stop the shooter in under a
24 minute this is the only school that has that
25 capability in the entire nation.

1 We went to stop the shooter. We want to
2 blind him. We want to impede his movement.
3 I'm not saying that that's the only method, but
4 I'm saying that is how we should focus, is my
5 opinion.

6 CHAIR: Okay. So, an -- so along those
7 lines is, is that -- and that district in
8 Indiana as I understand it, it's a very small
9 district, and like a couple school, a couple
10 high schools; is that right?

11 MR. SCHACHTER: It's only in one school.

12 CHAIR: One school, right.

13 MR. SCHACHTER: Currently they're
14 expanding it, but --

15 CHAIR: Right, so -- and so if we want to
16 get things done, and things done quickly, and
17 we want to make change that is impactful in a
18 swift way, there are, just elementary schools,
19 middle schools, high schools, and K-12 schools
20 in Florida, not including charters, not
21 including private schools, we got somewhere
22 around thirty six hundred schools, so you got
23 to keep that in mind.

24 MR. SCHACHTER: The reason it's only one
25 school is because of the ballistics in that

1 school, it's very, very expensive. We're not
2 talking about ballistics. To put smoke
3 canisters in a ceiling so we can blind the
4 suspect and stop the attack is very
5 inexpensive. That is -- that is -- that is --
6 that is doable.

7 CHAIR: So -- so what happens when -- now
8 we're talking about this, okay, and the shooter
9 comes in, and as Nevin mentioned this morning
10 in his presentation for all these actions
11 there's a reaction, and they're going to do
12 things differently, and as it becomes known is,
13 is that they're going to come in with equipment
14 to, to counteract that type of stuff. I mean
15 those are just all the things -- we got to have
16 this discussion. I don't want to bog it down
17 more, you know, because we need to get in depth
18 in all of this. And we can certainly have
19 those discussions, but it's the, whatever the
20 will of the group is we need to come up with
21 something, and the topic that we need to make
22 sure that we focus on with this is SROs, law
23 enforcement officers, armed personnel, because
24 it all is within the rubric, it's all within
25 that framework.

1 And there will be time for all of the
2 other recommendations, but we really need to
3 focus on what we want to do recommendation wise
4 with all, with the cops.

5 MR. SCHACHTER: The only thing is there
6 is, you know, the SRO, armed guards, that's
7 Option A. There is a Plan B out there that,
8 that we're not considering, that the nation is
9 not considering that I think needs to be talked
10 about, and that's countermeasures to stop the
11 attack.

12 CHAIR: So, let's -- let's try and keep
13 ourselves in our lane, okay, because if we
14 don't keep ourselves in our lane with these
15 topics, we can go to that lane, but let's talk
16 about, when we have this discussion let's talk
17 about SROs, police officers, deputy sheriffs,
18 armed personnel, let's keep ourselves here.
19 Then you said there's a Plan B, we can have
20 that Plan B discussion, but let's not mix Plan
21 B and Plan A because otherwise we're going to
22 be all over the board and we're not going to
23 get there. Senator.

24 SEN. BOOK: Thank you, Mr. Chair. In
25 lines of somebody that may be helpful to us, I

1 think one of the things that Dr. Smith talked
2 about that was very important to me was the
3 list of the responses to the most lethal
4 attacks, and really the only one was in Santa
5 Fe when the SRO engaged in, in what was
6 happening. And I understand that they're
7 holding back some of their information, but
8 perhaps we could reach out and see if that SRO,
9 or somebody close to that situation could come,
10 even in a closed session, to come and speak
11 with us about what went right, what could have
12 gone better, because this, when we look at the
13 case studies this is what we have.

14 CHAIR: Okay, we can take a look at that
15 and see. I don't know where they are. All
16 right, so does anybody want to, or have any
17 feelings about doing that differently, or have
18 any thoughts on it? I just wanted to lay the
19 process out there, and what my suggestion is as
20 how we handle this for next session, next
21 session. I've given you some of the basics
22 that we have to cover, and then we'll frame
23 this, and we'll start the discussion, and but
24 we really need you all to come prepared, and
25 again to white board it, and to answer all of

1 these questions, or anything else that's
2 relevant to it.

