

MARJORY STONEMAN DOUGLAS HIGH SCHOOL
PUBLIC SAFETY COMMISSION MEETING

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

June 7, 2018

COMMISSION MEMBERS/ATTENDEES:

SHERIFF BOB GUALTIERI, Chair

JASON JONES, PSC General Counsel

CHRIS NELSON, Chief of Police - City of Auburndale

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

RICHARD SWEARINGEN, Commissioner - Florida
Department of Law Enforcement

MAX SCHACHTER, Parent of Victim

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

MELISSA LARKIN SKINNER, CEO - Centerstone of Florida

PAM STUART, Commissioner of Education

JUSTIN SENIOR, Secretary - AHCA

CHRISTI DALY, Secretary - Department 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 DODD, Member - Citrus County School Board

LAUREN BOOK, Senator - District 32

RYAN PETTY, Parent of Victim

MARSHA POWERS, Member - Martin County School Board

KEVIN LYSTAD, President - Florida Police Chief
Association

CHRISTINA LINTON, Commission Staff - FDLE

1 MARK GREENWALD, Director - Research & Data
Integrity, Department of Juvenile Justice

2 JACOB OLIVA, Executive Vice Chancellor - K-12 Public
3 Schools

4 MICHAELLE POPE, Executive Director of Student
Support Initiatives- Broward County

5 LINDA CHAMPION, Deputy Commissioner - Department of
6 Education

7 EDWARD UPTHEGROVE, Program Administrator - Florida
Crime Prevention Institute

8 ART HUSHEN, President & Owner - National Institute
9 of Crime Prevention

10 BOB KOWALSKI, Deputy Assistant Secretary -
Department of Homeland Security, Office of
11 Infrastructure Protection

12
13 Also present:

14 APRIL SCHENTRUP, Parent of Victim

15 TONY MONTALTO, Parent of Victim

16 CRAIG DEWERFF, with Rauland Incorporation

17 TIMOTHY STEINBERG, Former Assistant Principal of
Pine Ridge Education Center

18 KRISTEN JACOBS, Representative - District 96

19 DANIEL SOHN, City Councilman - Town of Haverhill

20 JOSEPH VALCARCEL, Owner - Safeway Security Services

21 SHAWN VERNE, Expert in communications technology

22 MICHAEL SIRBOLA

23 KRISTINA BRAZIEL

24

25

1 (Thereupon, the following meeting was had:)

2 CHAIR: We'll call to order the meeting of
3 the Marjory Stoneman Douglas Public Safety
4 Commission for June 7, 2018. If you would
5 please stand and join me in a moment of silence
6 to remember and honor the seventeen people who
7 lost their lives on February 14th, the
8 seventeen others who were injured, and the
9 countless other victims whose lives will be
10 forever changed.

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

12 CHAIR: Thank you. Please join me in the
13 pledge.

14 (Thereupon, the Pledge of Allegiance was had.)

15 CHAIR: All the Commissioners should have
16 received in your agenda packet a copy of the
17 minutes from our April 24th meeting. Does
18 anybody have any additions/corrections to those
19 minutes that you received? Do I have a motion
20 to approve the minutes?

21 SHER. JUDD: Motion.

22 SEN. BOOK: Second.

23 CHAIR: A motion from Sheriff Judd, and a
24 second by Senator Book. Any other comment?
25 All in favor, aye?

1 (Aye.)

2 CHAIR: Any opposed, same? That motion
3 passes, and the minutes from the April 24th
4 meeting are approved and adopted. I'm going to
5 turn over for a moment to our general counsel,
6 and the general counsel for the Florida
7 Department of Law Enforcement, Jason Jones,
8 just as a brief discussion again on the
9 Sunshine Law. Jason.

10 MR. JONES: This is just a friendly
11 reminder of the Sunshine Law, and that we're
12 governed by that. So, just to remind everyone,
13 that means that even though we're here for the
14 meeting that means you cannot have
15 conversations with each other outside of the
16 open portions of this meeting about stuff that
17 might come before the Commission. And just be
18 careful of outside conversations that you're
19 having during the meeting going on. Even if
20 it's about something else, it may appear as if
21 you're talking about something that we are
22 discussing that needs to be heard for everyone.
23 So, that's just a friendly reminder, and thank
24 you.

25 CHAIR: All right, thank you, Jason. I

1 want to bring you up to speed on a change in
2 the makeup of the Commission. I received
3 yesterday a resignation letter from Andrew
4 Pollock, and I will read that letter to you:

5 "To the members of the Marjory Stoneman
6 Douglas Public Safety Commission: At this time,
7 please accept my resignation from the MSD
8 Public Safety Commission. I thank you for the
9 opportunity to serve on this Board. I will be
10 spending my time helping to elect individuals
11 to the Broward County School Board that will
12 ensure our schools are safe. It is my
13 intention to get individuals elected to our
14 School Board that will take preventative
15 measures in keeping our schools safe. I will
16 also be spending my time and resources on an
17 independent investigation that will get to the
18 bottom of who is responsible for the atrocities
19 that occurred in our school on Valentine's Day
20 2018, the last Valentine's Day that I would
21 ever spend with my daughter. It's my intention
22 to make sure that all of the individuals and
23 agencies that are responsible for this massacre
24 be held legally accountable. I have full faith
25 that the members of this commission will get

1 the answers that they are seeking, and that
2 they will continue to make sure that
3 preventative measures are taken, and that our
4 schools can be made safe. With kind regards, I
5 remain very truly yours, Andrew Pollock."

6 We have copies of this, so for the media
7 that's here, you can get with FDLE PIO Gretel
8 Plessinger, and she has copies of Mr. Pollock's
9 resignation letter. I know you're going to want
10 it, so we've already made copies, and they are
11 available for you. I'll work with Governor
12 Scott's Office, as Mr. Pollock was one of
13 Governor Scott's appointees, and work with
14 Governor Scott to see who he wants to appoint
15 to replace Mr. Pollock.

16 So, as everybody knows, we have set two
17 day per month meetings for every month now
18 through November. You have a schedule of those
19 meetings in your agenda packet, and in your
20 book. All of your staff should have received
21 that, so you could calendar those meetings.
22 But, our next meeting will be here in Broward
23 County on July 10th and 11th. This month's
24 meeting and the July meeting are going to focus
25 on providing knowledge base for Commission

1 members on the investigative topics that we
2 agreed upon at our last meeting, in that those
3 that we're required to investigate by statute.
4 In August, we're going to begin hearing from
5 the investigators and learn the results of
6 their work regarding the approved investigative
7 topics.

8 There's been a lot of work done to prepare
9 for today and tomorrow's meetings, and I want
10 to talk for a minute about the meetings today
11 and next month. As we know from looking around
12 the room, this is a very interdisciplinary
13 commission. We have diverse backgrounds, and
14 varying levels of knowledge in the areas that
15 we're charged with investigating. It's
16 therefore important that we get everyone on the
17 same knowledge page, and that everyone has the
18 background information to establish the proper
19 framework within which to evaluate the facts
20 and the evidence.

21 If we don't do that we're making
22 uninformed, or under informed decisions, and in
23 essence decisions in a vacuum as we begin to
24 hear the evidence and learn the facts and
25 uncover in an objective way what occurred. So,

1 all that has to be measured against something,
2 and that's what we're going to do today,
3 tomorrow, and in July. So, in these meetings
4 we're going to hear from subject matter experts
5 with a wide variety of expertise in areas that
6 are relevant who will help us gain an
7 understanding of the basics in these varied
8 areas, and then again in August we'll begin
9 hearing from the investigators.

10 In our first commission meeting back in
11 April, we asked to hear presentations on
12 several different topics, and these are the
13 topics that you all asked for, and so what
14 you're going to hear today, and tomorrow, and
15 then again in July, are speakers who are
16 subject matter experts on those areas that you
17 all identified that you wanted to know more
18 about before we move forward in learning the
19 results of the investigative efforts.

20 So, over the next two days, today and
21 tomorrow, you're going to hear fourteen and a
22 half hours of testimony from nineteen different
23 presenters on nine different topics, but before
24 we do that I want to bring you all up to speed
25 on some of the activity since we met in April.

1 So, the week after our commission meeting in
2 April, I met with commission staff in
3 Tallahassee, and we set up an administrative
4 structure and assigned the investigative teams.
5 Now, setting up this commission, I'll equate it
6 to, analogize it to setting up a small police
7 department. We had to do everything from
8 select and provide orientation for personnel,
9 establish policies and protocols, establish
10 records management and evidence databases, and
11 everything you could imagine to get a very
12 significant investigative team up and running.
13 In fact, we have seventeen people, full time,
14 assigned to this investigation, including eight
15 law enforcement officers and seven analysts.

16 If you remember, we approved back in April
17 six investigative topics, and we have assigned
18 all of those personnel to investigative teams,
19 and specifically four investigative teams, and
20 I'll run through for you those investigative
21 teams. The first team is analyzing the history
22 of K-12 active assailant events in the United
23 States, and everything that goes with that,
24 everything we talked about that we wanted to
25 know, what their recommendations were

1 previously, whether they're implemented in
2 Florida, et cetera. So, everything that's in
3 that PowerPoint from April 24th, everything
4 that you all approved is what team one is going
5 to be looking at.

6 The second team is investigating Cruz from
7 birth through his arrest on February 14th, and
8 all of his interactions with law enforcement,
9 mental health, the schools, so it is Cruz A-Z,
10 and everything that occurred in his life.

11 Team three is investigating the Broward
12 County schools, and specifically active
13 assailant protocols and site security, and more
14 specifically focusing on those topics at
15 Stoneman Douglas.

16 Team four is investigating the law
17 enforcement response to the shooting.

18 And all of those investigative teams have
19 begun their work and are actively in the
20 process of looking at those specific areas, and
21 in the near future they will begin conducting
22 interviews. Right now, we're acquiring a lot
23 of documents, a lot of recordings, a lot of
24 other evidence, organizing it and digesting it.
25 From, as an example from one provider alone

1 when we subpoenaed the records there were eight
2 hundred pages of records. All of those have to
3 be gone through painstakingly, and analyzed,
4 and gleaning the appropriate information from
5 those records so that we can progress in the
6 investigation. So, needless to say there are
7 voluminous documents that have to be analyzed,
8 which are resulting in identifying people who
9 need to be interviewed, and I can tell you
10 right now we've identified literally hundreds,
11 hundreds of people that need to be interviewed.

12 So, after we met, I also met with Chief
13 Clyde Parry from the Coral Springs Police
14 Department, Superintendent Bob Runcie from
15 Broward County Schools, Dr. Steve Ronik from
16 Henderson Behavioral Health, and Broward County
17 Administrator Bertha Henry. All of these
18 officials who lead these organizations have
19 agreed to cooperate with this commission, and
20 so far, have been fully cooperative, and have
21 fully complied with all of our requests.

22 I spoke with the FBI in Washington. I
23 sent a letter to Director Wray requesting their
24 files on Cruz, and their internal review of
25 action taken or not taken by personnel

1 regarding the tips they received. I also
2 invited Director Wray to have someone from the
3 FBI testify before the commission and answer
4 questions. I've not received a formal
5 response, but that letter was only recently
6 sent.

7 We also have with the commission staff a
8 weekly two-hour conference call with the entire
9 investigative team so that we are coordinating
10 our investigating efforts and avoid information
11 silos.

12 We continue to coordinate with the Broward
13 County Sheriff's Office in its criminal
14 investigation. We're monitoring the FDLE
15 executive investigation. We maintain
16 communications with the police foundation which
17 has been hired by the Broward County
18 Government, not the Sheriff's Office but
19 Broward County Government, to conduct a review
20 so that we ensure there are no impediments to
21 our statutory mandate.

22 So, we're approaching this investigation
23 with a deliberate methodology that will produce
24 the best result in an efficient and effective
25 manner under what is an extremely tight

1 deadline. Make no mistake, this is going to be
2 a Herculean effort to get through all of this
3 and prepare a report for submission by January,
4 but it's going to happen, and we're going to
5 get there. It's going to be a lot of work by a
6 lot of people, including all of you, but we're
7 all committed to it, and we will get this
8 across the finish line, and get that
9 preliminary report to the Governor and the
10 presiding officers by January 1st.

11 We received questions from a variety of
12 people about certain investigative efforts,
13 conducting interviews, timing of interviews,
14 and why some interviews have not started. But
15 know that we can't and won't begin interviews
16 until we're fully prepared, and we're ready.
17 It's best as you go into any interview process
18 to be as informed as you can before conducting
19 those interviews so that we have the adequate
20 knowledge to flush out the facts and ask
21 probing questions.

22 If we go into these interviews
23 half-cocked, without information, without being
24 fully apprised, then we're not doing it
25 effectively, efficiently, and we're not going

1 to be able to do a thorough interview, and
2 we're going to end up having to go back time
3 and again once we get more information, and we
4 don't have the time for that redundancy. We
5 need to do it right. We need to do it one
6 time. We need to do it thorough, and in a probing
7 way. If you don't have certain information and
8 you're interviewing somebody and they tell you
9 X, you don't have any way of knowing whether X
10 is right or not unless you've done your
11 homework and you're thoroughly prepared, so
12 that's why we have not begun a lot of the
13 interviews yet, because we're preparing for
14 those interviews, and they will start in the
15 near future.

16 So, my message to anybody who thinks that
17 things are moving slowly, they're not.
18 Actually, they're moving very fast, and please
19 be patient, we're going to get there, but it's
20 going to be done in the right way.

21 Some of the things that have been, I guess
22 uncovered, or illuminated, just in the cursory
23 review at this point of many of these
24 documents, we're at a point that I asked you to
25 consider during our last meeting, and I asked

1 you during our last meeting to come into this
2 process and forget what you knew, forget what
3 you've been, what you've heard, forget what
4 you're told, and to have a factual white slate,
5 because some things are not as they appear, and
6 not how they have been reported.

7 Let me give you an example of that. I
8 think for most people who have heard media
9 reports, talked to others, heard things from a
10 variety of sources, I would think most people
11 are under the impression, at least I was, that
12 Cruz was under some sort of mental health
13 treatment, and was actively being treated, or
14 had been recently treated, or was under some
15 type of an opportunity by Henderson Behavioral
16 Health close to the time of the event, and that
17 there may have been some ball dropped by them
18 because they were having contact with him, and
19 they may have been able to intervene in some
20 way.

21 But I can tell you is that that's the
22 entity that we got eight hundred pages of
23 records from. We poured through those records,
24 and analyzed those records, and I can tell you
25 with absolute objective certainty that during

1 2018 and 2017, Henderson Behavioral Health had
2 no contact with Cruz whatsoever. The last time
3 that Henderson had any contact with Cruz was in
4 December 2016. The last time that Henderson
5 evaluated Cruz under the Baker Act was in
6 October of 2016.

7 Was there a ball dropped? I don't know,
8 and I offer no opinion to you today on that
9 point. But what I can tell you is evaluating
10 somebody under the Baker Act sixteen months
11 before the shooting is a very different
12 narrative than one perpetuated by a whole bunch
13 of entities through which people get their news
14 and form their opinions. So, again, we need to
15 keep an open mind.

16 Today and tomorrow are going to help us to
17 provide a backdrop, provide a framework, then
18 we'll begin hearing the evidence through
19 testimony, through summary witnesses, through
20 actual witnesses, and then we can measure it
21 against that framework, and then make a
22 decision and a recommendation for the report as
23 what was done. And as I said to you I think
24 that the outcome of this is going to be, is
25 that we're going to find some things were done

1 well, some things were done poorly, and there's
2 a lot of opportunity to do some things
3 differently.

4 So, but that's an example, and I can give
5 you others, that there is misinformation out
6 there, so it's so important that you form your
7 opinions on what you hear here from witnesses
8 that testify, and from the evidence that is
9 presented. So, today we're going to begin to
10 fill in this factual blank slate.

11 Now, one of the things that we have to
12 keep in mind I believe as we go down this path
13 is what is already in place. And we're going
14 to produce a report that's going to make
15 recommendations to the legislature, to the
16 Governor, to others, about how to improve, how
17 to do it better, how to do it differently. And
18 the legislature this past session, as we know,
19 in Senate Bill 7026 did Yeoman's work, in that
20 three-week period to produce a hundred and five
21 page that has what it does in it was really
22 miraculous, and very substantive, and it's
23 something that the legislature should be proud
24 of because it doesn't usually work that way.

25 But also, make no mistake, and I don't

1 think there's anybody in the legislature that
2 would tell you otherwise, it's not perfect,
3 nobody said it was perfect, but it is a great
4 start. But in order for us to be able to know
5 what is already occurring, what will occur, and
6 to monitor the implementation of it, I think
7 it's important that you know what is in 7026,
8 and what stages those requirements are in as
9 far as implementation is concerned.

10 So, if you flip to the first tab that you
11 have in your book I'm going to run through it.
12 You have a PowerPoint presentation. I know
13 these screens are a little bit hard to see for
14 the commission members because of the light,
15 and hopefully it will get better here as the
16 sun moves, but I know the people in the
17 audience have a screen that they can see. And
18 so, I'm going to run through the relevant
19 sections of 7026 so that you know what is
20 already in place to happen, what has happened,
21 what will happen, and what stage it is in for
22 implementation.

23 And we are going to, and the commission
24 staff is going to, monitor implementation of
25 these requirements. I think that's part of

1 what we should do. And we need to be able to
2 go back to the legislature. So, as an example
3 -- I'll just use this as an example -- is, is
4 that 7026 requires -- and Governor Scott sent a
5 letter back in March to all of the school
6 boards and the effected parties laying out a
7 lot of this in his expectations in time
8 requirements, is -- is that it says in 7026
9 that by August 1st of 2018, so two months, less
10 than two months from now, every single
11 elementary, middle, high, and charter school in
12 this state, will have a physical site security
13 risk assessment.

14 That's never been done before, and every
15 single school will have that. And it will be
16 conducted by the school officials in
17 cooperation with law enforcement, but it's got
18 to be done. I want to know as we're charged
19 with this and knowing the effectiveness of 7026
20 and making recommendations I imagine you want
21 to know, is I want to know if any schools or
22 any districts are not in compliance with that.

23 By July 1st every school district has to
24 have a safe schools officer. Are they going to
25 have it in place? I hope everybody complies,

1 but we need to know that because as we do our
2 report for January, if there has been
3 significant noncompliance, I think the
4 legislature should know that. And you can
5 weigh in, and we'll make our suggestions as to
6 whether, maybe the legislature needs to be put
7 some teeth in it if people aren't complying
8 with what the legislature said they needed to
9 do.

10 So, let's run through this. The first
11 section is easy. The Department of Education
12 has already done this, is it's required to
13 create an Office of Safe Schools. That's been
14 completed by DEO, and a director has been
15 named. Under Section 21 the Office of Safe
16 Schools is required, is responsible for
17 compliance oversight, and it must establish a
18 school security and assessment tool. So, that
19 goes to what I was just telling you about, is
20 that by August 1st there has to be an
21 assessment, and a site assessment of every
22 school in the state of Florida. Now, this is a
23 physical site security risk assessment, and
24 this concerns facility vulnerabilities and site
25 hardening needs.

1 You're going to hear in July presentations
2 on a different type of risk assessment or
3 threat assessment. In July what you're going
4 to hear about, you're going to hear about a
5 behavioral threat or risk assessment. That's
6 very, very different. And unfortunately, these
7 terms, the nomenclature, get all mixed up, and
8 you have people running around talking about
9 threat assessments, and risk assessments, and
10 this assessment, and that assessment. So, we
11 need to be very clear in our work and in our
12 discussions that we're all on the same page,
13 because otherwise it causes confusion, and
14 doesn't get us where we need to be efficiently.
15 So, we're going to talk about physical site
16 security risk assessments, we're going to talk
17 about those today and tomorrow, and in July
18 we'll talk about behavioral risk, or threat
19 assessments.

20 Before 7026 there was a physical site
21 security risk assessment, but in the majority
22 of the state it was not used at the school
23 level. In the majority of the state it was
24 used at the district level. So, the districts
25 would use this instrument, this took, and when

1 we're talking about an instrument or tool what
2 we're, for those of you not familiar what we're
3 generally talking about is some type of a
4 document or something in electronic form that
5 has criteria, and you measure against that
6 criteria whether there has been compliance.

7 So, an example, and a very simplistic
8 example of that would be are there locks on
9 every door, and then that would be a yes or no,
10 and a room for comments. Are there cameras,
11 are there -- so you go through this whole
12 questionnaire, if you will, and it's designed
13 to be an instrument that measures whether there
14 are vulnerabilities, and whether there was
15 adequate site and security at any particular
16 location.