3 But we're -- we're going to begin the
4 discussion because we have to with what we
5 think the role of the SRO should be, and that
6 will have to drive it, because otherwise it's
7 cart before the horse. Go ahead.

8 MR. SCHACTHER: I think along the lines of
9 the SRO, and making those recommendations, we
10 should consult Mo Canady, the Executive
11 Director of NASRO, and maybe, because they just
12 came out with best practices, Chair, so maybe
13 there's some kind of methodology in there.

14 CHAIR: Okay, we can look at that.
15 Anybody else want to weigh in? Secretary
16 Carroll.

17 SEC. CARROLL: What I -- what I would
18 hesitate getting involved, getting bogged down
19 in, because there's no real data, is around the
20 ratio, around how many school resource officer,
21 guardians should have in every school. But
22 what I do think we can do is set a standard,
23 and Sheriff Ashley mentioned it, the standard
24 ought to be that you ought to have the capacity
25 in the school to respond immediately, and

1 whatever that capacity looks like at a school
2 that should be the, that that should be the
3 standard, rather than trying to get into some
4 arbitrary mathematical ratio, which would I
5 think just get bogged down.

6 CHAIR: Okay. Commissioner.

7 COMM. SWEARINGEN: Thank you, Chair.

8 Since part of this is going to involve the job
9 task analysis that Dean Register and his folks
10 are doing I'll have him here at that meeting as
11 well, just in case there are any questions or
12 --

13 CHAIR: Okay, yeah, because they are --
14 FDLE is doing a job task analysis for SROs,
15 which the job task analysis goes hand in hand
16 with the decision about a recommendation,
17 because it depends upon what the scope of the
18 recommendation is. I mean that, that's
19 extremely relevant to what they're doing, and
20 the feedback they're getting. Yes.

21 MS. SKINNER: I can't be here in
22 September, so I wanted to say in this forum so
23 I don't violate any Sunshine Laws trying to
24 offer my opinion, but I think that serious
25 consideration needs to be given to a hybrid

1 model, just based on all the information we've
2 learned so far, and Sheriff Ashley's point that
3 you need to decide, we need to decide what is,
4 what time frame of a response do we need, like
5 Secretary Carroll mentioned. So, I just want
6 to put that on record.

7 CHAIR: Okay. Commissioner Dodd.

8 MR. DODD: I think -- I know we said, you
9 have on the list District School
10 Superintendents, that the Florida Association
11 of District School Superintendents, FADSS, I
12 think it would be a good avenue to look at
13 their president maybe coming here also. I also
14 -- I agree on the hybrid model, and on what we
15 have to look at with guardians in addition to
16 school resource officers. One of the things we
17 need to discuss is what if a county is unable
18 to have a guardian program because the sheriff,
19 as the way the bill is written now, is not in
20 favor of a guardian program, and so that to me
21 is an issue that we should address as a
22 commission, because if a district school board
23 wishes to pursue a guardian program and a
24 sheriff is opposed to it the way I understand
25 it now is you cannot proceed with a guardian

1 program.

2 CHAIR: Right, that's correct.

3 MR. DODD: And I would like to have that
4 addressed, because if we're going to look at
5 that model of having SROs and guardians, or a
6 hybrid model, a school board employee trained
7 by a sheriff able to be on a campus in addition
8 to a school resource officer, that's what I
9 would be in favor of.

10 CHAIR: Okay. All right, anybody else?

11 No. Yeah.

12 SEC. DALY: So I do think it's important
13 to have some members from FASRO here, and I
14 think it would be good to have a mix of people
15 from both urban and rural communities, because
16 I think their, their needs are much different,
17 and their resources are much different, be it,
18 you know, timing of getting from one end to the
19 county to the next, and vice versa. So, I
20 think having a group from FASRO here that
21 represents both urban and rural would be
22 important.

23 SHER. ASHLEY: Maybe just not FASRO but
24 NASRO as well.

25 MR. SCHACTHER: Yeah, Mo Canady is the

1 executive director, and I was with him a couple
2 days ago. He would more than gladly, you know,
3 come down.

4 CHAIR: Okay, Sheriff.

5 SHER. JUDD: Let -- let me off with some
6 caution that depending on who you bring from
7 FASRO, they're subject matter experts on
8 officers on campus doing a job, but they're not
9 administrators, and they can tell us all kinds
10 of things absent financial considerations,
11 local political considerations, local agency
12 considerations, so be cautious when you bring a
13 group of police officers here wanting their
14 input on how to administratively structure a
15 response team. That's not their expertise.

16 They can explain to you the difficulty in
17 being on a campus and getting from point A to
18 point B, but then suggesting, well, what do you
19 suggest, and they go, well, six officers a
20 campus. Well, that's great, and we can
21 inculcate that into some kind of rule, and then
22 we're all wasting our time here because it
23 comes back to sustainability, accountability,
24 finances. And that's why we've got to --
25 that's why we've got to operate in the real

1 world, and it's as diverse as our cities and
2 counties, and states are, so one size doesn't
3 fit all.

4 And I'll -- and I will quote Commissioner
5 Blackburn here, he said what we have to do is
6 have a standard, a state wide standard
7 inculcated by state law saying you've got to do
8 this, and here's the ways you can do it, but
9 you got to get there, or leave that up to the
10 individual county and -- but to think FASRO can
11 come here and be the end all, and the subject
12 matter expert on anything other than their
13 response from one end of the campus to the
14 other, or their day to day interactions and
15 requirements of their jobs, is, is allowing us
16 to, to not be able to make the right
17 administrative decisions.

18 CHAIR: Yeah, I mean there reaches a point
19 where you got to taking input and you have to,
20 because you're going to have a lot of different
21 opinions, and you just got to stop and say,
22 okay, thank you, we've heard enough, and we
23 just need to make a decision and move on from
24 it. I mean we'll, I'll allow plenty, plenty of
25 time, but we're going to walk away from that

1 next meeting because we don't have time to kick
2 it into October. We're going to walk away
3 with, with our recommendations.

4 So, you know, and, you know, for some
5 people, again, they're bringing, Sheriff
6 Judd's, they're bringing their perspectives,
7 and some of them, and I'm not saying that
8 they're wrong, but some of this has to, the
9 model has to change to some degree I think, is
10 that what some of them are going to advocate
11 for making sure that the SROs are staying in
12 the classrooms, making sure they're doing the
13 mentoring, because they believe in what they're
14 doing. And I'm not detracting from what
15 they're doing, but, you know, what's the
16 priority, is the priority safety, security,
17 making sure that they can deal effectively with
18 an active assailant, or is there a priority to
19 do the traditional role and, you know, and
20 balanced against, is that you're not going to
21 have six on a campus, it's not going to happen.
22 Go ahead.

23 MR. SCHACTHER: I would impress upon the
24 commissioners to think about if you have a
25 hardened school that is well protected you will

1 need less law enforcement there, and I think in
2 the end you will save a tremendous amount of
3 money as well.

4 CHAIR: So, okay, ten years from now,
5 because you're not going to harden all these
6 schools, and have the resources to do it, and
7 be able to do it when you've got thirty-five
8 hundred schools across Florida. You are not
9 going to in the next month, two months, six
10 months, year, you're not going to harden these
11 schools. That's just a fact, and a reality, so
12 if you want to do something fast, and you want
13 to do something that is impactful, this is the
14 way to do it.

15 But, you're correct, but you're looking at
16 years before that can be done, years, because
17 it's not going to happen overnight, it can't.

18 MR. SCHACHTER: I understand.

19 CHAIR: So -- all right, so we'll look at
20 some of these people, we'll bring them in, you
21 know, ask some of them to come for a limited
22 role, and to get their input, and but if you
23 call would come up with your ideas and
24 thoughts, we'll do the white board, just open
25 it up to everybody, and we'll walk through it.

1 I'll probably, you know, just based on this
2 discussion I'm thinking we'll probably allocate
3 a couple hours for it to be able to get through
4 it, so we have adequate time to, to move
5 through it.