17 Now, this is not done just for schools,
18 it's done across the board in a number of
19 settings, but this was an instrument that was
20 being used, again, on a district basis. I
21 think not with the level of specificity for
22 each and every school at the school level, and
23 that's why 7026 requires that it be done at the
24 school level. And 7026 requires that DOE
25 contract with a third party to evaluate this

1 instrument and determine its relevance and
2 applicability, or make improvements to it at
3 the school level, and this instrument is known
4 as the FSSAT, the Florida Safe School
5 Assessment Tool.

6 So, that is the instrument, and DOE has
7 rolled that out to all the districts. They
8 have access to it and have been told to use it
9 at the school level to comply by August 1st
10 with these site assessments. And as you can
11 see on this slide in Section 51 they have \$1
12 million, DOE has \$1 million for that consultant
13 to improve or validate the instrument.

14 Now, in a lot of districts law enforcement
15 is working with the school boards and the
16 school district personnel to add to the FSSAT's
17 current elements' criteria to make it even
18 better; so, there's a lot of cooperation going
19 on between the school boards and law
20 enforcement, but this is the instrument that
21 has to be used by August 1st.

22 The Office of Safe Schools is required to
23 provide review, recommendations, and technical
24 assistance on the result of these assessments,
25 and the DOE has to report to the Governor by

1 December 1st on any results of the assessments,
2 and positive changes made.

3 Now, my opinion, for whatever it's worth,
4 is they're not going to be able to report much
5 between now and December 1st, because here's
6 the timeline. All these site -- all these site
7 assessments have to be done by August 1st. DOE
8 has to promulgate criteria for the grants by
9 August 31st. The districts have to apply for
10 the grants by December 1st. And the money, all
11 \$99 million which is there, \$98.9 million, has
12 to be dispersed by January 15th, so I don't
13 think you're going to see a lot of change in
14 the time DOE has to report by December 1st,
15 because I don't think a lot of the money is
16 going to be dispersed by then, because again
17 the grant applications aren't even due until
18 December 1st, so it will probably be after
19 that.

20 But DOE is on a tight timeline with this
21 because the short version is August 1st
22 assessment is done, and all this money has to
23 be dispersed by January 15th, so that is a
24 pretty tight timeframe for \$100 million to get
25 dispersed. But again, it's going to be

1 dispersed after the site assessments because it
2 doesn't make any sense, that's cart before the
3 horse, you don't start pushing money out until
4 you know where you need the money. So, again,
5 this was done well I believe, and the
6 sequencing of this is important.

7 CHAIR: Yes? Yes?

8 MR. DODD: Is the FSSAT, the site
9 assessment tool, is it going to be a public
10 record? Is it going to be -- is it going to be
11 things that are going to be open to the public
12 to see, as far as the assessments on our
13 schools?

14 CHAIR: Let's go to the next slide. I
15 think it will answer that question for you.
16 So, each district is required to appoint a
17 school safety specialist. And again, that has
18 to be done by July 1st. That school safety
19 specialist is required to receive training from
20 DOE, and they have to receive that training
21 within a year of appointment to the position,
22 so DOE is going to have to take all of these
23 sixty-seven school safety specialists and
24 provide training from them, for them in these
25 areas in which they need to be the safety

1 specialists for their districts. So, that's a
2 district and a DOE action item.

3 You can see in your slides here after each
4 of these I put in parenthesis who is
5 responsible for implementation of each of these
6 provisions. Now, Commissioner, getting back to
7 your question, I think that's answered here in
8 the next slide, in 19-18, is the safety
9 specialist has to conduct these assessments,
10 again, law enforcement is going to be involved
11 in most districts, and required to report his
12 or her findings to the school board annually,
13 and then within thirty days of reporting to the
14 school board, then these have to be reported to
15 DOE. But the risk assessments are confidential
16 and exempt, so they're not a public record.
17 And I think that's smart.

18 Now remember, is that you got Senate Bill
19 7026. You have a companion public records
20 bill, because as many of you are aware in the
21 legislative process you can't have a public
22 records provision in a substantive bill, so you
23 have to have a separate public records bill.
24 There is a separate public records bill that
25 goes with 7026, and in the separate public

1 records bill it takes all of these risk
2 assessments and makes them confidential and
3 exempt. Otherwise when we do all these site
4 assessments and we identify vulnerabilities,
5 we're airing all these vulnerabilities before
6 the holes can be plugged. So, the boards are
7 going to have to make a decision, I know in
8 your capacity as a school board member, as to
9 how do you receive these presentations from
10 your safe school specialists, but the
11 assessments themselves are confidential and
12 exempt, and not subject to public record.

13 Does that answer your --

14 MR. DODD: Yes. I just -- you know, we
15 just had heard some points on that. I mean
16 what is -- what are parents going to have
17 access to see as far as assessments; is it
18 going to be just basic information? That's
19 what I've been under the impression, is that's
20 the way that is heading, nothing specific but
21 --

22 CHAIR: Well, I think you -- you know, and
23 I'm not going to give you legal advice on it.
24 You have to talk to your individual lawyers in
25 your districts on it. But I think there's ways

1 that you can share information, but what you
2 wouldn't want to share are the vulnerabilities;
3 so, the entire reports themselves that are the
4 results of these every single school
5 assessment, you don't want to, you wouldn't
6 want to release those.

7 But you'd be able to -- in summary fashion
8 you'll be able to share certain information,
9 and let parents know certainly what you're
10 doing. I don't think that that's a problem,
11 and certainly is in the spirit of which it's
12 intended, to be as transparent as we can. And
13 this isn't a question of not wanting to be
14 transparent, of course, this is a question of
15 not wanting to make it an unsafe environment,
16 because if we find as we're doing these
17 assessments that there's some gaping holes we
18 don't want to broadcast those gaping holes so
19 that somebody then takes advantage of it and
20 does something. And, you know, once the gaping
21 holes are filled, and you want to talk about
22 what you did to fill it -- so it's the
23 instrument itself that is confidential and
24 exempt, but anything that derives from it, I
25 don't see why you wouldn't be free to talk

1 about it.

2 MR. DODD: Thank you.

3 CHAIR: Yes. Secretary?

4 SEC. DALY: Sheriff, I got a request from
5 the Court Reporter. If we could just all speak
6 up as we're speaking into the microphones, so
7 she can hear.

8 CHAIR: Okay. And I think you can help us
9 with the audio.

10 All right, so the -- and again getting
11 back to the next one, the safety specialists
12 will coordinate with law enforcement once every
13 three years. The first responders are required
14 to tour the campus and provide recommendations
15 and law enforcement recommendations have to be
16 in the report that is provided by the safety
17 specialist. I think in most places that's
18 going to be done much, much more frequently
19 than once every three years. I know at least
20 in our county it is.

21 Another important part of the bill is data
22 aggregation. It requires DOE and the Florida
23 Department of Law Enforcement to provide
24 centralized and integrated data repository so
25 that the Department of Juvenile Justice, the

1 Department of Children and Families, and the
2 Department of Law Enforcement data is
3 integrated, and the legislature provided \$3
4 million to do that.

5 DOE we've been told is going to procure a
6 separate social media monitoring data searching
7 tool. So, that's a DOE action item, and that
8 is in the works. That is required under the
9 bill to be implemented by December 1st. Quite
10 honestly, that's probably too aggressive of a
11 timeline to accomplish something like that. I
12 don't speak for the Department of Law
13 Enforcement, but I can tell you that just
14 knowing how these things work I don't think
15 that that is doable by December 1st. I think
16 they're going to work on it hard, and try and
17 get it done, but that's a lot to be able to do
18 by December 1st, so we'll get an update from
19 them as they move forward.

20 Getting into another tool, another topic
21 that's been discussed that is important to
22 everybody is the ability for people to report
23 through an app, and the app has been identified
24 as FortifyFL. It's an incident reporting app,
25 and the responsible entities for that are FDLE

1 and the Department of Legal Affairs. And they
2 have issued an invitation to negotiate on that,
3 so that's in the works, and in progress for
4 being developed and implemented.

5 Now, this is another thing that you need
6 to go the separate public records bill, because
7 anybody who reports on FortifyFL app is
8 anonymous, so even if they are identified their
9 information is confidential and exempt. The
10 whole idea here is, is to encourage people if
11 they see something to say something, if they
12 think about it report it, and know that it's
13 not going to come back on them. So, in the
14 public records bill, anything and everything
15 that's reported that identifies the reporter is
16 confidential and exempt when FortifyFL is up
17 and running.

18 Access to mental health services in
19 schools, you're going to hear over the next
20 couple of days more about this, and the
21 multi-agency network to provide students with
22 emotional and behavioral disabilities with
23 services, and through SEDNET, and this is a DOE
24 and a district action item. You'll hear more
25 about that in the presentations over the course

1 of this meeting.

2 Mental health first aid, by the beginning
3 of the school year the Department of Education
4 has to establish an evidence-based youth mental
5 health awareness. People shorthand this by
6 calling it mental health first aid. The
7 Governor sent a letter to the districts in
8 March setting the beginning of the '18/'19
9 school year to implement this curriculum in all
10 the schools throughout the state.

11 Some of the district school
12 responsibilities that are new in this bill; at
13 registration, every student has to disclose
14 prior mental health referrals. The districts
15 have the ability and the authority now to refer
16 students to mental health. There has to be a
17 student crime watch program developed in every
18 district, and at every school. So, that's a
19 district action item, and I imagine all the
20 districts and the schools, but we'll find out,
21 are in the process of implementing that.

22 There has to be a policy and procedure in
23 all of the schools in consultation with the
24 public safety agencies for all of the drills
25 that need to be done, including active shooter

1 in hostage situations. As we know there was no
2 requirement prior to 7026 to drill on active
3 assailant, and it was a hodgepodge, some did
4 it, some didn't, some did it in certain ways,
5 others did it in other ways, but there has to
6 be active assailant drills on every campus as
7 often as other emergency situations are
8 drilled.

9 The Governor sent a letter, again in
10 March, that requires the schools to have
11 training at least once every semester. There
12 are many that are going to do it much more
13 frequently than that. And those drills and the
14 training has to be conducted by law
15 enforcement. So, there has to be integration
16 here between the district staff and the police
17 department or the sheriff's office that is
18 responsible as the first responder to that
19 individual school. And this only makes sense,
20 because what we don't want to have happen, at
21 least I don't, is to be responding to a school
22 not knowing what the students and the staff
23 have drilled on.

24 So, if we're the first responding agency
25 to a particular elementary school or middle

1 school, and we haven't been part of this, and
2 we don't know what they've drilled on, and we
3 know what they're going to do, and they know
4 what we're going to do, and we're all on the
5 same page, then we're going like this, and we
6 need to be going like this. So, law
7 enforcement needs to be an integral part of
8 these drills, of the training, and there needs
9 to be dialogue, and there needs to be
10 consensus. There may be things that law
11 enforcement sees that the schools are training
12 on that doesn't work for law enforcement, and
13 vice versa, so, this is probably I think one of
14 the most important aspects of this. There's
15 many important aspects, but this is one of the
16 most important because when something happens
17 everybody needs to be on the same page and
18 needs to know how each other are going to act
19 and react, and everybody needs to be good with
20 that.

21 Threat assessment teams, you'll hear more
22 about this. So, these threat assessment teams
23 -- now, this is getting into what I talked
24 about a few minutes ago. These are the
25 behavioral threat assessments, so that is

1 different and distinguished from the physical
2 site security assessments. These are focused
3 on the individual students and behaviors, and
4 what is new, there has been for I guess ever,
5 or a long time, threat assessment teams in the
6 schools, but law enforcement hasn't been a part
7 of those teams. Now it requires that law
8 enforcement be a part of every threat
9 assessment team.

10 Another thing that's in the bill is, is
11 that it requires that when a student has been,
12 has committed one, more than one misdemeanor,
13 is that law enforcement has to be consulted.
14 That wasn't the case previously, that the
15 school districts, you could have a kid that had
16 four or five different crimes and the school
17 could make a decision what to do with it
18 without consulting law enforcement, and it now
19 involves law enforcement and the threat
20 assessment team. So, if there's more than one,
21 law enforcement has to be consulted, and law
22 enforcement gets to make the decision whether
23 it should involve the juvenile justice system,
24 the criminal justice system and law
25 enforcement, or whether it can be handled

1 administratively within the school. Again,
2 breaking down barriers eliminates any public
3 record exemptions to sharing information
4 between the threat assessment team and the
5 other school entities.

6 This gets into the next one, are these
7 zero- tolerance policies. It kind of goes to
8 what I just said a second ago. They cannot
9 apply to petty acts, but when a student commits
10 more than one misdemeanor, the threat
11 assessment team has to consult law enforcement.
12 The team can also use alternatives to expulsion
13 unless those alternatives pose a threat to
14 public safety.

15 This is new. I'm not sure that all the
16 courts are aware of this, but maybe as a result
17 of us talking about it here today they will be.
18 Remember everything in this bill took effect
19 when Governor Scott signed this bill on March
20 9th. There are a couple of provisions in it
21 that had delayed implementations, but the bulk
22 of it took effect on March 9th. Is that every
23 court that refers a child to mental health
24 services is required to notify the school
25 superintendent. I think it makes good sense,

1 and it's in the bill, and that should have
2 started back in March, so all the courts of the
3 state under any circumstances when they refer a
4 kid to mental health services they're required
5 to notify the superintendent.

6 So, a good guy with a gun on campus is
7 that the law requires that there be a safe
8 school officer on every elementary, every
9 middle, every high school, and every charter
10 school in the state of Florida. And a safe
11 school officer is defined as a Criminal Justice
12 Standards and Training Commission certified law
13 enforcement officer employed by a sheriff or
14 police department, or a police officer with
15 CJSTC certification that's employed by a school
16 board. So, that's one option.

17 The other option is, is that you use the
18 guardian program, and the guardian program
19 allows somebody other than a law enforcement
20 officer to be armed and on campus to respond,
21 to be that responder to those active assailant
22 situations. There's been a lot of discussion
23 about this. People are generally familiar with
24 it, but the option is, and the only option, is
25 option one or option two. There is no option

1 three, which is not to do it. Is that when
2 these kids go back to school in August, on
3 every school in this state there needs to be
4 either a police officer, a deputy sheriff, or a
5 guardian. Those are the options.

6 Now, most districts are under way in
7 implementing something, but I've talked to some
8 that aren't there yet. And we'll see where
9 they go, but they've got to do something
10 between now and the time those kids come back
11 to school. I want to stress to you that there
12 are a number of options on the guardian
13 program. One of the options that is not is to
14 use teachers. Anybody who is predominantly a
15 teacher is not allowed to be a guardian. You
16 can have somebody that does it as a collateral
17 responsibility. You can have a principal, an
18 assistant principal, a counselor, or a plant
19 operator, or a maintenance person, you can have
20 those, or you could have a designated guardian.

21 And a lot of the districts are going in
22 that direction, where it's not going to be a
23 collateral responsibility, but somebody that's
24 hired specifically for that role as a guardian.
25 They're not cops, but they're guardians, and

1 they have the authority that the statute
2 provides. And one of the things that the
3 statute also provides is a tremendous amount of
4 training. And while the guardian is not a law
5 enforcement officer, they're not a cop, they
6 don't have all of those experiences, is that
7 the guardian is not an inferior product either.
8 These people are going through a lot of
9 firearms training, a lot of tactical training.
10 In fact, some of the firearms training that
11 they are getting is more than is required of a
12 police officer in basic training.

13 And those of us that are using the
14 guardian program are going to great lengths in
15 taking great measures to insure these people
16 have all the tools in their toolbox to be
17 effective, because we want them to succeed in
18 this, and we want them to be effective. And
19 for most the reason why they're going to the
20 guardian program is that it is much more cost
21 effective. I think around the state if you
22 looked at it, and this is a fair estimate, the
23 average cost of a cop, a fully loaded cost is
24 about \$100,000, and I think most districts are
25 able to employ somebody in a guardian fully

1 loaded probably somewhere for around \$35,000.
2 So, it is a much more economical way of
3 accomplishing this. But the guardian program
4 is being used in many places, and some are
5 using SROs. But the option is one or two, and
6 there's nothing else.

7 We get into mental health. DCF has to
8 contract for forty additional community action
9 teams. These community action teams are going
10 to provide services to kids eleven to thirteen,
11 and eighteen to twenty-one, who have DJJ and/or
12 law enforcement involvement, a record of poor
13 academic performance, et cetera. Specific
14 counties are designated for the CAT funding,
15 and DCF is to contract with the managing
16 entities to implement the teams, and there's a
17 fiscal appropriation for it.

18 There's \$18.3 million for additional
19 mobile response teams. These are crisis teams
20 that provide services for up to seventy-two
21 hours, and the Governor's executive order
22 requires DCF to convene stake holder meetings
23 around the state. I believe, Secretary
24 Carroll, you've already started that, and that
25 is in the works. And that is on DCF, but I

1 know that the Secretary has already begun that
2 process.

3 We didn't have the authority before to
4 seize guns when we Baker Act somebody. There's
5 now a provision that lets us do that. A person
6 who's been adjudicated mentally defective may
7 not now own or possess a firearm, and the
8 disability can only be lifted if the person
9 obtains a court order. We're going to hear,
10 probably in August now -- we were going to it
11 this session, but we weren't able to fit it
12 into the schedule. You're going to hear an
13 extensive presentation about firearms laws, and
14 that will probably be on the agenda for August.

15 Risk protection orders, very complicated.
16 The short version is, is that if somebody poses
17 a danger, we can go to the court and get an
18 order to take away their guns, take away their
19 ammunition, cause their concealed carry permit
20 to be suspended, and the maximum period of time
21 is two years in one-year increments. So, it's
22 very effective, and it's been implemented as
23 far as I know in every county in the state.

24 It used to be a situation prior to 7026
25 that a kid goes into the bathroom and writes on

1 the wall or writes on the mirror I'm going to
2 shoot this school up, nothing we can do about
3 because the statute required a transmission, it
4 had to be transmitted, so writing it on the
5 wall, or writing on the bathroom -- and this
6 was happening. We're getting this all the
7 time. There's nothing we can do about it. So,
8 now 836.10 of the Florida statute makes it a
9 felony to threaten to kill someone, without the
10 transmission requirement.

11 And I can tell you that we have charged
12 many kids with this when school was in session,
13 because they were doing that, so this is a
14 great tool for law enforcement to be able to
15 provide consequences to these kids that are
16 writing these things, and we don't have to
17 prove the transmission element. So, I know
18 it's being used in many parts of the state, so
19 it's a very good provision in the bill that
20 changed the legal standard, and the legal
21 framework.

22 So, now we get into the end of this, and
23 the appropriations, \$69 million to DOE for
24 mental health assistance allocation. There's a
25 formula that's to be used, a minimum of

1 \$100,000. It's kind of a complicated formula,
2 but it's \$69 million the DOE will allocate to
3 the schools for mental health. I'm not going
4 to read through that. You can read it on your
5 own, as to how that will be dispersed.
6 \$500,000 in non- recurrent funding for the
7 youth mental health awareness and assistance.
8 \$1 million for a memorial at Stoneman Douglas,
9 rebuild the building.

10 There's sixty-seven -- remember we talked
11 about the guardian program. There is \$67
12 million in, now, they're non-recurring funds,
13 but \$67 million allocated by the legislature to
14 implement the guardian program statewide. So,
15 the guardian option is well funded by the
16 legislature.

17 The next is money for the Office of Safe
18 Schools. The safe schools allocation --
19 there's always been a safe school allocation.
20 This is money that DOE gives to the districts,
21 and the districts are to use it for school
22 safety, safe school allocation. There weren't
23 any caveats on what the districts could use it
24 for other than safe schools, and some districts
25 were using it for SROs, some were using it to

1 fund their own police departments, some were
2 using it for campus monitors, some are using it
3 for a whole bunch of different things. So
4 that, the \$64 million, the original safe school
5 allocation, and that is still unrestricted.
6 They can still use that sixty-four million, in
7 their portion of it under the formula, within
8 that framework.

9 But the new money, which is ninety-seven
10 point five million, can only be used for new
11 SROs. It can only be used for new SROs, so
12 they can't use it for funding their own police
13 department, for hall monitors, campus monitors,
14 et cetera. Now, one of the things, and this
15 is, you know, for Senator Book especially, but
16 this is something that we may need to
17 incorporate.

18 This is causing a few problems for some
19 districts, because if you take as an example
20 two counties in Florida that I know of, which
21 are Seminole and Okaloosa, is, is that they're
22 anomalies, because they have SROs in all of
23 their schools, including elementary schools.
24 So now this requires that this ninety-seven
25 million in their allocation can only be used

1 for new SROs, so they can't use it for their
2 existing SROs because they're already in
3 compliance, and that's probably not fair to
4 them. And so that's probably something that
5 needs to get changed so that it can be used for
6 SROs, but not necessarily new ones.

7 Now, and of course we see why this done,
8 because the absolute majority of the state
9 doesn't have SROs in every school, and the idea
10 was, is to promote SROs. But some it's causing
11 some grief for them, so that's something that
12 we probably need to address in our
13 recommendations.

14 Active shooter training component, a
15 hundred thousand. And this is the money I
16 talked about that has to be dispersed by
17 January 15th, and that's the ninety-eight
18 million for, I call it school site hardening.
19 It's to make improvements to the physical site
20 and the security of the schools. The rest of
21 this, down there in Line 47, is the nine point
22 eight million for the community action teams
23 that DCF is responsible for. The mobile crisis
24 teams are funded. The rest of it is just basic
25 funding. I'm not going to go through the rest

1 of it, I think we've already covered it.

2 So, hopefully that gives you an overview
3 of what is already in the works, and it has in
4 there who's responsible for it. We're going to
5 be monitoring that, because I want to be able
6 to come back to you as we continue to meet now
7 through the end of the year and be able to talk
8 about what compliance rates are, who's in
9 compliance, who's not in compliance, and make
10 recommendations if the legislature needs to do
11 something to get compliance.

12 These are all important provisions, and
13 they are the law in Florida, and we all I think
14 would believe they should be followed. So,
15 we're going to come back to you, and we'll keep
16 an eye on the implementation of all of these.
17 But this will also help us, so that as we're
18 making recommendations, we don't want to make
19 recommendations on things that are already in
20 place, and things that have already happened.

21 Yes?

22 MR. SCHACHTER: Chairman, does it say in
23 7026 about the one SRO per thousand students as
24 well?

25 CHAIR: It doesn't, and so -- I'm not sure

1 everybody heard it, because I'm not sure the
2 mic was on. The question is, is that does it
3 have a ration of SROs of one to a thousand.
4 So, there's a national organization that -- and
5 the answer is no. The national organization
6 that best practices were identified as having
7 one school resource officer per one thousand
8 students. That is not in the statute any
9 place. That's -- there is no requirement.
10 What I understand is it's being handled
11 differently in different districts. Some are
12 using the one to a thousand. Some are using
13 one to fifteen hundred. And some are just
14 having one, it doesn't matter how many kids are
15 on the campus.

16 So, that also may be something, you know,
17 you can make as we go through this, and Mr.
18 Schachter, you can make a recommendation, and
19 if there's consensus maybe that's something
20 that we put in the report and make a
21 recommendation there should be a state standard
22 on, because right now there's not.

23 MR. SCHACHTER: Absolutely.

24 CHAIR: All right, any questions on any of
25 that that we just went through? Okay. So, as

1 we begin these presentations this morning I
2 just ask you to remember the context of the
3 presentations, that they are to provide
4 background information, we have subject matter
5 experts, and that we are not now today,
6 tomorrow, or in July, getting into the
7 specifics of what happened leading up to or on
8 February 14th at Stoneman Douglas.

9 There will be an opportunity to get into
10 that and ask questions later. These presenters
11 today are not prepared to answer questions
12 about, specifically about Cruz, or specifically
13 about what happened that day. These presenters
14 are here, again, to give you the framework.
15 And we're on a, as you know, a tight schedule.
16 It's packed over these next two days, so I'm
17 going to ask if you would is, is to allow the
18 presenters to present, and then we'll take
19 questions at the end, because in many cases a
20 lot of your questions will get answered if they
21 just get through their presentation. So, we'll
22 take questions at the end, and ask you to hold
23 your questions until the end of those
24 presentations.

25 So, we'll begin. The first presentation

1 this morning is from Mark Greenwald, and Mark
2 is the Director of Research and Data Integrity
3 for the Department of Juvenile Justice, and
4 he's going to talk to us about juvenile
5 pre-arrests, post-arrests, and diversion
6 programs in the state of Florida. Mark,
7 welcome.

8 MR. GREENWALD: So, hi, my name is Mark
9 Greenwald. I am the Director of Research and
10 Date Integrity for the Florida Department of
11 Juvenile Justice. I'll give you a little
12 background on me. I have been a researcher
13 with the Department of Juvenile Justice for
14 seventeen years, and I've been the Director of
15 the office for ten years. I am also a doctoral
16 candidate in the College of Criminology and
17 Criminal Justice at Florida State University,
18 so I study crime and delinquency in my personal
19 life and my private life.

20 Today my job is to help you understand a
21 little bit about how diversion programs work,
22 the Department of Juvenile Justice, where we
23 fit into this framework of the criminal justice
24 system. I'm going to talk a little bit about
25 how these diversion programs, civil citation

1 programs, arrest avoidance programs work, and
2 then I'm also going to try and share some of
3 the results that we have in terms of
4 effectiveness of these programs.

5 So, I'm going to start with a very brief
6 overview of the Department. I'm going to start
7 with talking about how we track data and
8 information, how that information is shared
9 with other partners in the community,
10 specifically how they are shared with the law
11 enforcement community. I'm also going to talk
12 about how arrest trends have looked, case
13 processing trends have looked in Florida, so we
14 can all be operating off the same sheet of
15 music of where crime and delinquency has been
16 going in Florida.

17 I'll talk about diversion programs and how
18 they work in Florida generally. I do not have
19 enough time to go into all the different
20 iterations and ways that they work, and I'm
21 going to be specifically commenting on the
22 types of diversion programs that are operated
23 either through or in conjunction with the
24 Florida Department of Juvenile Justice.

25 Then I'm going to talk about civil

1 citation programs, arrest avoidance programs,
2 pre-arrest diversion programs. I don't want
3 you to get too caught up in the nomenclature.
4 There's a lot of different names for some of
5 the same things. You know, what you call it is
6 less important than how it kind of works, and
7 how these things all work together. And then
8 I'm going to close with a brief discussion of
9 how we track delinquency in schools, how those
10 cases are processed. That will hopefully set
11 you up for some of the other speakers you're
12 going to hear come later today talking about
13 school discipline programs, and diversion
14 problems that operate in that capacity.

15 So, first a brief overview of the
16 Department of Juvenile Justice and our
17 information systems. I wanted to start by
18 showing how we track data, and there's
19 essentially -- before I get into that, Florida
20 is a somewhat unique system, in that we are a
21 centralized juvenile justice system in Florida.
22 That means we have our hands involved in
23 everything from delinquency prevention programs
24 all the way through the deepest end of the
25 criminal, or the juvenile justice system, which

1 is residential commitment.

2 And you can think of prevention programs
3 as things like Big Brothers/Big Sisters. I
4 don't want to call too many programs, but the
5 programs where youth are either at risk for
6 delinquency, maybe they have a sibling that's
7 been involved in the criminal justice system,
8 they have parents that are involved in the
9 criminal justice system. It's our chance to
10 try and work with kids early in the system.
11 The analogy I like to give is I change the oil
12 in my car every three thousand miles because
13 it's a lot easier to do that than replace my
14 engine every twenty-five thousand miles.

15 Delinquency intervention programs try to
16 interject with youth early, before they even
17 come into the delinquency system, but we also
18 handle and process, intake processing, arrest
19 processing. We're responsible for supervising
20 youth that are on community supervision. You
21 can think of those as things like probation,
22 diversion programs, maybe more intensive
23 probation programs. And then we also operate a
24 series of detention centers around the state.

25 Detention centers are the juvenile version

1 of jail. They're meant to be a short term
2 holding facility while you're waiting for your
3 case to process through delinquency court. And
4 then we also operate residential commitment
5 programs, and after care programs. That's the
6 deepest end of the juvenile justice system in
7 Florida. That's the juvenile version of
8 prison. We don't call it that because a
9 hundred percent of our interventions are very
10 specialized. They involve treatment and
11 interventions to try and get at the things that
12 are driving the juvenile's behavior. And I'll
13 talk a little bit more about that.

14 But across all these different services in
15 Florida we serve approximately seventy thousand
16 individual youth annually across these
17 different services. Some youth are served more
18 prominently in the front end of the system. We
19 have many, many fewer youth at the deeper end
20 of the system, which I'll talk about in a
21 little bit, because many of these early
22 interventions, such as diversion, and
23 pre-arrest diversion programs, work fairly well
24 at keeping kids from moving deeper into the
25 system, which is what our job is.

1 Our job, if I was to, you know, pull one
2 of my business cards out of my wallet, they
3 have our mission statement on the back of the
4 business card, and it starts off by saying the
5 mission of the Department of Juvenile Justice
6 is to improve public safety, and then it goes
7 on, but public safety is words three and four
8 in our mission statement.

9 That is our job. My job at the Department
10 of Juvenile Justice is to look at the programs
11 and interventions that we have deployed, how
12 our staff are working, and try and come up with
13 better ways to address delinquency in Florida
14 to try and reduce the likelihood that kids will
15 come back to the system, and also find ways to
16 keep kids from coming to the system, from
17 becoming delinquent in the first place.

18 So, talking about how we track
19 information, we track information in a couple
20 of different ways in Florida, and the first way
21 is through what we call our prevention web
22 system. It is a system -- it is an electronic
23 information system. It is web based. It is
24 available throughout the state. Access to this
25 system is very restricted because children that

1 are participating in prevention programs are
2 not delinquent, and we do not want to
3 discourage participation in prevention programs
4 because you're going to be in the database,
5 that the government is going to monitor you.

6 But it is also used to track civil
7 citation, arrest avoidance, pre-arrest
8 diversion programs; and those programs law
9 enforcement does have limited access to those
10 records, for a good reason, to make sure that
11 they have the ability to see that somebody has
12 already participated in those things. In a few
13 slides I'm going to talk to you about a series
14 of graduated sanctions, where I'll say as
15 behavior escalates we need to escalate our
16 response, and if you've already gotten one bite
17 at the apple, a couple bites at the apple, we
18 probably shouldn't keep trying the same things
19 over and over if we're not getting different
20 results. And so, they have access to those
21 records to ensure that they're targeting the
22 right youth for those types of services.

23 But we track everything from prevention
24 programs to civil citation pre-arrest diversion
25 programs. Those records are kept in that

1 system, but they are kept separate and distinct
2 from the records that are kept in our
3 delinquency system, which is called JJIS. JJIS
4 is the Juvenile Justice Information System in
5 Florida. It is arguably the most comprehensive
6 and detailed juvenile justice information
7 system in the United States. I am fortunate
8 that I have been able to visit a number of
9 different jurisdictions around the country, and
10 I have yet to find one that is as comprehensive
11 and detailed as what we have in Florida.

12 This information system also has
13 restricted access, but access is provided to
14 folks that have a need to know, so individuals
15 that are providers working for us, our
16 probation staff, law enforcement partners, the
17 courts, have access to this information system
18 so they can see the same information that we
19 see. They can see the same charge, the offense
20 history, placement history, any special alerts,
21 things that they need to know about these
22 youth.

23 And to give you an example of some of the
24 type of information that's kept in this
25 information system, it's much more detailed in

1 prevention. It tracks all arrest case
2 processing, changes in charges. It tracks
3 dispositional outcomes from the court. It
4 tracks case processing and court dispositions,
5 so if you are on a diversion placement, or on
6 probation, or in one of our residential
7 programs, it will show you exactly where you
8 were, where you were on that service, how well
9 you did in that service, why you left the
10 service. And then we also track medical
11 records, and other information that's important
12 for us to know related to the youth that are
13 involved in these types of services.

14 So, I'm going to give you a brief overview
15 of national, and in Florida delinquency trends,
16 just to let you know where delinquency has been
17 moving. In the mid 1990's, delinquency reached
18 its peak in the United States. In the mid
19 1990's the Department of Juvenile Justice
20 processed upwards of a hundred seventy-five
21 thousand delinquency arrests that were provided
22 to us through law enforcement every single
23 year. And I should probably use this as a
24 point to back up a little bit.

25 The Department is a part of the criminal

1 justice system, and we're an important criminal
2 justice partner, however we receive referrals,
3 cases, arrests through law enforcement, so
4 through things like sheriffs, police, school
5 resource officers. They will bring that
6 information to the Department, or to the
7 courts, that then have us help process those
8 records through the system. And if you look
9 nationally, what this slide shows you, it just
10 gives you a very brief overview of the type of
11 cases that have been seen nationally, both
12 person, property, drugs, and public order
13 offenses around the United States through 2015.

14 I apologize, this chart's a little bit
15 old, I know it's 2018, but the federal
16 government has to collect data from fifty
17 different states and a number of different
18 territories. I only have to collect data from
19 Florida, and I have more current information
20 for you on how Florida works. But as a general
21 rule most offense types have been on the
22 decline. The number of arrests and cases that
23 have been processed have been moving down,
24 which is good. It's encouraging.

25 Now, using history as a guide, I'm also a

1 criminologist, and we study crime, criminals,
2 and society's response to criminals, there are
3 waves, and so you can expect that we will at
4 some point hit a floor, and we may start seeing
5 things go up again, but as of right now things
6 have been moving in the right direction.

7 This is a chart that shows you from one of
8 our dashboards on our website what delinquency
9 looks like in Florida. This is the total
10 number of cases that are processed for
11 delinquency by the Florida Department of
12 Juvenile Justice. And I apologize that it's
13 not easy to see, it's very hard to put detailed
14 data on the screen in a format that you'll be
15 able to see, but you will have access to this
16 PowerPoint, and it also will be posted on the
17 Department's website.

18 But you can see the number of cases
19 processed last year was down to just over
20 sixty- four thousand delinquency arrests that
21 were processed, either as a misdemeanor felony
22 or what we call other offending, and other
23 offending is typically violations of probation,
24 or things like violation of after care, kids
25 who are not doing what they need to do while

1 they're on supervision, we will reprocess them,
2 have the court look at what's going on with
3 that case to come up with a solution.

4 And if I break it down a little bit more
5 specifically you can -- this is a chart that
6 shows felony offending in Florida, where the
7 most serious offense was a felony that was
8 being processed, and those have been relatively
9 flat over the past five years. They moved down
10 a little bit, went up a little bit, but
11 statistically it's been flat over the past five
12 years, and so that's something that we're
13 looking at. We're looking at the types of
14 offenses that are involved. We're looking at
15 the youth that are involved.

16 One of the things that we did last year in
17 a previous session is we suggested strategies
18 that could be used to treat certain youth who
19 are prolific and serious offenders differently
20 to try and get a handle on some of these
21 numbers. Some of the things I'll to you about
22 today, especially as it relates to diversion
23 and civil citation programs, I may be telling
24 you that some kids need a light touch, you
25 don't want to go too deep into the system. You

1 can have too much of a good thing. We can
2 actually make them more likely to come back.
3 Other kids need a different response. If they
4 are responding to what we're doing, then we
5 need to escalate our response.

6 And although I do not have numbers that I
7 can share with you publicly today, I can tell
8 you for our current fiscal year, with some
9 changes we made in terms of certain youth being
10 detained pending placement, we're starting to
11 see a dent in these numbers. We're starting to
12 see a dent, and the felonies are starting to
13 come down. I'm a researcher, so it's tricky
14 business to say that when you do X it causes Y,
15 and that there's a very clear link, although we
16 have pretty strong evidence that as we did this
17 we're actually starting to see a measurable
18 effect.

19 This next slide shows misdemeanor offenses
20 in Florida. Those have declined much more
21 rapidly. Those are related more towards how
22 cases are handled, in terms of arrest
23 avoidance, civil citation programs, and a
24 decline in misdemeanor offending contacts that
25 we have seen with law enforcement throughout

1 the state. These are statewide numbers. I
2 don't have the time to go through every single
3 jurisdiction in Florida.

4 One of the things I want to mention as I
5 talk about these slides, and when I go into
6 slides for dashboards that I have for other
7 portions of our website, is I think you'd be
8 hard pressed to find another state agency in
9 Florida that is more data driven than we are.
10 I'm very fortunate in that we have leadership
11 that believes in data, looks at data, looks at
12 research to help inform the decisions that we
13 make, and we put as much information as
14 possible on our websites so that you can see
15 where the numbers are moving, are they moving
16 up, are they moving down, is this a trend we
17 want to see, is it a trend we don't want to
18 see, and you can drill down into a lot more
19 detail.

20 But generally, what you see throughout the
21 state is a reduction in misdemeanor offending,
22 and you see a corresponding increase in how
23 cases are being handled through civil citation,
24 arrest avoidance programs, pre-arrest diversion
25 programs, things like that.

1 So, before I talk about diversion programs
2 and civil citation programs, I wanted to give
3 you a sense of where it fits into a system of
4 graduated sanctions. The juvenile justice
5 system is not a one size fits all system.
6 Those types of things generally don't work.
7 There's not a very specific grid we follow,
8 that if you do this you get this response. We
9 have a very personalized response to
10 delinquency in youth behavior, and what this
11 chart tries to show you is how behavior
12 escalates we want to see increasing sanctions.

13 Now, typically you start off with the last
14 restrictive least intensive interventions for
15 most youth. It doesn't work for every single
16 youth, but for most youth we start with a light
17 touch. And the reason being is because we know
18 that two thirds of the kids that are arrested
19 in Florida come once and don't come back, okay.
20 Speaking as a criminologist almost every single
21 male in this room, and most of the females,
22 have done something that can cause you to be
23 arrested, okay, we just didn't get caught, or
24 if we did we were treated a certain way.

25 We do not need to have too heavy of a

1 response with those individuals to get the
2 outcome we want. Some youth we do. But one of
3 the reasons we try these types of things is
4 because as we move deeper into this system you
5 move from diversions to things like probation,
6 day treatment, redirection programs, all the
7 way up to residential placement, which is the
8 most restrictive setting that we have in
9 Florida, the recidivism rates go up, and that's
10 because the youth that are moving through have
11 not been responding and are more serious, and
12 it's also infinitely more difficult to work
13 with youth once they've become high risk to
14 reoffend, moderate to high risk to reoffend,
15 than it is to try and intervene with them
16 early, to try and fix things that are going on
17 in their lives, and driving their behavior
18 early.

19 But if I was to take this chart and flip
20 it upside down, think of it like a funnel, you
21 can take that sixty-four thousand youth that I
22 talked about earlier that we were processing
23 last year, that would be at the top. The vast
24 majority of youth that come into Florida will
25 purge out of the delinquency system at the

1 diversion setting, or in teen courts, or
2 alternatives to arrest. Some it will not work
3 for, and they may come back, and they may be on
4 probation, but the vast majority of those youth
5 then purge out of the system and don't come
6 back. And by the time you actually get to the
7 top of that pyramid that I'm showing there it's
8 less than four percent of that cases that we've
9 processed actually get to that point. Those
10 are the ones where the things we have been
11 trying haven't been working.

12 I have no panaceas or silver bullets that
13 I can offer you for juvenile justice. There's
14 no one thing that's going to do it for every
15 single kid. However, one of the things that we
16 integrate into everything that we do with the
17 Department is that if we follow certain types
18 of interventions, we assess youth the right
19 way, we find out what's going on underneath the
20 hood that's driving their behavior, and we
21 address those things, we are going to be more
22 effective than if we focus solely on the
23 sanction or the interventions.

24 I don't want anyone walking away saying,
25 you know, you don't need interventions or

1 sanctions. They do. That's a very, very
2 important part of how this works. However,
3 it's important to understand when they get
4 them, how they get them, and how it fits into
5 an overall package of looking at what's going
6 on in their lives.

7 So, what is diversion? And so diversion,
8 before I really get into that I want to talk
9 about criminological theory, and that's
10 primarily because I'm a doctoral student, I
11 feel like I have to talk to you a little bit
12 about theory. But I'm not going to talk to you
13 a lot about theory, a lot of different types of
14 theories, but there's a couple of theories that
15 come to mind that I think are important.

16 Typical criminal justice systems operate
17 underneath the theory of deterrents. And in
18 giving you a very simple overview of that is
19 that you want folks to be deterred from either
20 entering the system or experiencing something
21 that will cause them to not want to come back
22 to the system. So, there's a couple different
23 types of deterrents, specific or general
24 deterrents. So, if I do a bad job standing in
25 front of you today my boss is probably going to

1 sanction me in some way. I am going to be
2 specifically deterred from not doing a good
3 job, okay, and then you would be generally
4 deterred because you're seeing what's happening
5 to me if I did something.

6 If I committed a crime and I was punished,
7 and you saw how I was punished, you would be
8 generally deterred from coming into the system
9 because you saw what happened to me. You saw
10 that I was taught a lesson, and you don't want
11 that to happen to you. And there the theory,
12 and the belief, is that the idea in the
13 application of criminal justice sanction is the
14 perceived threat or certainty of criminal
15 justice sanctions deters you from coming into
16 the system, so it reduces the likelihood that
17 you'll be involved in delinquency. Does that
18 make sense? Okay.

19 Now, diversion programs, arrest avoidance
20 programs operate a little bit differently.
21 They operate on something, what we call a
22 labeling theory, which is that actually having
23 criminal justice sanctions moving too deep into
24 the system can cause you to identify yourself
25 as being delinquent or can cause others to

1 externalize and treat you that way, which can
2 actually increase your likelihood of coming
3 into the system.