6 So, all right, let's move on to another
7 topic here before we move into closed session.
8 Another thing, and I'll just mention this now,
9 it's probably a good time to do it, and I'm
10 going to ask you all for some input maybe later
11 today, or certainly by the next meeting is, is
12 that we need to start thinking about who it is
13 that you want to bring in before the commission
14 as witnesses to either provide information or
15 to ask questions of.

16 So, I've already said, and for sure, that
17 we're going to bring Superintendent Runcie in,
18 we're going to bring Sheriff Israel in, and
19 offer Chief Perry to come in. We may need to
20 bring Steve Ronik in, who is the CEO of
21 Henderson, but I need you all to think about
22 who else, if you haven't already, that you want
23 to be there either to present where you can
24 hear it first hand, because again, our
25 investigators are interviewing a lot of people,

1 we're not bringing all these people in, but
2 there are some, high level people especially,
3 or some people that are key that you may want
4 to yourself ask questions of. So, I'm not
5 looking for answers to that right now, I'm not
6 looking for names, but I am asking that you
7 start giving that some thought, and some
8 consideration so that we can take those
9 requests and start planning that as we move
10 forward.

11 So, as we segue way into -- pass these
12 around. As we segue way into this afternoon,
13 and the chronology that we're going to go
14 through, I say it again, it is unfortunate
15 because I think the community would benefit
16 from it, to be able to have access to what
17 you're going to hear this afternoon, but a lot
18 of it is school records, a lot of it is mental
19 health records, and a lot of it is confidential
20 records. Some of it, of what's in there, are
21 law enforcement records. The law enforcement
22 records that are in there are not confidential
23 or exempt, and I want to share this with the
24 commission in open forum, but what is in here
25 will also be in the PowerPoint that you see

1 this afternoon.

2 And the reason I want to do this is open
3 forum is because I think it's beneficial for
4 everybody to hear this, about the contacts that
5 the Broward County Sheriff's Office had with
6 Nikolas Cruz and/or Linda Cruz and/or Zachary
7 Cruz, and that you know what those contacts
8 are. We now have all the records. We have a
9 synopsis, a summary of it, and you have that in
10 front of you. As has been reported in the
11 media is that there were forty-three contacts
12 between the Broward County Sheriff's Office and
13 the Cruz's while they lived here in Broward
14 County. Of those forty-three contacts
15 twenty-one of those contacts involved Nikolas
16 Cruz alone, or Nikolas and Zachary Cruz.
17 Twenty-three of the incidents involved only
18 Zachary Cruz.

19 Of the twenty-one that involved Nikolas
20 Cruz most of those, as you'll see, are minor,
21 and really didn't warrant any further law
22 enforcement action. A couple of the incidents
23 should have been followed up more than they
24 were, and those are currently the subject of an
25 internal affairs investigation within the

1 Broward County Sheriff's Office. The category,
2 categories of the twenty- one incidents are
3 laid out for you in the summary that you have
4 in front of you, and nine of those were
5 complaints about children who were fighting,
6 meaning Zachary and/or Nikolas were fighting,
7 juvenile type activity, or running away from
8 home.

9 Court of them I'd characterize as domestic
10 related, in that it was Nikolas acting out
11 toward Linda, his mother. One of them was
12 simply a follow up from a previous run-away
13 call. One of those was to do with the, and you
14 heard about that this morning from DCF, was the
15 September 16th call that was out there. The
16 one where he was, where Nikolas Cruz was
17 shooting at chickens.

18 The next one is a complaint, and there
19 were Instagram posts involving guns. Those are
20 -- those two incidents, and those involve the
21 internal review by Broward. Now, in those
22 there are additional things that should have
23 been followed up on. One was a field interview
24 report, or FIR as it's called, where Cruz was
25 riding his bicycle without lights. You'll see

1 that here in a second, and a deputy stopped
2 him, just a normal law enforcement contact.
3 And then the last two that are on there about
4 family friends calling and warning about Nick
5 Cruz, Nikolas Cruz, and that again should have
6 received some follow up.

7 So just we'll go through these briefly, so
8 you can see the context, and you can see the
9 nature of these. The first event, which was
10 when he was ten years old is, is that Joelle
11 Guaerno called Broward County Sheriff's Office,
12 involved that Nick hit her child, and both
13 parents agreed not to pursue the matter, so
14 again it's just two children fighting. He was
15 ten. It was ten years ago, and nothing else
16 that needed or should have been done.

17 The next event was in May of '12. Cruz
18 was thirteen, and Linda called because her
19 teenage children were out of control. Event
20 three, children throwing water balloons. Event
21 four, children fighting and not listening to
22 their mother. Event five, Linda called because
23 her two teenage children Nikolas and Zachary
24 were cursing and being disrespectful. So again
25 these, this is what Broward was out there for.

1 And, you know a lot has been made about all
2 these contacts, but now you're seeing what the
3 nature of the contacts were, and event six is,
4 is that she called the police because her two
5 teenage children were fighting about the
6 computer.

7 Event seven, Nikolas hit Linda with a
8 plastic hose from the vacuum. Apparently, he
9 left home, and that call was at 12:25 on
10 November 17th, I'm sorry, November 27th at
11 12:00. Looking at event eight, at 3:25 and he
12 had now returned home. Go to the next one, you
13 know, Linda called because her two teenage
14 children, and they leapt out a window and had
15 run away. Event ten, Cruz threw objects in the
16 home, and that he was angry because he lost the
17 privilege to play video games, he locked
18 himself in his bedroom. When the deputies got
19 there, he was cooperative. Henderson also
20 responded that day.

21 Event eleven, Linda called because her
22 kids were missing again. They were located at
23 a nearby residence. Event twelve, Linda called
24 because of a verbal altercation with Nikolas.
25 Event thirteen, Linda called because of a

1 verbal argument with her two sons. Now we get
2 to the shooting of the chickens on November 20,
3 2014, and he is sixteen years old at that
4 point, and the complainant whose chickens were
5 shot did not wish to pursue charges because she
6 found out that he was, quote, developmentally
7 delayed, and she didn't want to pursue it.

8 The next event, and this is one that there
9 could and should have been some follow up with.
10 This is a female that requested to remain
11 anonymous. She reported that Cruz had posted
12 weapons on his Instagram page, and had
13 threatened to commit a school shooting. So,
14 you have an anonymous complaint that Cruz
15 posted on Instagram that he was going to commit
16 a school shooting. This was in 2016 when he
17 was seventeen years old, and it was reported
18 that he attended Stoneman Douglas.

19 Now, just keep in mind that, as it says
20 here, is that remember is that even assuming
21 that this was able to be verified, and you have
22 an anonymous complainant in this, is that even
23 assuming that they were able to investigate it
24 and determine that this was a threat where he
25 was a danger to himself or others, the law at

1 that time would not have permitted them to
2 seize any firearms from him. If they had Baker
3 Acted him at the time the law would not have
4 permitted a seizure of firearms.

5 And at that time, remember, remember Judge
6 Leifman's presentation, all what we heard is,
7 is that the most that would have happened is,
8 is that he would have been Baker Acted for
9 evaluation, and that there's no doubt that he
10 would have been released within that evaluation
11 period. And he was already at that time,
12 you'll see more of this this afternoon, as you
13 heard more last month, is that at that time,
14 and, you know, Secretary Carroll I think has
15 mentioned this about the level of services, is
16 that he was already getting services from
17 Henderson, so if he had been Baker Acted at
18 that time and brought to the receiving
19 facility, and they knew he was already under
20 mental health care, what else are they going to
21 do?

22 And so, and if you can get into this, and
23 I don't know, Bruce, if you want to touch on
24 this at all, but the law at the time also is
25 that he posted, even arguing -- and here you

1 got an anonymous complainant, you got no
2 evidence, they weren't able to verify the
3 Instagram post, and so you got somebody that
4 says it happened who wants to remain anonymous,
5 first of all you can't, you couldn't prove the
6 case, but two, the law at that time had a
7 transmission element for these types of
8 threats, so there's a question about whether
9 the transmission element would have been met,
10 and from a state attorney perspective, from a
11 prosecution perspective, you got no
12 complainant, and you got no evidence.