4 And so, one of the reasons why we have
5 diversion and alternative to arrest programs is
6 so that we're very quickly holding youth
7 accountable for their behavior, giving them a
8 sanction, figuring out what's going on with
9 them, but we're trying to avoid the formal
10 court process of having them go through that
11 system, having them be in detention centers,
12 having them move too deep into the system. The
13 way I likened it is if we have a youth who is a
14 first-time offender who is very low risk to
15 reoffend and I put then into a juvenile
16 detention center with a number of youth who are
17 very high risk to reoffend everybody is not
18 going to come out of that detention center at
19 the end of the day moderate risk.

20 That low risk youth is going to learn
21 things we don't want them to learn, and there's
22 a probability that that youth can be more
23 aggressive, and more delinquent, and that's
24 what we're trying to avoid. And we have fairly
25 strong evidence that for some youth, you know,

1 moving too deep into the system, getting too
2 much of that good thing, does actually increase
3 the probability, it desensitizes them to the
4 system, the fear of the system, and it can
5 actually make them more likely to come into the
6 system. And so that's the general theory
7 behind how diversion programs work.

8 And so, the idea behind diversion, in
9 general, is that you want to hold youth
10 accountable for their behavior, you want to
11 give them a sanction, you want to try and do it
12 to avoid formal court processing. Some -- some
13 of it is before that labeling principle that I
14 just talked about, but also is from an
15 efficiency point of view. We want law
16 enforcement, and the Department of Juvenile
17 Justice, and the courts, to be focusing on
18 juveniles who are not getting the message, who
19 are not being compliant, and then can go and
20 focus our limited resources on those.

21 If we are able to effectively serve youth
22 with a lighter touch using these types of
23 diversion services, that's what we want to try
24 and focus on. And so, they typically focus on
25 things like status offenses. Most status

1 offenses in Florida you will not be arrested
2 for, but a status offense is essentially
3 something a child does that would not be a
4 crime if it was committed by an adult, so
5 incorrigibility, running away, drinking under
6 age, things like that. It's also targeted
7 towards low risk first time offenders
8 predominantly, sometimes kids that are a second
9 time offender where there's been a gap between
10 their offending; but that's the population that
11 we're typically trying to address.

12 And in this context of diversion, there
13 still is an arrest record that is generated.
14 The way arrest records are generated in Florida
15 is when you are arrested, typically you will
16 come in through intake processing, be it with
17 the Department or local law enforcement, and
18 you'll get what's called a live scan. They'll
19 put your hand on a scanner, and they will
20 upload your fingerprints to the Florida
21 Department of Law Enforcement. And we can do
22 that to determine if you already have a record,
23 or if it's to actually create a record and show
24 that you've been arrested and here's what the
25 charges are.

1 And with youth that participate in the
2 traditional diversion programs, there is an
3 arrest record; even if it is not uploaded to
4 the Florida Department of Law Enforcement there
5 will be arrest record that is kept by the
6 Florida Department of Juvenile Justice. Now
7 this differs from how civil citation, arrest
8 avoidance, pre-arrest diversion programs work,
9 which I'll talk about in just a couple moments.

10 So, examples of types of diversion
11 programs, I don't want to pick and choose all
12 the different types, but these are the general
13 types we have; juvenile delinquency alternative
14 programs, and so these are programs that will
15 look at youth, they assess youth, they will put
16 them into community services, identify
17 different things that they need to do. These
18 are available in communities all throughout
19 Florida.

20 We have teen courts in many jurisdictions
21 around Florida where you have a group of your
22 peers that listen to you describe your
23 behavior, help you understand, some are in a
24 sort of justice concept, the harm that you've
25 caused to someone else, or the community. We

1 have drug courts which focus on drug offending,
2 so if you have a substance abuse issue and we
3 need to address that substance abuse issue,
4 drug courts help focus on that, making sure
5 you're being compliant with those types of
6 things.

7 And that's important, because if I have a
8 youth that has a substance abuse issue, maybe
9 he steals a candy bar and I give them a
10 sanction of fifty hours of community service,
11 and that's all they need to do, and they can go
12 forth on their way, at the end of picking up
13 trash for fifty hours, you still have a
14 substance abuse issue, and so want to make sure
15 we're addressing those underlying things that
16 we think are driving your behavior.

17 And then we have restorative justice
18 programs, which I would argue those types of
19 principles are going to be best integrated into
20 anything that the Department, the criminal
21 justice system does, which it helps the youth
22 understand the harm that they are causing,
23 either to the victim, to the community. Some
24 youth are very impulsive, they don't think very
25 far into the future about those types of harms,

1 and so when you can integrate those types of
2 thought patterns into the interventions you're
3 providing you're going to get typically better
4 results from those types and programs.

5 So, in terms of juvenile diversion and
6 utilization, and performance, juvenile
7 diversion programs are very effective at
8 working with youth, identifying what's going
9 on, holding them accountable for their
10 behavior. Looking at 2015/'16, which is the
11 most recent year I have our recidivism data
12 available for, there were eleven thousand three
13 hundred twenty-two youth in Florida who
14 participated and completed diversion programs
15 throughout the state, and of those youth five
16 percent of the participants committed a new
17 misdemeanor or felony while they were in their
18 diversion program. And that's a measure we
19 look at because we don't want you committing
20 new crime while you're, while you're actually
21 participating in a diversion program.

22 But for the youth that were released from
23 those programs, eleven percent of those youth
24 committed a new misdemeanor or felony after
25 they were released from their diversion

1 program. That means eighty nine percent of
2 those youth did not, which is good. We are
3 trying to -- we are trying to focus on reducing
4 that number, to the extent we can, and that's a
5 relatively low number in terms of recidivism
6 rates, both in Florida and when you compare us
7 nationally.

8 So, now I'm going to talk about the civil
9 citation pre-arrest diversion programs,
10 alternative to arrest programs, and how they
11 differ a little bit from how the traditional
12 diversion programs work. These are very
13 similar, in that it's an intervention strategy
14 that's meant to quickly hold youth accountable
15 for their behavior, but also by avoiding any
16 type of formal court processing, or any
17 delinquency arrest record, okay, and so these
18 youth are tracked through our delinquency
19 prevention system.

20 We do that so that law enforcement knows
21 that a youth has already had a bite at the
22 apple. So, for example, if you were from a
23 very, you know, populous jurisdiction, we'll
24 talk about the local jurisdictions down here,
25 we are in Broward County, Florida. You can

1 drive from Miami through Broward to Palm Beach
2 and not really feel like you left the same
3 city, it's very dense here. And what we don't
4 want to see happen is that you have a juvenile
5 that gets the opportunity to participate in
6 civil citation in Miami and then does something
7 in Broward, and then does something in Palm
8 Beach, and they've had three, four bites at the
9 apple before anybody knows about it. And so,
10 we put it in that prevention web system so that
11 law enforcement is able to see that you've
12 already had a bite at the apple, and you may or
13 may not be a good choice for these types of
14 services.

15 But this -- these types of interventions
16 focus the same types of kids; low risk
17 offenders, misdemeanor offenders, kids who have
18 never been to the system before. And
19 typically, what you're going to receive with
20 your civil citation or arrest avoidance program
21 is up to fifty hours of community service, but
22 you're also going to receive a needs assessment
23 to find out what's going on that may have
24 gotten you to this point. Juveniles make
25 mistakes. Everyone makes mistakes. I know

1 that I did things, especially when we talk
2 about the early interventions, and I got second
3 chances. But, you know, some youth have
4 something going on in their life that is
5 driving their behavior, and so civil citation
6 programs should be providing some type of
7 assessment to find out what's going on.

8 On the screen right now, we have what we
9 call the most common risk factors that are
10 associated with delinquency. So, most of the
11 folks in this room are more alerted into this
12 area. However, if I was to walk out onto the
13 street with a pack of post-it-notes and start
14 passing them out to people and say, okay, write
15 down the top three things that you think drive
16 delinquent behavior, what causes crime, we
17 would get a lot of really good ideas. We could
18 put them up on the wall here and we could go
19 through them, and some of those things would
20 have a very, very strong, and measurable
21 association with delinquency. Some of those
22 things would have very little, or almost no
23 association with delinquency.

24 We're going to get the biggest bang for
25 our buck by focusing on those things that we

1 know have a very distinct, measurable, and
2 strong impact on delinquent behavior. So, the
3 Department's actuarial assessment instruments,
4 needs assessment instruments, prevention
5 instruments, and the instruments that many
6 communities use around Florida measure these
7 types of things. I'm not going to go through
8 all the one that we have on this screen, but,
9 you know, for example, anti-social personality
10 pattern, impulsivity, low self-control, risk
11 taking, juveniles, you know, juveniles suffer
12 from that more so than others.

13 Problems in the family, problems in the
14 home. I mean these things aren't rocket
15 science, these are the just the things that we
16 know are very predictive. And then there's
17 also history of anti-social behavior, which is
18 your arrest and offense history. Humans are
19 creatures of habit. Predicting human behavior
20 can be very, very difficult, and very tricky,
21 but we are creatures of habit. And, if you
22 have someone who -- for example, if I have been
23 pulled over by a law enforcement officer, I
24 have no speeding tickets, I've never been
25 pulled over, and a person next to me has been

1 pulled over twenty times, has ten speeding
2 tickets, you'd probably put your money on that
3 person's going to get another speeding ticket
4 before I am. The same thing isn't true with,
5 you know, juvenile justice contact.

6 But another thing that's up there that's
7 very, very important is we have inappropriate
8 use of free time, leisure activities, and then
9 substance abuse. You know substance abuse is a
10 known and very strong driver of delinquent
11 behavior, and so we identify youth that have
12 those types of issues, and we try to connect
13 them with services no matter where they are in
14 the juvenile justice continuum.

15 And that's another very, very important
16 thing about these civil citation programs,
17 which is a change, and is a shift from how
18 things used to work before. When I first
19 started working with the agency we had a very
20 limited mandate, you had to be arrested and
21 being processed with the Department before we
22 could provide intervention services; put
23 another way, spend the state's money on you.
24 We made that change several years ago, where we
25 wanted to be able to work with youth, provide

1 interventions and treatments without you having
2 to be arrested, and so you do not have to be
3 arrested in Florida for us to work with you and
4 try and connect you with substance abuse
5 services, connect you with mental health
6 services.

7 If you are in civil citation programs,
8 arrest avoidance programs, many times the local
9 community will take care of those issues. If
10 they are not able to, and the Department has
11 the means, we will try to step in to provide
12 those types of interventions. And that's very,
13 very important, because you do not want youth
14 to have to move unnecessarily deep into the
15 criminal justice system, clog up the courts, if
16 they really don't need to.

17 But, you know, on these -- on this board
18 there's eight things, and I mention that, I'll
19 mention that there's two types of factors that
20 are up here. There's what we call static
21 factors and dynamic factors. A static factor
22 is something I can't change. I can't change my
23 age. I can't change my race. I can't change
24 my height. A dynamic factor is something I can
25 change. I can change my weight. I can change

1 my attitudes. I can change whether or not I
2 choose to use substances excessively. Seven of
3 the eight items that are on this screen are
4 things that are dynamic, they are things that
5 can change. They are things we can work with,
6 and we can make a dent with. The only thing I
7 cannot change on that screen is number four,
8 which is your history of anti-social behavior,
9 your arrest history.

10 And so, what make a juvenile justice
11 fundamentally, juvenile justice system
12 fundamentally different from the adult criminal
13 justice system, is that, you know, we have a
14 very intense focus on kids are malleable, we
15 can change them, and we can turn them into
16 productive citizens, we can turn them around.
17 They still do that in adult. I don't want
18 anyone walking away thinking they don't try to
19 do that, but we have a very intense effort on
20 that, and so we know that on seven of the eight
21 things that are the strongest predictors of
22 delinquency we can make a dent on those items,
23 and those are the things that the Department,
24 our providers, and our stakeholders, and our
25 partners focus on.

1 So, when, you know, talking about civil
2 citation, it is tracked by the juvenile justice
3 system so that law enforcement knows who's had
4 a chance at the second opportunity. The
5 information is not provided to FDLE, or other
6 parties. There is a -- Florida has a very open
7 public records law. You had a briefing on
8 Sunshine Law, and what you can and can't talk
9 about in open settings. Juvenile records are
10 one of the few things that are very, very
11 restricted in terms of access and whatnot.
12 However, and so we keep these things very close
13 to the vest unless it's law enforcement and you
14 need to know.

15 But another question that comes up is what
16 happens if a youth doesn't comply, you know, if
17 you're participating in a civil citation
18 program, you haven't formally been arrested,
19 what happens if you don't comply? Well, this
20 process, the arrest form, the civil citation
21 form, or paperwork that's used by many law
22 enforcement agencies, doubles as the arrest
23 affidavit, or the information, and if you are
24 not being compliant with the sanctions that
25 have been imposed, if you're not doing your

1 community service, or you're not doing it fast
2 enough, or you're refusing to show up for your
3 interventions, the Department will process your
4 paperwork with the State Attorney as an arrest,
5 and you will be filed as a normal arrest, you
6 will be held accountable. It is not optional
7 for you to complete the conditions of your
8 civil citation program, and so there is
9 accountability associated with this. Most
10 youth do comply and go through things, but
11 there's some that don't, and if they don't we
12 process them as an arrest just like any other
13 arrest that would come in to our system.

14 In terms of tracking this information,
15 this is an example of a dashboard that we have
16 on our website, and I wish I could show you the
17 interactive versions of it today, but we put a
18 lot of information on our website to show who's
19 receiving these types of interventions, the
20 effectiveness of these interventions, racial,
21 ethnic, gender demographics, law enforcement
22 entities. We have civil citations available in
23 almost every community in Florida now. We're
24 down to a handful of small jurisdictions where
25 there's, quite frankly there's the community

1 scale issues where it might be a little
2 difficult, but most jurisdictions have these
3 things in place.

4 And one of the things we do is we look at
5 the kids who are coming in who are technically
6 eligible for simple citation, and whether or
7 not they're getting it. Now, that being said
8 the Department believes strongly in discretion.
9 I do not personally believe in mandates. I
10 don't think the research would support
11 mandates, but we believe in discretion. But
12 for the vast majority of kids that come in this
13 might be a very effective intervention for
14 them, and so these dashboards allow folks,
15 stakeholders to drill down to the local
16 community level to look at the effectiveness of
17 the program, how often it's being used, whether
18 it's being used in school settings or if it's
19 being used on the street, things of that
20 nature.

21 In terms of performance, civil citation
22 programs are exceptionally effective at keeping
23 kids from coming into the delinquency system,
24 from further penetrating the delinquency
25 system, turning around their behavior. Over

1 the past twelve months, for example, sixty
2 percent of the youth that were identified as
3 being eligible as, as the Department defines
4 it, we have a very broad eligibility
5 requirement, sixty percent of the youth that
6 were eligible actually received a civil
7 citation, and that is an improvement. Many,
8 many years ago, the numbers were in the twenty
9 percent, ten percent. It's been slowly
10 creeping up and up, and up in terms of how
11 often it's being used.

12 And some of that comes I really believe
13 because of the results and the data that's out
14 there for communities to look at to show how
15 effective it is. You know, again I want to
16 reiterate, is it a one size fits all that works
17 for everybody, no, but for the vast majority of
18 kids I would submit to you that we have quite a
19 bit of research that shows it does work, and it
20 is effective.

21 Looking at the actual performance, two
22 percent of juveniles that are participating in
23 civil citation programs pick up a misdemeanor
24 felony while they are actively participating in
25 that civil citation program. Only four percent

1 of youth that complete their civil citation
2 process pick up a new felony or misdemeanor
3 within twelve months of completing that
4 program. That is the most effective
5 intervention I have ever had the ability to
6 measure in the criminal justice system in
7 Florida since I have been doing this, in the
8 data that I have going back into the '80s and
9 '70s.

10 To give you a comparison of what the
11 recidivism rates look like -- recidivism is
12 defined in Florida as an adjudication,
13 adjudication withheld, or an adult conviction.
14 We look to see if you do something after you
15 become eighteen, for an offense that was
16 committed within twelve months of completing
17 whatever the intervention was you were
18 participating in. We measure it the same way
19 across the system, it doesn't matter if you
20 were in diversion or civil citation, probation,
21 residential commitment, we measure it that say
22 way.

23 And what this chart shows you is the
24 relative recidivism rates as you move deeper
25 into the system. And so, you can see that

1 civil citation has the lowest recidivism rates
2 of anything deployed by the Department of
3 Juvenile Justice, or monitored by the
4 Department of Juvenile Justice, even lower than
5 some of our prevention programs. And that's
6 excellent, and that's good, but that also
7 shouldn't shock us because I told you the vast
8 majority of kids that come in with minor
9 misdemeanors, minor misbehavior, coming in once
10 and don't come back. We're just trying to
11 handle these cases in a different and more
12 efficient way, to the extent that we can.

13 As you move deeper into the system the
14 recidivism rates go up, and that is because
15 they are, you know, a more difficult crop of
16 youth to work with, and as you look at the
17 residential commitment numbers, that number is
18 high, but you have to remember that is also a
19 very, very small percentage of the youth, and
20 actually progressed that level of delinquency,
21 and they are very difficult to work with once
22 they get to that point. It doesn't mean we
23 don't try. It does not mean we're not
24 constantly looking at different things we can
25 do, our providers can do, our after-care

1 programs can do to work with those youth, but
2 they are much more difficult to work with once
3 they get to that point.

4 So, I also wanted to mention one of the
5 other things that we had been looking at, and
6 there's much more information available at our
7 website, but we've been looking at civil
8 citation programs, arrest avoidance programs
9 for different types of offenses. State law
10 allows for local control over who qualifies for
11 it, what offenses they will use it for. I can
12 tell you typically as civil citation and arrest
13 avoidance programs were being rolled out
14 throughout the state there was, there was a
15 little bit of skepticism at first, which is
16 good, there should be healthy skepticism.

17 So, it would start with minor things, you
18 know, for example petty theft, maybe in a fray,
19 which is, you know, two youth having a fight,
20 things like that, but they wouldn't move to
21 maybe the more serious misdemeanors, or
22 narcotics, possession of marijuana, things like
23 that. So, one of the things that we try to do
24 is to look and see if these programs are
25 effective for all types of youth, and then also

1 all types of offenses. You know, an offense
2 sometimes is a symptom of something else that's
3 going on with you.

4 And so, I know this is a little bit
5 difficult to read on our screen, but we have
6 more research on our website that shows we are
7 constantly looking at the different types of
8 offenses for youth that are specifically first-
9 time offenders, and do we get any kind of
10 differential outcomes if you come into the
11 system via a civil citation or a diversion, or
12 some other type of case processing, based on
13 your offense type. So, it doesn't matter if
14 you're charged with misdemeanor battery, and
15 whether you should get diversion or a civil
16 citation, or possession of marijuana, should
17 you go one way or the other.

18 And one of things that we find
19 consistently is that youth that participate in
20 that civil citation process have recidivism
21 rates that are as good or better than youth
22 that receive diversion interventions across
23 every major category of offenses that we track
24 in Florida. There's no evidence so far that
25 youth with dissimilar types of offense types

1 will benefit from more and more enhanced case
2 processing.

3 There is evidence that youth that have a
4 high number of needs, that have a lot going on
5 in their lives might need a little bit more
6 intensive processing, but there is no evidence
7 as of right now that we can find that having
8 different types of offenses means you should be
9 processed one way or another. That being said,
10 it is a local choice, and we support that. And
11 if communities choose not to use it for certain
12 types of offenses there's nothing wrong with
13 that.

14 So, I also wanted to talk a little bit
15 about delinquency in Florida schools, and
16 specifically how the Department works in that
17 regard. And so, in 2004 this was an area of
18 just personal interest where part of my job is
19 to understand the offenses that are coming into
20 the Department, the cases that are being
21 processed, and what we can do better, and so
22 one of the first things I wanted to know was
23 where were they coming from.

24 At the time, and as of right now, we are
25 the only state in the country I believe that

1 can do this on a state-wide level, is
2 determining whether an offense happened
3 physically at school, and so that means it
4 happened in a classroom, on school grounds, on
5 a school bus, or a school sanctioned, or if
6 it's something that happened on the street. I
7 was curious, and wanted to know where were
8 these things happening, and then started going
9 down a little bit deeper into what were the
10 types of offenses on what was going on, and
11 what we found in 2004/2005, and again the
12 number of arrests were higher back then, but
13 there was twenty-eight thousand and eight
14 delinquency offenses that were processed with
15 the Department that physically occurred on
16 school grounds. And that was one fifth of the
17 Department's referral base, one out of every
18 five referrals that was being processed in the
19 criminal justice system, or juvenile justice
20 system I should say, was coming to us from
21 schools.