13 Right. So, there is -- so you got to put
14 it in context of what the law was at that time.
15 Yeah, go ahead.

16 MR. SCHACHTER: One thing that just pops
17 into my head is that the reporting app Safe To
18 Tell, they encourage the people when they call
19 in to take a picture of their Instagram post,
20 so maybe if we would have had that evidence,
21 you know -- I know it's a lot of ifs and
22 maybes, but we have to have some --

23 CHAIR: Right. But I'm just laying out
24 for you what happened. This was -- again, this
25 was going back to 2016, and we got to keep in

1 mind what the law was, and what the situation
2 was at that time. So, but anyway, nonetheless
3 is, is that that incident is under
4 investigation by the Broward Sheriff's Office
5 internal affairs as to the deputy and what he
6 did or didn't do at that time.

7 So, if you go to the next event, event
8 sixteen, this has to do with the behavioral
9 threat assessment, we'll talk more about that,
10 when they responded out to the house. Event
11 seventeen is when adult protective services was
12 there. You heard about that this morning.
13 Event eighteen is again Instagram, and again
14 it's under investigation by BSO, and this woman
15 Joelle Guaerno called BSO because Cruz had
16 posted photographs on Instagram with knives and
17 a possible firearm. The photograph was
18 removed. It was never observed by law
19 enforcement. Cruz denied the Instagram post
20 when he was interviewed about it, but again
21 that is currently under investigation by BSO
22 internal affairs as to whether the deputy could
23 or should have taken it to the next level.

24 Then you've got the FIR, event nineteen,
25 again he was just riding his bike with no

1 headlight, law enforcement contact. Event
2 twenty, this is the day Linda Cruz died. It
3 was on November 1, 2017, Catherine Blaine who
4 lives up north in Connecticut, she called BSO
5 and reported that Nikolas had weapons, and that
6 he was supervising Zachary. The weight of this
7 is - - and we've had investigators go up and
8 talk to her and looked at this -- this is more
9 of a welfare check of Nikolas and Zachary
10 because their mother died, and she has, to a
11 large degree, recanted her statement about the
12 guns and reporting this, but her intention was
13 really just to say that Nick and Zachary needed
14 to be looked after, and it was more asking for
15 a welfare check on Nikolas and Zachary than it
16 was anything else.

17 Then event twenty-one, which is again
18 under review by the Broward Sheriff's Office
19 internal affairs. This is what most of you are
20 familiar with, where Mary Hamill, she's the
21 same person who called the FBI, called from New
22 York, and she reported that Cruz had weapons
23 and wanted to join the military to kill people
24 when his mother had died, and that incident is
25 under investigation by the Broward Sheriff's

1 Office.

2 So those are the forty-three -- and again
3 these, the ones that I just went through are
4 the twenty-one that involved Nikolas and/or
5 Zachary. The remaining forty-three are solely
6 about Zachary. But that is Broward Sheriff's
7 Office contact with the Cruz family, and
8 summaries of it. Anybody have any questions?

9 MR. SCHACHTER: I just want to make sure
10 Fortify Florida has the ability that they can
11 send pictures of these Instagrams, that's so
12 critical.

13 CHAIR: Fortify Florida is the app that is
14 being developed now by the Department of
15 Education, and hopefully by the end of the
16 year, I know they're in their RFP process on
17 it, so it's being developed. All right, so
18 that will -- let's get that out, and then that
19 will help us as we go through this afternoon.

20 So, before we -- did anybody -- we're
21 going to take public comment, we have to here
22 before we go into closed session. And then
23 we're going to read the announcement going into
24 closed session. We're going to need to take a
25 break for a few minutes so that they can remove

1 the cameras, and then we'll come back into
2 closed session and we'll begin passing out the
3 books with the chronology and go from there.