22 Now, I had -- now I still don't have an
23 idea of whether that's high or low because most
24 jurisdictions are not fortunate like we are to
25 have a research office, and a very good

1 information system. We have other
2 jurisdictions, counties, and other states we
3 can look at, but we still don't know if that's
4 very high, but it seemed a little bit high to
5 me. And so that number has since declined, to
6 last year there were seven thousand two hundred
7 and fifty-five. I do expect that that number
8 will be up a little bit this year.

9 We are seeing a little bit of an uptick in
10 school-based arrests this year, which is
11 understandable for certain offense types, but
12 that number had come down. And so, we started
13 drilling into it in a little bit more detail to
14 look at what were some of the things that were
15 happening with school-based offenses. And
16 there was a few things I just wanted to bring
17 to your attention that we were saying.

18 The first was that the majority of the
19 offenses that were coming to us from schools
20 were minor misdemeanors. And I should back up
21 and say we want to be very careful in how we
22 look at this, because we all want schools to be
23 a safe healthy place where kids can learn, but
24 we also don't want to see minor misbehavior
25 turned into misdemeanors that get processed.

1 And so we notice that in an enormous
2 number of these cases, more than two thirds
3 were first time offenders, misdemeanor
4 offenders, and while not really that being a
5 problem what was a problem was what was
6 actually happening with the cases after the
7 fact, the cases were being dropped or dismissed
8 at a very high rate, and that means by the time
9 the paperwork reached the state attorney for
10 processing they either found there was
11 insufficient evidence or chose to not move
12 forward with the case, and that's unfortunate.

13 I mean it's fortunate if there's actually
14 not enough evidence to move forward with the
15 case, but it's also unfortunate if there was
16 something going on that needed to be addressed,
17 because that's not the kind of message you want
18 to have with juveniles. Going back to the
19 deterrence theory that I talked about earlier,
20 one of the principles that we look at with
21 deterrence is celerity, which is a fancy word
22 for swiftness.

23 You want things to be swift. You want
24 things to be processed quickly. You want the
25 youth to be able to connect the act with the

1 sanction that's being applied, and what they
2 need to do. I'll give you an example of that.
3 If get back to Tallahassee and I ground my son
4 for sneaking out six months ago, he'll look at
5 me and want to know why I'm doing that, and
6 I'll say I'm grounding you because you snuck
7 out six months ago, and he's going to be upset.
8 The fact that he's upset isn't the problem.
9 The problem is he's not really connecting it
10 with the fact that he snuck out, he's upset
11 that I'm punishing him right now for it, and
12 you want him connecting the sanction with what
13 was actually going on. And so, we want these
14 things to be swift, and we really just weren't
15 seeing that.

16 And the types of offenses that we were
17 seeing were predominantly things like
18 disruption of a school function that were being
19 dropped. And so over time school districts
20 have started looking at alternative discipline
21 policies, programs that they use. You're going
22 to hear more about that I believe in speakers
23 that come after me. Those are not Department
24 of Juvenile Justice programs, but those are
25 things that are in place at the school district

1 to try and address behavior before it escalates
2 to the point where an arrest might be involved.

3 But over time we've seen a shift in the
4 types of offenses that are coming in to the
5 Department of Juvenile Justice from schools.
6 We don't see as many of the things like
7 disorderly conduct. We see more of the things
8 that are typically associated with, for
9 example, the Crime and Drug Free Schools Act of
10 '94, narcotics, alcohol, fighting, things of
11 that type, which are the types of things that
12 are more common to be coming into the
13 Department right now.

14 But again, you can go onto the
15 Department's website and really look at how all
16 these numbers break down, and you can see
17 differences by jurisdiction, how they vary.
18 There's some jurisdictions where the arrest
19 rates in schools are very, very low, and they
20 have a lot of different programs and intensive
21 interventions they have at the school level.
22 There's other jurisdictions where maybe they
23 don't have as many interventions or programs
24 available, and they might be a little bit
25 higher.

1 And then you can also break the numbers
2 down looking at things in a little different
3 way, looking at, you know, for example minority
4 over representation in Florida is, you know,
5 criminal and juvenile justice system is similar
6 to what we see nationally, there are -- is over
7 representation, and you do variance in the
8 types of offenses that are being processed by
9 gender and by race ethnicity in Florida.

10 So, that was me going through the basics
11 that we have for juvenile diversion and civil
12 citation. I wanted to leave plenty of time to
13 answer any questions that you might have. This
14 QR code that is on the screen is more for the
15 benefit of the audience and the folks watching.
16 If you hold your phone up to the screen it
17 should take you to a website where it would be
18 able to download this presentation, and any of
19 the details that were in it, and it will give
20 you a link to the Department's website, and
21 more information that is available to us. And
22 with that, Mr. Chairman, I'll be open for
23 questions.

24 CHAIR: Thank you, Mark, I appreciate the
25 information. Commissioners, any questions?

1 Yes, Mr. Petty?

2 MR. PETTY: Mr. Greenwald -- Mr.
3 Greenwald, thank you. Two questions. You
4 referred to the four percent recidivism rate on
5 the civil citation program in 2015/2016. Is
6 that, is that the date?

7 MR. GREENWALD: Correct.

8 MR. PETTY: What has it been historically?

9 MR. GREENWALD: Historically it's been
10 quite low. I believe in the -- I don't have
11 the numbers memorized, but I believe we've
12 operated between a six percent and a four
13 percent recidivism rate since the Department
14 has been tracking it. It has been a number
15 that has been moving down actually, rather than
16 up. It's -- it's moved from that six percent
17 down to the four percent.

18 MR. PETTY: And would you say, is that a
19 function of the programs that are in place, or
20 is that just a function of where they are in
21 sort of the graduated sanctions process?

22 MR. GREENWALD: I think it's -- I think
23 it's a combination of many things, and so I
24 think it's a function of the process and the
25 programs that are in place. I think it's a

1 function of them looking at and assessing
2 what's going on with the youth and moving, you
3 know, if they need a sanction, you know, please
4 don't walk away thinking I'm not saying that,
5 you know, they need a sanction, but we also
6 need to know if there's something driving their
7 behavior.

8 We as a state and communities have gotten
9 much, much better at identifying what is
10 driving delinquent behavior. The tools that we
11 use for that have gotten much stronger, and
12 much more powerful. I think it's a combination
13 of that, the fact that they're not being
14 processed too deep into the system
15 unnecessarily. So, a combination of all those
16 things works to help keep that recidivism rate
17 low.

18 MR. PETTY: And one more question about
19 recidivism. So, when we measure it are we
20 measuring same offense only, or any, any
21 offense?

22 MR. GREENWALD: No, any offense. No, we
23 have a very, very broad -- it does not matter
24 if it is the same category, class. We look,
25 again, both juvenile offending and adult

1 offending, because you can have -- we have
2 juveniles who, you know, might be seventeen, or
3 even eighteen after they leave the Department's
4 supervision, and we will look into the adult
5 system to see if they have further criminal
6 activity, and that counts as recidivism. We
7 count that against our performance.

8 MR. PETTY: We only measure up to twelve
9 months, or do we measure after?

10 MR. GREENWALD: Yes, we measure up to
11 twelve months. I do occasionally do longer
12 term recidivism studies, and I'll tell you why
13 if that's okay. The vast majority of youth
14 that -- I'm sorry, I should go through the
15 chair. The vast majority of youth that are
16 going to reoffend do so fairly quickly. One of
17 the things that we see very consistently, it
18 doesn't matter where you are on the system, if
19 you are going to reoffend, you usually do so
20 within three to four months. And that's true
21 for prevention youth, diversion youth,
22 probation youth, and the residential commitment
23 youth.

24 And so, if I was to look at longer do we
25 pick up more, yes. It doesn't not pick up at

1 the rate that I get in the first twelve months,
2 though. Another reason why we do it that way
3 is we're trying to be current and relevant.
4 So, I showed you the numbers from 2015/'16,
5 that's because I had to wait for '16/'17 to go
6 by to see if they did something, and then I
7 just need time to do the analysis. And so, we
8 do retrospect as we look at long term, and we
9 do pick up more, but it's not at the same rate
10 that you get in the first six months.

11 CHAIR: Yes, Commissioner.

12 SHER. JUDD: Thank you very much. The
13 one- year recidivism rate really concerns me,
14 and the reason is, and I have had this
15 discussion with the Secretary, we want to give
16 the schools the opportunity to deal with this
17 inappropriate conduct. That doesn't even get a
18 civil citation, a diversion, they deal with it
19 at the school. And then they elevate to, to
20 us, and we all historically have created
21 diversions, but they were many times
22 post-arrest diversions.

23 But the devil is in the detail, and when
24 you're only going to look at one year on a
25 child's behavior, you're not appropriately

1 looking at that child because we give them
2 bites at the apple at school. They change
3 school, they get more bites at the apple. They
4 go to a different district, they get more bites
5 at the apple. And so, there's all kinds of
6 misconduct, and then they come into law
7 enforcement, and now we're tracking them, and
8 if they're good boys and girls for one year
9 then they're off the radar.

10 Be that as it may, it is impressive, and I
11 agree with the philosophy in the diversion
12 because we do that. But, the problem is that
13 what looks good on paper and what sells good
14 publicly is not really what's happening on the
15 road, on the ground, on the street level, and
16 there is what I would like to challenge DJJ to
17 measure, is if we're going to look at the
18 child, and we're serious about getting them
19 services and help early on, and I agree with
20 that because we certainly don't want them down
21 into the system, is let's look at the complete
22 child, and let's track the complete child not
23 for a recidivism rate for only a year, because
24 even though it may fall of, which to me is a
25 success measure, it will help us more quickly

1 identify the child that's really in need of
2 services.

3 And there is the core argument that I've
4 had with DJJ all along, is DJJ historically has
5 had a troubled differentiating between childish
6 acts by children and juveniles and children who
7 rapidly become hardened criminals. And what
8 we've seen is the hardened criminal who is
9 under the age of eighteen many times are trying
10 to be dealt with with sanctions that are not
11 appropriate.

12 So, my question is why don't we push out
13 the recidivism rate -- because the average
14 child, we start bumping into them on average of
15 thirteen, fourteen years of age, sometimes it's
16 a little younger -- why don't we track that
17 child throughout their juvenile life, not
18 criminally, administratively so we can ensure
19 that we get the proper services, and let's
20 blend over their school conduct and their home
21 conduct rather than separating it, and then be
22 able to tell robustly if they move from Dade to
23 Palm Beach, to Polk, to Hillsborough, and how
24 are we going to track them and provide
25 services, because, see, we lose them in the

1 process, and --

2 MR. GREENWALD: That's -- that's an
3 excellent question.

4 SHER. POLK: And they're a -- they're a
5 real problem -- and next thing we know they pop
6 us as a real problem child, and there were all
7 these indicators up front, but they were
8 indicators in ten or fifteen different areas.

9 MR. GREENWALD: Right. Mr. Chairman, if I
10 can --

11 CHAIR: Yes, go ahead.

12 MR. GREENWALD: That's an excellent
13 question. And let me -- let me share a few
14 ways -- well, we do some of that. You know,
15 can we do more, sure, but there's a few ways we
16 do some of that. So, for example I, you know,
17 typically focus on juvenile justice related
18 interventions, how youth are processing
19 through, like I presented today. One of the
20 things that we also do is I work with school
21 districts throughout Florida who are working
22 with youth in a different way, or other local
23 community programs, and I help them look at the
24 youth and give them aggregated reports back to
25 find out if youth that they're working with are

1 subsequently having contact with us, because we
2 don't have that data, and it's actually good
3 that we don't have all of those, those things,
4 so we try to track those things so we can help
5 them understand whether the things that they
6 are doing work and are effective.

7 You know, as it relates to the youth that,
8 you know, started feeling and moving deeper,
9 there's really two things there. You know, one
10 is there are youth that do progress into very
11 serious violent chronic delinquency, and by the
12 time they get to the court's point, and that
13 point, it's very noticeable. We don't see as
14 much the youth that never get to that point,
15 that, you know, the vast majority of kids that
16 don't get very far at all in the system.

17 One of the things that we have been doing
18 almost ad nauseam are very detailed assessments
19 of youth that get to that point. So, for
20 example, one of the things our agency had
21 directed us to start doing a couple of years
22 ago is when we have youth that have reached a
23 point of very serious offending we start doing
24 very detailed and chronic breakdowns of that
25 case, both with us, and then we also work with

1 our partners at the Department of Children and
2 Families to see, you know, contacts they've had
3 there, to try and determine, you know, what was
4 happening at different stages, could we have
5 done something differently, and sometimes
6 there's things we could have done differently,
7 sometimes, quite frankly, the system may have
8 failed, or something couldn't have worked, to
9 see if we can learn something from that to try
10 and get better for the next day, because I
11 cannot fix what's already happened, but we can
12 try very aggressively to look at what did
13 happen in the past to try and see if there's
14 strategies to address those types of things.
15 If that -- I don't know if that's helpful.

16 SHER. JUDD: One last question. Can you
17 tell me how many residential treatment beds you
18 had in say 2010, or at the buildup, and how
19 many residential beds you have now?

20 MR. GREENWALD: I can't cite you the exact
21 number. I can tell you that around circa
22 2000/2001 we had roughly seven thousand,
23 seventy- one hundred residential commitment
24 beds. Now I believe we have just over two
25 thousand residential commitment beds.

1 SHER. JUDD: So, we have five thousand
2 less beds to help children in intensive therapy
3 today than we had in 2000/2001.

4 MR. GREENWALD: There are -- there are
5 fewer, although I would also argue that we've
6 also dramatically ramped up the number of
7 intensive interventions and therapies that are
8 available to kids in the community, and so I
9 wouldn't want that to be interpreted as those
10 services are no longer available for those
11 kids, they are at different stages. Where the
12 argument comes in is which setting should they
13 be in to get those.

14 CHAIR: Dr. Blackburn?

15 DR. BLACKBURN: Thank you, soon-to-be Dr.
16 Greenwald, for your presentation. Two
17 questions -- two questions around context and
18 causation. First context. I didn't hear in
19 your presentation the essential why these
20 programs exist. Do these programs exist under
21 your authority by some kind of state level
22 expectation requirement, or statute, or are
23 they optional?

24 MR. GREENWALD: I'm not an attorney so I
25 can't cite the different, the different --

1 there is statutory guidance available of what
2 kinds of services you can participate in, so
3 there is statutory language that covers civil
4 citation, arrest avoidance, pre-arrest
5 diversion, diversion programs, our authority to
6 detain and hold youth, probation youth, so they
7 are there. So, there's statutory guidance.
8 And then I would also say that there's guidance
9 because as we've moved and developed as a
10 criminal justice system and juvenile justice
11 system since the late 1800's when it started we
12 found that we needed that scale of graduated
13 sanctions that I showed earlier.

14 You know, typically we had historically
15 focused -- we go through cycles of, you know,
16 therapy versus punitiveness,
17 therapy/punitiveness, and what we're trying to
18 find is a balance between the two, and we find
19 that having that range of options seems to work
20 the best in terms of reducing re-offense rates
21 and offending overall, and so those are the two
22 primary reasons I would say they're in
23 existence.

24 DR. BLACKBURN: And then second one on
25 causation, and you being a researcher, can you

1 just talk more about punishments' ability to
2 either dissuade poor behavior, or alter poor
3 behavior? Can you talk more about that?

4 MR. GREENWALD: In -- well, in the
5 juvenile justice -- I mean -- so that goes
6 towards the deterrence and so it's tricky to
7 answer. I'm a statistician so I can, you know
8 there's, I can give you all kinds of different
9 answers. What I will say is that the extant
10 literature that I am aware of, punishment in
11 and of itself typically isn't as effective as
12 combining it with other things.

13 I do not want anyone walking away thinking
14 juveniles don't need to be sanctioned. That's
15 not what I'm saying. Typically, it is most
16 effective when it is a combined with other
17 types of interventions to address their
18 behavior, and so I would argue -- you know,
19 going back to that labeling theory that I
20 talked about, some criminologists might not
21 argue it this way, I would, is one of the nice
22 things about civil citation and some of these
23 diversion programs is it kind of melds the two.
24 It brings those things together, so you get a
25 swift intervention to hold them accountable for

1 their behavior, while also figuring out what
2 else is going on that's driving their behavior.

3 And that's -- and that's very important
4 because, you know, case processing throughout
5 the state, we're working on analyzing that
6 right now, is not equal in all areas. You know
7 in some areas you can have juveniles where they
8 are processed very quickly and efficiently, and
9 get to those points, and there's other areas
10 where it takes, quite frankly, too long to get
11 to that point. And that's something that we're
12 going to be working on with areas, to see if
13 there's something we can do to try and speed
14 that up, to try and get them to things as
15 quickly as possible, because we do know that we
16 will get better results if we do that, and we
17 have the ability to do that.

18 CHAIR: Chief Lystad, you're next.

19 CHIEF LYSTAD: Thank you, Mr. Chair. Mr.
20 Greenwald, I just have one question. I saw the
21 statistics you were talking about, the eleven
22 percent diversion reoffending rate. Do you
23 have anything from the various programs, as
24 we're charged to evaluate the PROMISE program
25 potentially, and its impact as it occurred in

1 the events, do you have anything specific as to
2 the various programs out there, their
3 effectiveness?

4 MR. GREENWALD: I can answer that two
5 ways, Mr. Chairman, yes. So, as it relates to
6 juvenile justice involved programs yes. And
7 so, if you go to our website, and I have at the
8 end of the presentation I've got some citations
9 to show, if I can get it to work, that (A) I
10 didn't make all this stuff up, and (B) this is
11 where you find more information. We'll get it
12 right.

13 All right, so you can go to the website,
14 and so you can look at every single diversion
15 intervention that is used in a juvenile justice
16 capacity. It is on our website. You can see
17 very detailed information about the juveniles
18 that are going in, how many are completing the
19 service, how many are offending while they're
20 there, the recidivism rates. We have that in
21 quite a bit of detail.

22 I cannot talk to you too much about some
23 of the school discipline and PROMISE programs
24 because it is not a Department initiative, and
25 I'm just honestly as learned on those, although

1 I do believe you have speakers that are coming
2 up later today that might be able to speak more
3 to the effectiveness of those programs, how
4 they work, in that regard.

5 CHAIR: Senator Book will be next, but,
6 Mark, would you -- and I think it goes to, just
7 for clarification, it goes to Sheriff Judd's
8 point and Chief Lystad's question; would you
9 explain to everybody that there are Department
10 sanctioned programs, diversion programs such as
11 civil citations that are routed in Florida
12 statute, et cetera, but as Sheriff Judd
13 mentioned there are also, let's say as an
14 example school-based programs that are not DJJ
15 sanctioned programs. They are diversion
16 programs. They are alternatives to arrest, or
17 juvenile justice system participate, but there
18 are some standalone programs around the state
19 that function independently; is that correct?

20 MR. GREENWALD: That is correct. And
21 there are, you know, there's programs that law
22 enforcement does where they may have contact
23 youth and encourages youth to participate in
24 local programs and whatnot. They're not being
25 arrested. They're not being sanctioned.

1 They're trying to build a relationship with
2 kids, which can be very effective.

3 School districts obviously have discipline
4 programs. I know that from experience they
5 have discipline programs, and so they have
6 different things that they do with youth
7 before, before it gets to the point where
8 criminal and juvenile justice system is
9 involved, and so, you know, we are not the
10 first stop. And I would argue we shouldn't be
11 the first stop for the vast majority of youth,
12 but there are going to be kids where they do
13 need, you know, to be escalated to our point.

14 And so that's where there's kind of a
15 separation, in that I can speak very clearly to
16 the ones where the criminal justice system has
17 gotten involved, and we are now involved in
18 monitoring compliance and sanctions, prior to
19 the things that happen every day in schools
20 throughout the country, where you'll have a
21 Dean's office, and other folks that are, that
22 are working with, you know, misbehavior actions
23 that are happening in school.

24 CHAIR: Which may end up begging the
25 question as to whether these independent, if

1 you will, school-based programs or others
2 should be reporting to you all so that you
3 don't end up in a situation like Sheriff Judd
4 pointed out, and others, that you've got
5 multiple interventions, but the left hand
6 doesn't know what the right hand is doing.

7 MR. GREENWALD: And I think there's -- I
8 don't want -- I don't want to comment for the
9 State on that, but what I would say is that
10 there are some things that I believe are
11 happening that happened as part of statute this
12 last year, where the Department of Education is
13 looking at different things. We are part of
14 that process and discussion. I know that our
15 leadership has been always very open to us
16 partnering with folks, helping them look at
17 their data, help to look at gaps and whatnot.

18 I am not here soliciting more work, I'm
19 quite busy, but that is our job, and we are,
20 you know, if we can look at those kinds of
21 things and provide guidance on, you know,
22 here's reports, youth that don't seem to be
23 benefiting from it, you might want to try
24 something different. Those are things we might
25 be able to assist with depending on the

1 availability of resources that we have.

2 CHAIR: Senator Book.

3 SEN. BOOK: Thank you, Mr. Chair. And
4 first because we're clarifying the point, when
5 you were talking about the civil citation
6 overview of the program you said that if a, if
7 a child does not comply that citation would, if
8 they didn't show up, or didn't, you know,
9 participate, that is also, that citation would
10 be, and we could arrest them at that point;
11 correct or incorrect?

12 MR. GREENWALD: Yes, ma'am. So, it does
13 work differently in different areas, it's
14 different, but typically the way it works is
15 there will be a form that's used for the
16 citation that also doubles as the arrest
17 affidavit, and so if youth are not being
18 compliant with that program, or for whatever
19 reason, we will file that paperwork with the
20 state attorney for formal processing, and then
21 it is up to the courts to determine the process
22 that it goes from there. But they -- that will
23 be monitored.

24 SEN. BOOK: So, to clarify though that
25 would be only under the civil citation program,

1 not these independent school-based programs.

2 MR. GREENWALD: Correct. That would apply
3 to pre-arrest diversion, alternative to arrest,
4 items that are tracked in that regard, it
5 applies to that. I cannot speak to the school
6 programs. I'd have to defer to other speakers
7 on that.

8 SEN. BOOK: Thank you. And to go back to
9 some of the prevention work that you guys, that
10 you talked about, and the prevention web-based
11 system -- and I understand wanting to make sure
12 that that is completely separate because we
13 don't want to label kids and put them where
14 they shouldn't be, but -- and I know that you
15 all track that, that the Department staff and
16 providers track it, and they watch people, you
17 know, kids who are in that prevention system.

18 Is there an amount of time that kids can
19 be in too many systems, or that it kicks, that
20 it may kick a red flag, watch this, you know,
21 this student, maybe that you can connect the
22 dots in some way?

23 MR. GREENWALD: Yes, ma'am, there's
24 processes that are in place, and so -- when I
25 started I mentioned my title is the Director of

1 Research and Data Integrity, and so data
2 integrity, one of the things we're looking at
3 is (A), making sure the information we have in
4 our system is correct, but we're also looking
5 at anomalous things like that, yes, so has a
6 case been opened an excessive amount of time,
7 did somebody drop the ball. We flag that.

8 We have processes in place to look for
9 those types of things. Many of the arrest
10 avoidance programs are monitored through the
11 local providers, you know, with our assistance,
12 it depends, but we do look and have processes
13 in place where we flag items that look like,
14 you know, something hasn't been closed, they
15 haven't been released, or, you know, maybe it
16 was released and said, hey, they were
17 successful but then the next placement is an
18 arrest and they're in one of our detention
19 centers, you know, that doesn't make sense, and
20 so we look at those things to make sure that
21 the data is accurate and reliable.

22 SEN. BOOK: Does that -- would that
23 automatically generate a referral to JJIS, or
24 not necessarily?

25 MR. GREENWALD: The referral to JJIS has

1 to be done by our staff. There's not an
2 automatic process. However, as part of that
3 integrity process we're looking to see if
4 things have not been closed out. However, we
5 do have it built into our information system,
6 so it is very easy for our staff to move it
7 from that side over to the delinquency side,
8 kick it to the state attorney, and then it will
9 be processed like any arrest that comes in
10 normally.

11 SEN. BOOK: Thank you, Mr. Chair.

12 CHAIR: Yeah, Jim, go ahead.

13 UNDER SHER. HARPRING: Mr. Gualtieri,
14 thank you very much. Regarding the centralized
15 DJJ system, do you see any systemic issues
16 relative to tracking, communication, reporting
17 in between the various parties, IE. state
18 attorney's office, law enforcement, your DJJ
19 personnel? And one question after that.

20 MR. GREENWALD: I -- Mr. Chairman I -- I
21 don't. I mean when something like that does
22 come up, we address it. So, for example, if we
23 find a state attorney's office is having
24 trouble accessing, you know, juvenile face
25 sheets, which is the basic information we have

1 for youth, we have a process in place to get
2 them access to those things. I mean business
3 -- folks that have a need to know access to the
4 information get that access from our system,
5 and so I don't see a problem with the
6 information that we have. If it is it's
7 usually very sporadic, it's a communication
8 issue.

9 How it works for law enforcement agencies
10 around this state may be a little bit
11 different, you know, officers can radio in to
12 find out what's going on with the youth, and
13 many times they have a laptop in their vehicle
14 and they'll access through what's called CJNET,
15 and they can access systems. They have to have
16 access to that system to actually go in and do
17 those things.

18 And so, I don't know that there's a
19 communication issue that I see, to give you the
20 most honest answer that I can.

21 UNDER SHER. HARPRING: Finally, regarding
22 any statistical data as far as recidivism,
23 civil citation, first does your tracking just
24 go out for a year regarding recidivism?

25 MR. GREENWALD: It does. I should follow

1 up in that it does, you know, in these annual
2 reports that you see it goes out for a year,
3 although I do -- we do periodically extend
4 those out to look at longer term recidivism.

5 UNDER SHER. HARPRING: And maybe I should
6 clarify that as to an individual.

7 MR. GREENWALD: We track it -- well we
8 track -- we track it both ways. And so
9 typically I'm reporting recidivism by program
10 and intervention because we want to see, we
11 want to know if this program is not working and
12 getting a recidivism rate that's high, you
13 know, we want to either know why, or get rid of
14 them and put somebody else that's going to be
15 better. And then we also as part of that have
16 the individual level information that we track
17 on youths so that we can report things.

18 Some counties want to know what the
19 numbers look like just for their youth, not
20 necessarily by program or service type, or
21 intervention, and so we have the data available
22 both ways. We also have ability -- we provide
23 information routinely to law enforcement for
24 certain youth, and so I had mentioned earlier
25 that we want, you know, law enforcement should

1 focus their time, energy, and effort on youth
2 that are not getting the message, and whatnot,
3 so we can provide them with access to
4 information for youth that are on supervision
5 that are on the higher end of the risk scale,
6 so they know who to focus on, who they can
7 focus their resources on.

8 And then, you know, some of the youth that
9 are, that have not gotten to that level, you
10 know, we may not do that as much.

11 UNDER SHER. HARPRING: And is there any
12 data that suggests that either expanding or
13 contracting the availability of the civil
14 citation based on offense type has any effect
15 on either recidivism or the number of people in
16 the system in its entirety?

17 MR. GREENWALD: I've seen -- we just
18 finished some studies actually that have looked
19 at, looked at that, because there's two ways
20 you want to look at it. You want to look it
21 from, from a lens of does it work, does it
22 reduce delinquency, and you also want to look
23 at it from a lens of what we call net widening,
24 are we pulling more kids into this alternative
25 program who otherwise would have gotten a

1 warning, go home, don't do it again, because
2 officers have discretion that they use every
3 day.

4 I have seen no evidence in any of the
5 studies that we've done so far that there is,
6 you know, an aggregate level net widening
7 affect. I see no evidence that it has causes
8 increased recidivism, either short or long
9 term. You do not expect it to make an
10 immediate -- as communities implement these
11 things you do not expect it to make an
12 immediate dent on serious violent crime
13 delinquency, because what you're trying to do
14 is get the kids before they get to that point,
15 so over time you expect to see a change in
16 that, which we are starting to see a little
17 bit.

18 We certainly see a reduction in the number
19 of repeated misdemeanor minor offenses coming
20 in. There is a measurable affect there that we
21 can, that we can show.

22 CHAIR: Mr. Schachter.

23 MR. SCHACHTER: Yes. Yes, thank you very
24 much. I have a couple of questions. Number
25 one is in relation to your program, and the

1 other school-based programs, PROMISE in
2 particular, you know, how can we best, you
3 know, help the juveniles if there's, if you
4 can't really see what's happening in those
5 other programs? And just so I'm correct,
6 there's, you can't really look at the PROMISE
7 in particular, you know, so that's what
8 concerns me along the lines of some of those
9 other questions.

10 And then Number two is, you know, one of
11 the major problems with law enforcement that I
12 have found in my research is that, you know, in
13 particular social media, and when they're
14 making, you know, threats that don't escalate
15 to an arrestable offense, is there anything in
16 your view that, you know, that your department
17 can do in between, you know, when they haven't
18 done something to go over that line, you know,
19 to do anything to help them, you know, before
20 that happens?

21 MR. GREENWALD: Yeah, so there's -- you
22 know, hopefully I would say, answer this -- and
23 I want to be careful what I say about the
24 school- based programs because they're not our
25 programs, and I'm not an expert on those. You

1 know hopefully they are looking at their
2 effectiveness, and I know for a fact some do
3 because they, they have asked us to help look
4 at their programs and lean on your ability to
5 look at criminal justice information system
6 data that they may not have ready, or
7 immediate, or the expertise to do, because you
8 want to see if, if what you're doing is
9 working, and if it isn't, you know, to go the
10 next step.

11 Step one is to look to see if it works,
12 and then if you find areas where it's not to
13 start drilling deeper, why, who, what's going
14 on, is there something we missed. And so
15 hopefully they would do those things. In terms
16 of, you know, what the Department can do, as
17 cases are being processed, you know, what we
18 like about the arrest avoidance, civil
19 citation, alternatives to arrest programs, is
20 they tend to be very, very quick, so most in
21 most communities in Florida if you are given a
22 civil citation on Wednesday you're probably
23 going to be in community service on Saturday.
24 It doesn't matter what you had scheduled,
25 you're going to be there, and it's very, very

1 quick.

2 The criminal justice system generally
3 doesn't operate that quickly, and that can be
4 problematic because, you know, we have, you
5 have due process, and we have a limited ability
6 to require, maintain things while your case is
7 pending for the court. And so, if you have a
8 gap between when you're arrested and before
9 your case gets disposed we can offer services
10 all day, and try and do things, but we cannot
11 typically mandate many of those things. And so
12 that's why we're working with communities to
13 try and make sure it's as quick and efficient
14 as possible to get kids to what they need, and
15 then looking at what they have, and make sure
16 we have enough of it in the community.

17 Another thing that we have on our website
18 is we map out very specifically all the
19 different types of intervention services,
20 programs, mental health programs, that are
21 available for juvenile justice, and arrest
22 avoidance involved youth throughout the state,
23 so that you can see all the different things
24 that are out there, because they change, and so
25 that people know here are the different things

1 you can lean on, you may not to have, maybe
2 local money can help fund it, maybe state funds
3 can help fund it. We have those kinds of
4 things out there.

5 Does that answer what you were looking
6 for? I'm not sure if that answers your second
7 question?

8 MR. SCHACHTER: Yeah. And then -- as far
9 as -- do most law enforcement use civil
10 citation? Is that a very prevalent, you know,
11 method?

12 CHAIR: So -- well, go ahead.

13 MR. GREENWALD: I can -- I can say --
14 depending on what they call it, I would say the
15 majority of youth that are eligible for it,
16 yes, do receive it. Do a hundred percent of
17 agencies throughout the state us it, no. I
18 mean there's -- Florida has four hundred some
19 law enforcement entities spread around
20 different communities. Everyone does not use
21 it. I can tell you that most do.

22 The extent to which they may or may not
23 use it you can go to our website and find out,
24 you know, how often they are using it, and in
25 what, and for what cases, and in what regard.

1 CHAIR: So, we have time for one more
2 question. Let me just help clarify that for a
3 second for you, is, is that -- first is, is
4 that as Mark talked about, there is pre-arrest
5 diversion. Pre-arrest diversion takes many
6 forms. That means if something happened and
7 the kid is being diverted and provided
8 sanctions without being arrested. There's
9 post-arrest diversion, and Mark mentioned
10 things like teen court, and that would be an
11 example where a kid is arrested, they're taken
12 to the juvenile assessment center, they're in
13 the system but the diversion is on the back
14 end.

15 So, you've got front end diversion and
16 you've got back end diversion. You've got pre-
17 arrest diversion, and you got post-arrest
18 diversion. I don't know of any place in the
19 state that doesn't have some form of diversion.
20 Some don't have, or don't make wide use of pre-
21 arrest, but they may make wide use of post-
22 arrest. There is nothing in Florida law, never
23 has been, and there isn't today, that mandates
24 diversion.

25 There is local control over all diversion

1 programs. Everything in Florida is not one
2 size fits all, and local police departments,
3 sheriff's offices, the courts, the communities,
4 get to decide for their community what is
5 right, and what works in their communities.
6 There is no mandate. The Department provides
7 programs, others provide programs, but it is
8 one hundred percent local control, and it's one
9 hundred percent officer discretion, so the
10 policy comes from the top.

11 It is that you have some that are heavy
12 diversion, you have some that are heavy non-
13 diversion, but there is nothing that the
14 Department of Juvenile Justice has ever done,
15 or even the Florida legislature has ever done,
16 that mandates any of this, or requires any of
17 this. It's going to change a little bit, and
18 there's limits on this. Under the current law
19 that's in effect today for civil citation --
20 civil citation, again, is just one flavor of
21 pre-arrest diversion.

22 The limits today are three bites at the
23 apple. There are limits on the crimes. If a
24 kid commits an aggravated battery that's not
25 pre-arrest diversion, that's not civil

1 citation. A kid writes on the mirror I'm going
2 to shoot the school up, and commits a felony,
3 that's not this. The majority of this is the
4 kid goes to the mall for the first time in his
5 or her life ever at fourteen and steals a
6 bracelet, the kid goes to Publix and steals a
7 piece of candy. The kid might get in a bus
8 stop school fight. That's what this all is,
9 and there's limits on it.

10 Senate Bill 1392 which passed this
11 session, and takes effect on July 1, requires
12 every state attorney in the twenty circuits in
13 the state of Florida to convene the
14 stakeholders in each circuit and to develop an
15 adult and a juvenile pre-arrest diversion
16 program in each circuit. And the stake holders
17 get to set the criteria for each diversion
18 program.

19 Any program that's not in existence prior
20 to September 1 of this year has to be run by
21 the state attorney. Those programs that are in
22 place can be grandfathered in. But the -- so
23 it's going to change a little bit, but the
24 criteria will still remain with the local
25 control, and the criteria will be with local

1 control because that's changing under 1392.
2 So, hopefully that helps a little bit, give you
3 a little context. Commissioner.

4 MS. LARKIN SKINNER: Thank you, for your
5 presentation. It was very informative. I
6 actually just have two questions with regard to
7 violence. So, when you're deciding, when the
8 Department decides, or anyone decides, whoever
9 is in charge, whether or not to use a light
10 touch versus one of the deeper end services,
11 who much weight is given to violence, whether
12 there is an arrest history of violence or not?
13 Because people can have violent histories
14 without ever having been arrested. And then my
15 second question is, is there any difference in
16 recidivism if there is a history of violence?

17 MR. GREENWALD: As to the first question,
18 yes, you know, the nature of the offense, what,
19 how it is described, how it is charged, and
20 what comes up on the assessment, you know,
21 looking at aggression and things like that is
22 some of the things that we assess for. So, I
23 would say, yes, we absolutely do look at that,
24 and that will factor into the decisions that we
25 have.

1 For the second question, you know, the
2 history of violence, it depends on the
3 information that is available to us. And so,
4 if, you know, juveniles are involved in, you
5 know, on the street, and get into shoving
6 matches, and things like that, we may not know
7 about it. If they've been arrested and
8 processed for it, or if your, you know,
9 partners at Department of Children and Family
10 are aware of it for youth that are involved in
11 the dependency system and whatnot, our staff
12 will look at that.

13 I would need -- to give you a more
14 complete answer I would need to default to some
15 of our intake staff, who could put some things
16 on paper to explain exactly how that works in
17 our system, but I would say, yes, we do look at
18 it. Will it exclude you from being able to
19 participate in programs like this depending on
20 the nature of it, no. There are juveniles that
21 have a phase, you know, school yard fights and
22 things like that, where it can still be
23 exceptionally effective.

24 Where we look at is trying to
25 differentiate that from things that can

1 escalate to be more serious, or on a pathway to
2 becoming more serious. And we can follow up
3 with more detail on how we would do that.

4 CHAIR: Okay, thank you. Thank you, Mark.

5 MR. GREENWALD: Thank you.

6 CHAIR: It was a great presentation, thank
7 you. We're going to take a break now for
8 fifteen minutes, but when we come back, the
9 second presentation that you're going to hear
10 when you come back is going to be from the
11 Broward County Schools about the PROMISE
12 program. Again, this was intended to do what I
13 hope it did, which is set the stage and
14 framework, and now you're going to hear about
15 the PROMISE program itself, not only its
16 structure and its policies but how it's
17 implemented.

18 So, we'll come back in fifteen minutes and
19 continue. Also, for the public, and for
20 anybody watching, all of these presentations
21 are now available. All the PowerPoint
22 presentations are available on the Commission
23 website, so anybody that needs access to those,
24 they are all now loaded on the Commission
25 website. So, we'll see everybody in fifteen

1 minutes. Thank you.

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

4 CHAIR: Okay. As we continue the
5 discussion about school-based activities the
6 next presented will be from the State
7 Department of Education, Jacob Oliva, who is
8 the Executive Vice Chancellor for K-12 public
9 schools, and he's going to talk about school
10 discipline and diversion programs from a state
11 perspective. And as I said that will then be
12 followed by the representative from Broward
13 County Schools to talk specifically about how
14 it's applied in Broward, and the PROMISE
15 program. Mr. Oliva.

16 MR. OLIVA: Thank you, Chair, and fellow
17 commissioners for allowing me to be a part of
18 your topic of discussion this morning. As
19 stated we've heard a little bit of an overview
20 of some of the impact in legislative changes
21 with 7026, and what we'd like to do this
22 morning is spend a little time going over what
23 are the statutes that are required by law, and
24 how they looked, and what they look like now
25 post 7026.

1 So, as you can see there's several
2 statutes that regulate or guide school
3 districts in developing policies around school
4 based discipline and listed on this slide is
5 the range of statutes that go anywhere from
6 defining the suspension and expulsion acts to
7 dealing with code of conducts and dress codes
8 violations. For today we're going to focus on
9 a few of them that will be pertinent to the
10 work of this committee.

11 If you can see the overview, a lot of the
12 statutes do get specific, and even provide
13 guidance to school districts when they're
14 developing policies around safe and successful
15 schools. Discipline is progressive, so if you
16 look at Statute 1006.07 dealing with students
17 that violate dress code policies you can say
18 that there's a first offense, that typically is
19 a warning or a principal phone call to the
20 parent or guardian, then if there's repeated
21 offenses they get progressive in nature that
22 could lead to the loss of extracurricular
23 activities.

24 One of the major statutes that we're going
25 to look at today is in reference to zero

1 tolerance, and how it is impacted with crime
2 and victimization in Statute 1006.13, and you
3 can see that zero tolerance policies require
4 expulsion with or without continuing
5 educational services of not less than one full
6 year, and to be referred to the criminal
7 justice or juvenile justice system.

8 Stuff that follows, examples that follow
9 under zero tolerance is bringing a firearm or a
10 weapon as defined in Chapter 790 to school, or
11 any school function, on or to any school
12 sponsored activity. Part (b) is making a
13 threat or a false report, and there's some
14 guidance that lists there with state statute
15 involving school and school personnel,
16 property, even on school transportation and
17 school sponsored events. 7026 did not have any
18 changes to Section 3 on zero tolerance, but
19 there is some changes in some further coming
20 sections.

21 I think it's important to note that in
22 2009 the legislature added a preamble to the
23 zero- tolerance section of Florida's statute,
24 and I think that was because the Section 3 Part
25 (b) making a threat was interpreted at

1 different variations all over the state, maybe
2 even nationally, so this kind of gave a little
3 bit of guidance, or spirit of what does that
4 section mean.

5 And in 2009 they added the preamble, which
6 is; it is the intent of the legislature to
7 promote a safe and supportive learning
8 environment in schools, to protect students and
9 staff from conduct that poses a serious threat
10 to school safety, and to encourage schools to
11 use alternatives to expulsion or referral to
12 law enforcement agencies by addressing
13 disruptive behavior through restitution, civil
14 citation, teen court, neighborhood restorative
15 justice, or similar programs. The legislature
16 finds that zero tolerance policies are not
17 intended to be rigorously applied to petty acts
18 of misconduct and misdemeanors, including but
19 not limited to minor fights or disturbances.
20 The legislature finds that zero tolerance
21 policies must apply equally to all students
22 regardless of their economic status, race, and
23 disability.