4 So that will be the plan is, so before we
5 do public comment do any of the commissioners
6 have anything they want to raise, or bring up?
7 Okay, so Christina Braziel, public comment.

8 PUBLIC COMMENTS

9 MS. BRAZIEL: Thank you everybody again
10 for being here, and for listening. So, I'm so
11 thankful that you're looking, and drilling down
12 into the SROs, and that to what it is that you
13 are actually are thinking that you want to help
14 and protect on our campuses, and how that
15 process is going to work, and there's a lot to
16 drill down. And there's a lot to drill down on
17 the relationships with our school, with the
18 district.

19 And I'm just going to say to you looking
20 at the process my experience with Broward
21 County Public Schools just the year before
22 February 14th massacre, I'd like to try to
23 share a little bit with you, and I'm
24 identifying right now with Nikolas Cruz's mom
25 in this process, and the number of people that

1 then come into our lives. And when you have
2 trauma, and when you have abuse, and you are
3 seeking help from law enforcement, if we don't
4 have trained and qualified people that are
5 there to meet and greet that need, or that
6 situation, if we don't have, if we're using bad
7 practices, and we're just going to look at this
8 person as they're reporting something, they're
9 a little deranged, they don't really
10 understand, if you're not going to use tools to
11 drill down and hear when they're trying to
12 report an incident then maybe the person who
13 was anonymous wouldn't be anonymous anymore if
14 they felt like they were safe and secure to
15 share the information that they truly knew was
16 there for another person.

17 So, I thank you that, that you all have
18 listened. I want more public to come forward.
19 But the district needs to realign their
20 processes the way that DCF has taken. My --
21 personally our family had a situation, and I
22 pursued it with the district at every single
23 level, and they are not paying attention.
24 Staff is -- and they are actually, because, you
25 know, when people don't like to be wrong, or

1 they want to hide things because they think
2 their behavior isn't acceptable, if they don't
3 have a huge guideline, process that they have
4 to go through, it's a lot easier for them to do
5 that.

6 And I'm sorry, I'm going to put in writing
7 my experience, the three years with the
8 district prior to the February 14th incident,
9 and law enforcement in two different
10 municipalities, and what transpired, and I hope
11 that you, committee, can look at that, and look
12 at ways so that it can help the solution, so
13 that what happened to my family would never
14 happen again, and so that we can take this
15 culture with law enforcement and mental health
16 and blend it together.

17 CHAIR: All right, thank you for your
18 comments. Michael Sirbola.

19 MR. SIRBOLA: Yes, hello, commission, and
20 thank you for all of your efforts. These MSD
21 parents and their children are woke. They're
22 stepping in because they have to. MSD parents
23 do not trust your, our instincts. Your
24 instincts are no different than anyone else's
25 in this room. Listen to your children. They

1 haven't been subject to the same childhood
2 amnesia that we all suffer.

3 And by the way that's a real thing, and we
4 all do suffer it, and it keeps us from moving
5 forward. But we are there. We have the
6 science. We have -- that's part of the reason
7 you're here, is to reach out to places that,
8 that haven't been reached out to before, and to
9 bring them to the public's attention. This is
10 d,j... vu for me. I once convened something
11 similar to this. We had a shooting, it was the
12 first time in the country I think someone had
13 brought a gun into the school, and a few years
14 they had a high suicide rate, tried to get all
15 the people together in the community, public
16 and private, to share data so we could see what
17 the spike was.

18 It was a mad house because at the time it
19 had just come out that these brain changes that
20 occur as a result of trauma are lasting and
21 real, and everyone in the room had the
22 impression I was telling they were all brain
23 damaged, because as you're probably aware a
24 very high percentage of first responders have
25 suffered trauma and, and these changes that

1 make us think differently, a little bit more
2 black/white, a little bit more reactive. You
3 think but that's not damage, that's so we can
4 survive the way the world really is.