24 And I think the commission had a little
25 bit of discussion around the implementations of

1 what gets referred to law enforcement, what
2 doesn't, and how does that relate. 7026 did
3 have some language that changed the preamble,
4 and you can see highlighted in red there was
5 the removal of the intent of the legislature,
6 and they added the language that districts,
7 district school boards shall, which means they
8 must. And there is further after that second
9 section where it stated previously that school
10 districts were encouraged to, that has been
11 replaced with a threat assessment team may use.
12 So, it went from encouraged to and kind of
13 moved more towards the role of the threat
14 assessment team for providing guidance and
15 setting processes for what that looks like.

16 So, if you look deeper into Section 4 of
17 Senate Bill 7026 under zero tolerance policies
18 that was changed you can see that zero
19 tolerance gets referred to threat assessment
20 teams if a student commits more than one
21 misdemeanor, that they do have to consult with
22 law enforcement to determine if the act should
23 be reported to law enforcement.

24 Threat assessment teams are defined in
25 7026, and it says that they shall include

1 school counselors, school administrators,
2 instructors, and law enforcement. So,
3 previously schools may have had crisis response
4 teams, or school or district leveled discipline
5 teams, but now we're seeing consistent language
6 around threat assessment teams, and who, the
7 makeup of who that should be. This is
8 reiterating the fact that in the preamble was
9 not the only place that the threat assessment
10 team may be encouraged to use alternatives to
11 suspension, expulsion, and the removal of,
12 encourage to has been replaced.

13 Another component that is driven in the
14 statute is a report that's known as SESIR,
15 which is the School Environmental Safety
16 Incident and Reporting. The data that is
17 collected in SESIR is on 26 incidents of crime
18 and violence that happens on a school campus,
19 or a school transportation, or any school
20 sponsored event 365 days a year, 24 hours a
21 day. So, these are not necessarily incidents
22 that are reported because they happened during
23 a school day, but any incident that happens
24 whether school is or is not in session on a
25 school campus would be reported to SESIR, and

1 these are reported federally as well.

2 The 26 categories are broken into, or the
3 26 components are broken into different
4 categories. These listed SESIR incidents must
5 be reported to law enforcement, and those are
6 battery, homicide, kidnapping, sexual battery,
7 and weapons possessions. This next clump of
8 reportable codes are expected to include
9 consultation with law enforcement, and those
10 range anywhere from possession of alcohol to
11 arson, to trespassing, hazing and larceny.

12 There's a category called other major, so
13 I'm always asked what that category is, and
14 those are actions that aren't specified in the
15 listed identified codes, but they can include
16 things such as gambling, possession of drug
17 paraphernalia, or other types of incidences
18 where law enforcement may be consulted. And
19 these final bullet points are SESIR incidents
20 that do not need to include consultation with
21 law enforcement per the coding requirements,
22 which is bullying, fighting, harassment, sexual
23 harassment, or tobacco.

24 School districts have discretion when it
25 comes to developing policies and code of

1 conducts on how they deal with school
2 discipline, and the types of programs that they
3 want to implement, so we're going to talk a
4 little bit about that statutes that guide and
5 gives them that control. That Florida Statute
6 1003.31 specifically states that nothing shall
7 prohibit a school district board from having
8 the right to expel or take disciplinary action
9 against a student who is found to have
10 committed an offense on school property at any
11 time. And it goes into a little bit more
12 deeper definition, that if the student is found
13 to have committed a delinquent act which would
14 be a felony if committed by adult, the student
15 has had adjudication withheld for a delinquent
16 act if it was a committed by an adult and it
17 would have been a felony, or if the student has
18 been found guilty of a felony.

19 So, if a student has committed an act,
20 whether on campus or in the community, the
21 school district has purview to look at seeing
22 if further discipline or sanctions need to be
23 imposed to make sure they can maintain the
24 daily operations of school functions. So, if a
25 student is put in that predicament with felony

1 charges they're not automatically suspended,
2 but there is a review process. So, when a
3 student is charged with an off-campus felony
4 that is shown to have an adverse impact on the
5 educational program, discipline, or welfare in
6 which the school student is enrolled, the
7 principal shall conduct an administrative
8 hearing to determine whether or not the student
9 should be suspended based on the court's
10 determination of guilt, innocence, or dismissal
11 of the charge, and the principal must issue the
12 decision in writing within five school days.

13 School district school boards adopt
14 policies on relation to the implementation of
15 student discipline and school safety, and they
16 must adhere to these rules. And school boards
17 adopt code of conducts, which is kind of the
18 guideline that is followed when administering
19 school district discipline, and how they're
20 going to keep students in active learning
21 environments. And those policies need to be
22 consistent, outline the disciplinary
23 procedures, define students' rights and
24 responsibilities, and specifically speak to
25 prohibitions on drugs, firearms, and violence

1 against school officials.

2 The consequences that are outlined, or
3 that districts typically implement within the
4 purview of the student code of conduct has a
5 wide range, but for today we're going to
6 specifically talk about the difference between
7 in school suspension, out of school suspension,
8 and expulsion. An in-school suspension is the
9 temporary removal of a student from the
10 student's regular school program, where they
11 may be placed into an alternative program such
12 as provided in statute, and they are still
13 under the supervision of the district school
14 board personnel, and that period for in school
15 suspension cannot exceed more than 10 days.

16 If a school -- if the student is removed
17 from all of their classes outside of the school
18 day that is an out of school suspension, and
19 all of the instruction in grounds and other
20 activities would be prohibited for that
21 student, and they are placed under the custody
22 and care of their parents or caregivers. And
23 if a student has been given a out of school
24 suspension it would not exceed more than 10
25 days.

1 If something rises to the level of
2 expulsion there is some procedures and
3 processes for due process that are in place,
4 and expulsion is the removal of the right and
5 obligation of a student to attend a public
6 school under the conditions set by the school
7 district board, and for a period of time not to
8 exceed the remainder of the term or 1 school
9 year, of school year, or 1 additional year of
10 attendance. Expulsions can be imposed with or
11 without continuing educational services and
12 have to be reported to the state accordingly.

13 When a student is notified that they are
14 going to be up for expulsion it is the
15 obligation of the superintendent to notify --
16 well, first the superintendent must be
17 immediately notified of student's off campus
18 felony arrests. That is when the principal
19 would conduct their hearing that they have five
20 days and would make a recommendation to the
21 superintendent if they feel that the act is a
22 serious breach of conduct, and when that is
23 determined they will look at what types of
24 measures need to be taken in place leading up
25 to an expulsion.

1 The district superintendent would make a
2 recommendation to the school district board.
3 When the recommendation for expulsion is
4 pending the superintendent has the authority to
5 go beyond the ten day out of school suspension,
6 because typically those gaps may be aligning
7 when the next scheduled school board meeting
8 is, and the expulsion hearings are governed by
9 Sunshine, and they are exempt from the public
10 due to FERPA regulations and procedures. So,
11 when a student is up for expulsion it is a
12 meeting with the school board for their
13 hearing, and that is outside of the scope of
14 Sunshine.

15 If you look at the discipline arrests,
16 school-wide discipline, and arrest data -- we
17 saw some of the highlights from DJJ so we're
18 going to go a little bit deeper into what
19 school discipline is. This is dating back from
20 2010 to the 2016/17 school year. We're still
21 in the process of aggregating 17/18 so we don't
22 have that readily available, but if you look at
23 starting from the bottom up the green line
24 represents the number of students that received
25 an in-school suspension, and the blue line is

1 for out of school.

2 I must have clicked a little bit -- is for
3 out of school suspension, and you can see the
4 trends have been moving in a positive direction
5 where less students are being served with in
6 school or out of school suspension. Similar
7 tend lines deal with expulsions, and this goes
8 back to 2012-2016/17. If you look at the red
9 line, those are students that are expelled
10 without any educational services. The gray
11 line represents students that were expelled
12 with educational support services. So, if a
13 student is expelled without any services that
14 means it could be up to that year, and they
15 would not have any contact with the school
16 district or be allowed on any of the programs
17 on campus or off campus.

18 If a school -- if a student is recommended
19 for expulsion with services typically that
20 might be served in an online learning
21 environment. There might be an after-hours
22 school program. It could be a GED prep
23 program. Those would be determined locally on
24 how to meet the needs of the students, but they
25 would be removed from what we would say is the

1 typical student day and the activities if they
2 are expelled.

3 This is the number of juvenile justice
4 arrests that have dated back to 2012-2017. If
5 you look at the dark red portion of the drafts
6 those are student arrests that happened in
7 communities. The light pink kind of end of the
8 graph are the number of arrests that happened
9 on a school setting, or at a school function.
10 These numbers include misdemeanors and
11 felonies, and this number doesn't include the
12 other category, so it might be a little bit
13 different from the slides that we saw earlier.
14 The other category includes students that may
15 get cited for a violation of probation or a
16 contempt of court, but these are pretty much
17 the arrests of students for felonies and
18 misdemeanors.

19 We heard a little bit about diversion
20 programs, and a lot of opportunities that
21 school districts have been implementing to
22 reduce out of school suspensions. Over the
23 last several years I think this has been a
24 focus area of many superintendents and school
25 boards, and school districts, as they want to

1 make sure that they can create positive
2 learning environments where students will be
3 successful and focused on graduation, and
4 they've added additional social workers,
5 psychologists.

6 In their higher needs schools all the way
7 down from elementary, middle, and high school,
8 they are looking at providing additional
9 academic support for students, and counseling.
10 Some school districts have implemented policies
11 where district level folks that are reviewing
12 how disciplinary referrals are being handled,
13 to make sure that they're implementing their
14 discipline matrix consistently in validity, not
15 only just across schools but across grade
16 levels and across classrooms.

17 They're looking at implementing release
18 community systems of care and referring
19 students to services within the community. We
20 have school based mental health programs and
21 supports that all fall in line with community
22 based mental health and supports for students,
23 and we want to make sure that students are
24 awarded those opportunities.

25 Implementing restorative practice, looking

1 at research; there's been guidance administered
2 to school districts from the National Education
3 Association's advancement projects on how to
4 implement discipline, and use out of school
5 suspension as a last resort, but it all really
6 comes down to building relationships with
7 students and the implementation of positive
8 behavioral supports, which is really defining
9 on making sure that schools are a place where
10 students want to be, and teachers are focused
11 on creating a culture of care and really
12 building relationships with students so that
13 they can be successful both in and out of
14 school.

15 When we look at diversion programs, that
16 we have seen that was written in statutes,
17 there's a wide range of those diversion
18 programs where -- we've heard of civil
19 citations was mentioned this morning, but also
20 teen and youth courts, providing additional
21 mental health supports, restorative justice, so
22 that students are reflective in the process in
23 eliminating the behaviors that may have caused
24 them to do something to get them in trouble.

25 Really being focused in building mentoring

1 programs and monitoring truancy in what we're
2 calling chronic student absenteeism, which is
3 another level of truancy, so really making sure
4 our early warning systems are targeting
5 students that not only miss school for excused,
6 unexcused, and out of school suspensions, but
7 if a student misses ten percent or more of the
8 school year for any of those reasons we want to
9 figure out why, and see why they're not coming
10 to school and being focused on learning,
11 implementing academic and behavioral supports,
12 and really following the child study teams, or
13 student study teams, and making sure that the
14 referrals to the agencies are being put in
15 place.

16 So, that was a very quick overview of what
17 are the actual statutes that are currently in
18 place that school districts and school boards
19 have to adopt policies around for local
20 implementation decisions.

21 CHAIR: Commissioners, any questions? Dr.
22 Blackburn.

23 DR. BLACKBURN: Thank you, Mr. Oliva, for
24 that presentation. A couple of questions
25 around evaluation and accountability. You

1 mentioned discretion at the local district
2 level with disciplinary practices. Does the
3 State Department of Education do any kind of
4 evaluation of local district discipline
5 practices or policies?

6 MR. OLIVA: So, the data that we aggregate
7 at the state level is defined in SESIR, and
8 when we get those reports we look at patterns
9 to see if there's something that we can do to
10 support school districts, if we're seeing a
11 high number of incidences may be happening in
12 some school districts, or some neighborhoods,
13 or sometimes school districts reach out to us
14 and say is there additional layers of support
15 that you can provide.

16 What we try to do at the state level is
17 really identify what we call tiered supports,
18 not just for discipline but for achievement,
19 and the scope of work that we have, and that's
20 really looking at the state holistically and
21 putting them into three tiers, where Tier 1
22 would say we're going to provide all school
23 districts by giving them technical assistance
24 and guidance. Tier 2 might be a regional
25 target. And then Tier 3 might say we have to

1 come to your -- we're going to come to your
2 school district because we've noticed that
3 there's disproportionality, or your students of
4 English language arts not being as successful
5 as we'd like to see, what can we do to provide
6 support.

7 So, we don't necessarily come down with
8 the heavy hand, or saying you're not doing what
9 you need to do, but how can we be engaged in
10 the conversation for that cycle of continuous
11 improvement.

12 DR. BLACKBURN: All right, great. And my
13 next one or two questions -- first let me say
14 as a parent and an educator, absolute believer
15 in firm, fair, and consistent discipline. I do
16 have to, given what I do for a living, and what
17 I've done for a living for the past twenty two
18 years, call out some tension between discipline
19 practices and the accountability measures that
20 classroom teachers, counselors, principals,
21 school boards, superintendents are held
22 responsible to, right, most disciplinary
23 interventions require some kind of removal of
24 that student from the optimal learning
25 environment, and is that removal factored in

1 any way, shape, or form, to the way classroom
2 teachers, principals, or school districts are
3 evaluated with learning, dropout rates,
4 graduation rates, et cetera?

5 MR. OLIVA: School discipline is not a
6 part of the accountability system, so there's
7 -- sometimes we hear people state that
8 principals are reluctant to suspend students
9 because they need to protect their data. We
10 would reiterate that that data is part of an
11 early warning system to see how students are
12 performing. When a school district or school
13 gets their grade that's based on student
14 performance, so there's no incentive for a
15 principal to pad discipline numbers.

16 But to look at that as formative data, to
17 say we want to make sure that we're providing
18 those positive supports for all of our
19 students, and if we see that we're having some
20 challenges what are some additional layers of
21 resources that we can bring, bring in, because
22 implementing discipline at matrixes, coming
23 from a school district some teachers see things
24 one way, some see them another way, and having
25 clear definitions of how you're going to code

1 or define student misconduct is something that
2 districts have to work through so that they're
3 being consistent and fair as well.

4 DR. BLACKBURN: Absolutely. I think the
5 core of my question is really around in the
6 future, knowing that time on task, or time in
7 classrooms, or in schools in the optimal
8 learning environment, is crucial to literacy
9 scores, graduation rates, et cetera. Might
10 there be an opportunity to look at that kind of
11 information, when children are removed from
12 that learning environment for appropriate
13 reasons, might there be an opportunity to
14 adjust teacher school district accountability
15 systems accordingly?

16 MR. OLIVA: I would say that the purview
17 of this commission is to make recommendation to
18 policy makers. If that's a recommendation they
19 choose to make it would be taken under
20 consideration, as well as all the other
21 recommendations.

22 CHAIR: I think Secretary Daly first.

23 SEC. DALY: Thank you, Chairman. And
24 thank you for your presentation. I just have a
25 quick question. So, when a youth is expelled

1 from school, it looks like the vast majority of
2 them are being expelled with some type of
3 service, but for those kids that are expelled
4 where there's not a service recommendation, why
5 would that be, and do you feel like there could
6 be some kind of, like a different umbrella or
7 something of services that might be helpful for
8 those young people?

9 MR. OLIVA: Sure. And that's a good
10 question. So, I think when superintendents are
11 making recommendations to their school board,
12 they have to look at each case as that specific
13 incident and make the decision that they feel
14 is best for their school district and their
15 community. So, if that recommendation is for a
16 student to be fully expelled without services,
17 I don't want to make an assumption, but is
18 perhaps that the reason they're up for
19 expulsion warrants something of that, that
20 severeness.

21 But I think a lot of school districts are
22 looking back in making determining factors,
23 which could be age, because somebody might be
24 at that point where they're just going to age
25 out of the system, so it might be time to refer

1 them to another agency. But trying to say how
2 can we provide services to students, especially
3 if you're very young in the discipline process,
4 the hope is that you will transition back and
5 be a successful student at some point, so that
6 they're looking at ways to be more creative in
7 providing those services, so each case would
8 have be individualized on their approach.

9 SEC. DALY: Okay, thank you.

10 CHAIR: Mr. Petty, and then Senator Book.

11 MR. PETTY: Thank you for your
12 presentation. A couple of questions. So, what
13 you were talking -- you referred to SESIR.
14 It's a new acronym for me, but the question is,
15 is it the Florida Department of Education's
16 role to track compliance with incident
17 reporting, or whose responsibility is that in
18 Florida?

19 MR. OLIVA: That's a good question. So,
20 the Department requires districts to submit
21 that data, and adhere to the timelines, because
22 we also have to report some of those elements
23 federally. Determining those incidences, and I
24 guess analyzing the data at the local level --
25 we get what districts send us.

1 MR. PETTY: Is there any audit process to
2 validate the data coming in from the districts,
3 or is it just at their discretion?

4 MR. OLIVA: Well, we look at trend lines,
5 so if we see significant changes in data over
6 time then we would follow up with the district
7 and say the data you submitted this year is not
8 consistent in previous years, has there been a
9 change of practice, has there been a change of
10 policy, why is the trend lines changing so
11 rapidly. But as far as really digging in to
12 say you're underreporting incidences, I don't
13 know how you would do that.

14 We -- the superintendents and the school
15 boards know that they are expected, and they
16 have statutes that guide fidelity of data that
17 they send, and they sign off saying that this
18 data is accurate to the best of their knowledge
19 and ability, and we have to accept that.

20 MR. PETTY: Okay. I guess I -- just a
21 commentary. I would do it with an audit, but
22 that -- that would be one tool, because
23 definitionally you need to understand how
24 they're defining these different incidences, I
25 guess for lack of a better term (sic).

1 MR. OLIVA: Well, those incidences do have
2 definitions, and as I should state is if you go
3 on our Office of Safe Schools website there's a
4 SESIR component, and every one of those
5 definitions you can click on and read exactly
6 what they are and see every report for the last
7 several years.

8 MR. PETTY: Now that makes sense. It just
9 -- it would seem important to make sure that
10 districts are reporting against the definitions
11 that the state has defined. Speaking to the
12 trend lines, they all look positive as we, as
13 we move forward in time. Do we understand why?

14 MR. OLIVA: I think that goes back to --
15 at the end of the presentation we talked about
16 school districts being very strategic and
17 focused on discipline, positive behavioral
18 supports, new strategies, and research are
19 showing that when schools set school wide
20 expectations and hold students accountable they
21 meet those expectations, and they're being very
22 deliberate in their approach on how they're
23 implementing school district and safety
24 discipline policies.

25 MR. PETTY: So, that would be the major

1 reason for fewer expulsions and fewer
2 suspensions across the state?

3 MR. OLIVA: We believe so, yes.

4 MR. PETTY: Thank you.

5 CHAIR: Senator Book.

6 SEN. BOOK: Thank you, Mr. Chair. It's
7 really a dovetail to Commissioner Petty's
8 question, and a little bit about what we talked
9 about, the accountability system for
10 suspensions, and in school and in class
11 behavior. Is our schools assessed perhaps on
12 the number of expulsions that they have?

13 MR. OLIVA: So, when -- when you say
14 assessed, we monitor state wide, state wide
15 data, especially when you're looking at
16 students in different programs, like students
17 with disabilities, and we look at
18 disproportionality, and we provide feedback to
19 districts. And if I look at students with
20 disabilities, let's say as an example if there
21 is an indicator that shows an over amount of
22 students being disproportionately suspended
23 they have to write kind of corrective action
24 plans and submit that. So, that -- that is
25 monitored, but it's not part of that school

1 grade.

2 SEN. BOOK: Would -- so would a school be
3 penalized, maybe it's not students with
4 exceptionalities, if they have a high expulsion
5 rate?

6 MR. OLIVA: No.

7 SEN. BOOK: And the other questions I
8 have, I've talked to a lot of teachers about
9 student needs, and I know that the Department
10 has spent a lot of time making sure that
11 students' needs are met, teachers, the
12 district, but I think more and more I have
13 heard that teachers are feeling that they're
14 having to address a lot more needs than they
15 have the ability or the training to, to
16 provide, so what is the Department doing, you
17 know, for some of those students, because, you
18 know, they're, as our Chair has talked a little
19 bit about there are only so many options
20 sometimes, right, expulsion, or suspension, or
21 corrective IEP, whatever that is; what other
22 options are we looking at perhaps if there is a
23 student in an educational setting that maybe
24 isn't appropriate?

25 MR. OLIVA: So -- and that -- that's a

1 great question with, we could spend the next
2 three hours trying to define. So, what I would
3 say that the state is doing is, in fact we're
4 doing regional trainings now where we, we are
5 looking at federal guidelines, like the
6 framework for safe and successful schools, and
7 working with district level school-based teams
8 on how they're developing their plans locally
9 in providing technical assistance and guidance.