5 Well, let's look around us. Do we want a
6 world where we have to be in an arm's race with
7 our children, because if we don't then to
8 change, it's about, let's face it, no one feels
9 safe if there's a guy with an M-16 behind you.
10 Why is he there if it's so safe, just for
11 decoration, or there's something dangerous out
12 there? If we want to change our schools and
13 make them fundamentally safe, we have to make
14 them the last place that anyone would think to
15 go do harm. You don't send fifty or sixty
16 thousand of them to external detention, you
17 don't treat them with disrespect.

18 If you want to see what I mean by all this
19 watch Beyond Scared Straight. Anyone in a
20 uniform of any type should want to rip it off
21 with their teeth after watching how we treat
22 children. That is our attitude towards
23 children. We think that is helping them on
24 that show. Go watch that show, it's very
25 disturbing. That's where we're starting from,

1 and you will hopefully take us from that
2 craziness to a place of sanity.

3 At one time there used to be a show called
4 Honeymooners, everyone would laugh when a
5 three- hundred-pound guy would get in the face
6 of a small little woman and threaten to knock
7 her to the moon. Our concept at that time of
8 what a woman was was an abused woman, because
9 even the woman said, oh, yeah, she might, might
10 have needed to be knocked around a little bit,
11 you know, to calm her down. Our concept of
12 what a woman was was an abused woman. Our
13 concept for what a child is can change in this
14 same way thanks to your good efforts if you
15 step up to the plate.

16 Ask the CDC to do some research. Ask the
17 National Science Foundation to do some studies
18 into what effective education is because there
19 is no research. If you're not aware of it
20 there is no research on best education
21 practices, none, it's all for special needs
22 students, and things like that, because no one
23 wants to be talked to about how to care for our
24 children because we still treat them like
25 possessions.

1 They are not possessions, they are in fact
2 better than us in many ways which we do not yet
3 acknowledge. We can make change. You can make
4 change. You can step outside of the little box
5 that you were all put in and ask for some of
6 these things, okay --

7 CHAIR: Okay, Mr. Sirbola, you're done.
8 Thank you.

9 MR. SIRBOLA: Thank you very much.

10 CHAIR: Okay, as we did last time before
11 we go in closed session Florida Law requires
12 that I read this into the record. This meeting
13 requires us to hear or discuss active criminal
14 investigative information, active criminal
15 intelligence information, and/or other
16 information that is confidential and exempt
17 under Florida law. Because of this under the
18 authority of Florida Statute 943.687(8) the
19 meeting is closed to the public and exempt from
20 Florida's Sunshine Law found at Florida Statute
21 286.011 and Section 24(b) Article I of the
22 State Constitution.

23 The required written declaration of the
24 Commission Chair will be entered into the
25 commission minutes. Only authorized commission

1 members, commission support staff, and persons
2 otherwise specifically authorized by the chair
3 may attend this meeting. We will not reconvene
4 today in public meeting. We will take a break
5 and begin the closed portion of the meeting as
6 soon as we can. Thank you for your
7 consideration.

8 So what we're going to do now, and I
9 apologize to the commission members for this,
10 but we got behind this morning, and what we had
11 intended to do was, was to break this morning
12 and come back this afternoon right into closed
13 session, and the reason why I'm apologizing is
14 we're going to have to break for a few minutes
15 while the Florida Channel removes their
16 cameras. It's going to take them whatever time
17 it takes them to do that. I know they're going
18 to do it as expeditiously as they possibly can,
19 but we're not going to be able to convene, and
20 reconvene, until they're able to do that, so I
21 envision somewhere probably twenty, thirty
22 minutes it's going to take them. But we had
23 intended to do this during lunch so that we
24 didn't have this down time, but unfortunately
25 schedules are what they are.

1 So, take a break until they can remove the
2 cameras, and then we'll come back as soon as
3 they are finished, and we'll get going with
4 this afternoon, so thank you.

5 (Thereupon, the public meeting concluded.)
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C E R T I F I C A T E

(STATE OF FLORIDA)

(COUNTY OF MIAMI-DADE)

I, NATHANIEL TORO, Reporter, certify that I was authorized to and did report the foregoing proceedings and that the transcript is a true and correct transcription of my notes of the proceedings.

Nathaniel Toro

NATHANIEL TORO, Reporter

Commission: GG 111434

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