10 We do have some additional allocations of
11 funds this year from the legislature to support
12 school based mental health programs, and really
13 defining what is those interventions, or layers
14 of services need to look like. So, we're
15 calling it providing a place and a space where
16 we can have those conversations and provide
17 assistance and guide school districts in the
18 best practices that they need to look at when
19 they're implementing the framework. But then
20 locally those school districts have to
21 determine what meets their needs best, and
22 align their resources to their plans, and their
23 school board policies, to ensure that those
24 practices are being implemented.

25 SEN. BOOK: Thank you. Mr. Chair, can I

1 have one follow up?

2 CHAIR: Go ahead.

3 SEN. BOOK: So, I think one of the things
4 that I've also heard, and I know that it was
5 the intention for some of the mental health
6 allocation, is for school counselors to provide
7 counseling, whereas in the past perhaps they
8 were being utilized in other ways. Will that
9 be something that you include as a best
10 practice?

11 MR. OLIVA: Sure. And there is a lot of
12 great literature and research on that. And in
13 fact, on our Safe Schools website we've started
14 aggregating those best practices for districts,
15 and sharing that information on what those
16 ratios, frameworks, and latest research says.
17 And we're supporting districts through, through
18 their planning and implementation of that as
19 well.

20 CHAIR: Commissioner Swearingen.

21 COMM. SWEARINGEN: Thank you, Chairman. I
22 want to follow up on Commissioner Petty's
23 question, and your statement regarding the
24 definitions of those incidences that are
25 expected to be reported through SESIR and those

1 that not necessarily are reported through
2 SESIR. In looking at the items you've listed,
3 and the ones that must be reported and the ones
4 that are not necessarily reported, it seems
5 like there's a high level of discretion that
6 could be allowed there, without being able to
7 see the definitions you mentioned.

8 For example, depending on the level of
9 bullying it might rise to threat and
10 intimidation, which must be reported. If it's
11 fighting that doesn't necessarily need to be
12 reported, and yet a physical attack does have
13 to be reported. Hazing has to be reported, and
14 harassment doesn't. So, my question is -- all
15 of those are open to interpretation. Who makes
16 that decision, and is that standardized across
17 the districts or is that open to
18 interpretation?

19 It just seems like there's a lot of
20 ability for someone if they wanted to minimize
21 an act and not report it through SESIR, or
22 somebody else might say, no, that rises to a
23 higher level and we are going to report that.
24 So, my question is who determines that?

25 MR. OLIVA: So, I would like to clarify.

1 Every one of those incidences are required to
2 be reported in SESIR. The different categories
3 are on whether or not law enforcement is to be
4 part of the consultation or required to be part
5 of the investigation. But when you're looking
6 at say a bullying, and substantiating a
7 bullying claim, an investigation happens at the
8 district level, or the school level, or however
9 their procedures are in place to determine
10 whether or not that incident is substantiated
11 or not, and into whether or not they're going
12 to include law enforcement in the outcomes or
13 making that recommendation or referral to law
14 enforcement.

15 COMM. SWEARINGEN: But that's a
16 discretionary, somebody decides what, what one
17 might say is bullying another might say is
18 threat and intimidation. That's determined at
19 the local district level, or school level, as
20 to whether law enforcement is going to be
21 notified about that incident.

22 MR. OLIVA: Well, if we go back so that --
23 these incidences listed here must be reported
24 to law enforcement, there is no gray. Now, and
25 then those definitions are clearly defined.

1 These it says are expected to include law
2 enforcement, and then the next section says may
3 not include consultation of law enforcement,
4 but they could. One of the things that 7026
5 does now is really define what a threat
6 assessment team, and that includes law
7 enforcement, so if these incidences are being
8 reviewed at the threat assessment team level
9 law enforcement would have purview to help
10 guiding and informing that decision.

11 COMM. SWEARINGEN: Thank you.

12 CHAIR: Just to clarify something, clarify
13 something here, because there seems to be to me
14 an inconsistency, and just following up on
15 Commissioner Swearingen's question, under the
16 new 7026.

17 So, you say here in Slide 12 on Page 6
18 that these incidents are expected, not
19 required, to include a law enforcement
20 consultation. And an example of that would be
21 a robbery. So, it's not a mandate that law
22 enforcement be consulted if somebody commits a
23 robbery, which is a violent crime. But now
24 under 7026 if it is the second petit theft
25 misdemeanor law enforcement is required to be

1 consulted, so we've got now a scheme where if a
2 kid takes two ham sandwiches on two different
3 days you have to consult law enforcement, but
4 if they commit a sexual battery or a robbery
5 it's not mandated; is that correct?

6 MR. OLIVA: What has been presented to you
7 is the current SESIR reporting requirements, so
8 --

9 CHAIR: Right. Right.

10 MR. OLIVA: -- and that goes back to
11 creating those common definitions. When that
12 threat assessment team is looking at a robbery,
13 if somebody makes an accusation that the
14 robbery has been committed they may not be
15 required to include law enforcement, but I
16 would say very likely it would.

17 CHAIR: But again, the point is it's not
18 mandated, but we now have a scheme where if you
19 have a second or greater, second or more
20 misdemeanor, that has to be reported. So, if
21 you've got a kid that writes on the bathroom
22 wall I'm going to shoot this school up that
23 would likely fall within an incident that
24 doesn't have to be reported to law enforcement,
25 but if a kid took two ham sandwiches on

1 successive days that does. I mean that -- I
2 mean just legally, just so we know, I'm correct
3 that that is the scheme that is set up now,
4 correct?

5 MR. OLIVA: That's correct.

6 CHAIR: Okay. So, I'll editorialize
7 that's probably something we need to look at.

8 MR. OLIVA: Sure.

9 CHAIR: Mr. Schachter was first.

10 MR. SCHACHTER: And along those lines you
11 could have someone commit sex -- is sexual
12 assault the same thing as rape?

13 CHAIR: Yes.

14 MR. SCHACHTER: And that is not mandated
15 to be referred to law enforcement; is that
16 correct?

17 MR. OLIVA: The way these are is the way
18 -- and these are federally guided, so this is
19 the way the statutes are. But I will tell you
20 if someone committed a sexual act law
21 enforcement would be involved. It may not
22 necessarily be coded that it's required for
23 them to be involved, but that's the way it's
24 currently listed.

25 CHAIR: Mr. Petty, I think you had another

1 question.

2 MR. PETTY: I apologize, I'm not a lawyer
3 nor in law enforcement, but I mean I see
4 discrepancies here. We got sexual battery,
5 sexual assault. I realize they're probably two
6 different things legally, but physical attack
7 and battery, what, how do you, without
8 consulting with law enforcement how do you know
9 what's the difference between physical attack
10 and battery in this case, and how do we ask a
11 principal or a teacher to make these
12 determinations?

13 MR. OLIVA: So -- and that's a good
14 example. So, we have these -- and school
15 districts have these types of conversations all
16 the time, because they will have a discipline
17 matrix that's part of their code of conduct
18 that differentiates between primary and
19 secondary schools on what would that look like.
20 So, if you have two kids in elementary school,
21 they're in fourth grade, and their standing in
22 the lunch line and the one kid pushes another
23 kid, how do you code that? Is that physical
24 attack, is that student misconduct, is that
25 horseplay, is that inappropriate touching?

1 That's when the school districts locally have
2 their discipline matrix and have clear
3 definitions on how they're going to code that,
4 and the based on how that's coded, or based on
5 the outcome of an investigation would determine
6 the appropriate discipline or consequences.

7 MR. PETTY: So, I understand that -- so I
8 understand that part, but I mean I'm just --
9 what's the difference between a physical attack
10 and battery at the state level? These are your
11 definitions, not the districts', right?

12 MR. OLIVA: Right, these are the state --
13 these are federally required reporting
14 incidences as well, so this is what the
15 districts have to report to us based on the
16 definitions and guidance that are provided with
17 them. And I don't -- I did not bring all the
18 exact definitions with me, but we'd be happy to
19 follow up with that.

20 MR. PETTY: I understand, sir. But if I'm
21 at a district level trying to create a
22 discipline matrix how am I supposed to
23 interpret the difference between physical
24 attack and battery, just as an example?

25 MR. OLIVA: Those definitions are on our

1 website.

2 CHAIR: Commissioner.

3 MS. LARKIN SKINNER: Just along those same
4 lines as some of the other questions, do you
5 know of any benefit to a district or school if
6 they underreport these incidents?

7 MR. OLIVA: No.

8 MS. LARKIN SKINNER: So, it wouldn't
9 affect potential enrollment, I mean with school
10 choice people get to choose where their kids
11 enroll, it wouldn't potentially -- I mean if
12 the information is available to the public, and
13 the public can see the number of incidents, and
14 parents are trying to decide where to enroll
15 their children, they might, I could see, pick
16 places, schools that have fewer incidents, or
17 districts that have fewer incidents. I could
18 see that as a benefit.

19 CHAIR: Sheriff Judd.

20 SHER. JUDD: How do you reconcile that
21 list against Florida's mandatory reporting law
22 on child abuse? I think sexual battery of a
23 child, or sexual assault is child abuse. In
24 fact, I know it is.

25 MR. OLIVA: Right. And mandatory

1 reporting, we have different training and
2 guidelines for that, but everybody in the
3 school system receives specific trainings and
4 guidelines on what is mandatory reporting and
5 are held accountable to that.

6 SHER. JUDD: So, in effect they can't
7 follow this guideline, this federal guideline,
8 and be in compliance with Florida law.

9 MR. OLIVA: They can. And that's what I
10 was saying, that component likely based on
11 those accusations would include law enforcement
12 as well.

13 CHAIR: Commissioner, go ahead.

14 MS. LARKIN SKINNER: If I may just clarify
15 one thing. So, I think reporting to DCF is a
16 little different than reporting to law
17 enforcement, and sometimes in that situation
18 DCF may be making that decision of bringing in
19 law enforcement on, on some of those mandatory
20 reporting. Our mandatory reporting is to DCF.

21 MR. BARTLETT: If I could ask a question
22 real quick?

23 CHAIR: Sure, go ahead.

24 MR. BARTLETT: How are the schools
25 notified of an out of school felony arrest by a

1 student to be able to take action and evaluate
2 if they should take action on suspending the
3 child or not?

4 MR. OLIVA: So, typically through their
5 school resource officer program they would get
6 the forms from the local jurisdictions on
7 anything that's dealing with a juvenile. But
8 then some of the new statutes that are coming,
9 that have come about in this last legislative
10 session are to create those data repositories
11 and interagency networks to ensure that the
12 schools are finding out about that as well.

13 MR. BARTLETT: Is that something that's
14 being done now, or is that something that's
15 going to be done, as far as creating the data
16 pool to provide that information, because some
17 schools don't have resource officers, some have
18 some that aren't necessarily as forward
19 thinking as others to check the daily arrest
20 reports, and things of that nature.

21 MR. OLIVA: Right. I think you're going to
22 find a combination of both.

23 CHAIR: Secretary Carroll.

24 SEC. CARROLL: Thank you, Chairman. My
25 question on, to follow up on some of these

1 questions on performance, you said you look at
2 trends. If a -- if a district is
3 underreporting or is reporting more heavily do
4 you look at the outliers, and is there any work
5 to understand why someone might be a low
6 reporter versus a high reporter?

7 MR. OLIVA: And that would be part of the
8 conversation. When we look at those trend
9 lines, and we're looking at districts,
10 typically those trend lines would correlate
11 directly to achievement and graduation rates,
12 and outcomes, so that's one of those early
13 warning system indicators to overall
14 performance, which would be a part of that
15 conversation.

16 SEC. CARROLL: And when you look at the
17 data the data would indicate, at least
18 anecdotally if you look at the data by itself,
19 that things are getting better, they're
20 improving. Does that data on the school
21 suspension, that does not include those kids
22 that you're sending to alternatives too, like
23 in school suspension, suspension, and all that,
24 these diversion programs. Does it include
25 these programs, or are they linked in any way?

1 MR. OLIVA: A lot of times the referrals
2 into those diversion programs are the outcome
3 of an in school and out of school suspension.

4 SEC. CARROLL: Okay. So, the declining
5 numbers aren't necessarily the result of those
6 additional programs.

7 MR. OLIVA: Right.

8 SEC. CARROLL: Can -- can you tell me --
9 and this is what I worry about, because really
10 this -- we need to figure out -- you know in
11 the last presentation when DJJ presented I
12 thought they did a good job of showing how not
13 all kids are going to react the same. In fact,
14 most of the kids when they come in at an entry
15 level if they have an appropriate intervention
16 seem to make the right decisions, we don't see
17 them again. But there's that core of kids, and
18 in DJJ's case it was a relative small group of
19 kids, but with a very high recidivism rate,
20 that become frequent flyers in their program,
21 and take a lot of resources.

22 Do you have a way in these, in your school
23 discipline, like is there a way to predict when
24 you do your assessments, to predict which of
25 these kids -- there's -- there's generally some

1 little truth, there's a difference between
2 somebody doing something that every kid would
3 do, what I would call mischief, versus some kid
4 who is going to become a real threat to the
5 school. Do you currently have predictive tools
6 that would help you understand who those
7 potential threats were, or is it the threat
8 assessment teams that are going to be put in
9 place that becomes that tool?

10 MR. OLIVA: I think it's a combination of
11 both. Districts -- the threat assessment team
12 is a little bit more formalized process for all
13 districts. Many districts have those processes
14 established already where they do student study
15 teams and look at the data on students and try
16 to make, and make sure that the resources are
17 being aligned appropriately. But it would be
18 different from district to district.

19 SEC. CARROLL: Sheriff Judd brought this
20 up earlier, with the folks who change schools
21 and stuff. Is your data system sophisticated
22 enough to capture when somebody is changing
23 schools within a district, that they in fact
24 have this history?

25 MR. OLIVA: Within the state, yes, we

1 track, and we also track mobility as well for
2 the students.

3 SEC. CARROLL: And my last question,
4 because when I talk to teachers anecdotally
5 they talk a lot about they are ill equipped to
6 deal with normal kids that they perceive to
7 have behavioral health issues, particularly
8 mental health type issues, and I can appreciate
9 that. And I'm just trying to get sense of --
10 are those the kids that are ending up on the
11 disciplinary process, or is that a separate
12 group of kids, or is it a crossover group of
13 kids that are both disciplinary and behavioral
14 health issues combined?

15 MR. OLIVA: It could be all three of those
16 categories. And that's why for every student
17 that's not being successful in school we need
18 to do the study team to find out why.

19 CHAIR: Secretary Carroll, in July we're
20 going to hear more about the behavioral threat
21 assessments from the Secret Service, and from
22 Virginia, the state of Virginia, which has
23 implemented it. Up to this point what we've
24 learned is, is that the assessment process I
25 would characterize has been more reactive than

1 proactive. I think that goes to the heart of
2 your question about being more proactive in
3 trying to address behavioral indicators and
4 head them off well in advance, but that will be
5 addressed pretty significantly in July.

6 I want to make sure that you all have the
7 opportunity for questions, and I'm just letting
8 it go, but know that we are running way over on
9 time, and we're going to have to make some
10 audible calls here on schedules, and I'll do
11 that, but I want to make sure you all have
12 adequate time. We finding -- I'm going to find
13 out now, because after this presentation we had
14 scheduled the Broward County Schools, and that
15 was set for seventy-five minutes, so we're
16 trying to find out if lunch is ready now. If
17 it is, we may break now and then go to lunch
18 and come back.

19 If not -- all right, it is. Okay. So,
20 we'll take a couple more questions, and then
21 make an adjustment to the agenda, is that we'll
22 stop and come back at 1:00 with Broward County
23 School's presentation, as opposed to doing it
24 now and then breaking for lunch at 1:00,
25 because I don't want to starve you all to

1 death. So, we will break after whatever
2 questions you all have here in a couple
3 minutes, we'll break now for lunch and then
4 resume with the Broward County School's
5 presentation. Chief?

6 UNDER. SHER. HARPRING: Thank you, Mr.
7 Chair. The SESIR reporting guidelines, you
8 indicated that those were federally mandated.
9 Would the nonuse of those adversely affect any
10 federal money that state DEO gets to pass
11 along? In other words if you just decided
12 we're not going to use those, because in my
13 view there's some inherent conflicts and
14 contradictions, the terminology doesn't seem to
15 fit, there seems to be some overlap, there
16 seems to be some conflict with state reporting
17 mandates relative to mandatory reporting,
18 whether or not law enforcement is going to be
19 involved or not, so if you just decided to do
20 it, or if the state passed a law, decided they
21 weren't going to do it, is that going to
22 adversely affect funding, in other words
23 there's a funding issue and that's why we're
24 sticking with it?

25 MR. OLIVA: So, I'd have to research that

1 a little bit further, but typically states can
2 put more restrictive guidelines than what's in
3 federal components, so -- and that's why I go
4 back to the spirit of this commission. If
5 those are some of the recommendations to really
6 look at, and add some additional layers, we
7 could take those recommendations and vet them
8 for policy.

9 MS. STUART: Chair, if I may maybe make a
10 clarification?

11 CHAIR: Yes. Yes.

12 MS. STUART: So, we do have a link on our
13 website to those definitions, so what I can do
14 is send it to staff so that it can come out to
15 commission members.

16 CHAIR: Okay, sounds good. Anybody else
17 have questions? Yes, go ahead.

18 MS. POWERS: Do expulsions impact
19 graduation rates?

20 MR. OLIVA: Yes.

21 MS. POWERS: And what about suspensions
22 for attendance rates for individual schools?

23 MR. OLIVA: So, when you're monitoring
24 attendance rates, that's why we get into
25 truancy and chronic absenteeism. So, truancy

1 rates are calculated differently, and those are
2 mandated by Florida statute. But chronic
3 absenteeism is a part of our early warning
4 system indicator which looks at students that
5 miss at least ten percent of the school year
6 because of excused, unexcused, or disciplinary
7 reasons, and that goes, that would put them
8 into the early warning system, say something's,
9 something's going on with the student because
10 they're missing too much school, and if they're
11 missing that much school they can't be
12 learning.

13 MS. POWERS: And I just asked the question
14 just so the commission would know that those
15 are accountability measures for individual
16 schools and for school districts that could
17 impact underreporting.

18 CHAIR: Just two quick questions. One is,
19 is on Page 8 in Slide 15 you lay out the basis
20 for a student to be expelled. Are those the
21 only basis for a student to be expelled, it has
22 to be a felony?

23 MR. OLIVA: No.

24 CHAIR: So, can you elaborate a little bit
25 then on that, tell us what other criteria can

1 be used?

2 MR. OLIVA: Well, it can be a history of
3 discipline. So, that would be through the
4 discipline matrixes that school districts have
5 locally, that if a principle makes a
6 recommendation to the superintendent that they
7 believe this student is having an adverse
8 effect on the campus, they can make that
9 recommendation to the school board, and the
10 school board can implement, and react --

11 CHAIR: So, they can't do it, the
12 authorities here. So, like in our case here if
13 there was a whole, a whole bunch of indicators
14 regarding Cruz, is it just appeared here that
15 it had to be a felony, but that's not the case,
16 is that they school districts and school board
17 do have the authority under current law to
18 expel for something other than a felony.

19 MR. OLIVA: Yes.

20 CHAIR: Okay.

21 MR. OLIVA: And so last question is, is
22 that inside 9, on Page 9 in Slide 17 you talk
23 about the student code of conduct and student
24 discipline, and that the school boards can
25 adopt rules, et cetera.

1 CHAIR: Is that the authority for a school
2 district to operate a program such as the
3 PROMISE program?

4 MR. OLIVA: Correct.

5 CHAIR: And the school, every district has
6 authority under -- is there any other statute
7 other than this statute that would give a
8 district the authority to develop alternatives
9 to referrals to law enforcement or the juvenile
10 justice system, or is this the statute that
11 they would rely on?

12 MR. OLIVA: I don't want to say with a
13 hundred percent certainty that there's no other
14 statutes, but this is the main statute that
15 they use for that guidance.

16 CHAIR: So, to your knowledge other than
17 in Broward County with the PROMISE program,
18 which we'll hear more about after lunch, is it
19 common for districts to operate their own
20 internal diversion programs outside of what we
21 heard this morning, which are DJJ sanctioned
22 programs, such as civil citation or other
23 pre-arrest diversion; is that common throughout
24 Florida?

25 MR. OLIVA: I would say -- districts

1 develop their own local policies so I don't
2 know what common would be, as far as the
3 definition. If you consider sixty-four to
4 sixty-seven districts is common, but I would
5 say school districts look at implementing
6 tiered interventions for students, and if
7 students aren't being successful they're going
8 to do whatever they can to allocate whatever
9 resources they have to find ways for those
10 students to be successful.

11 CHAIR: So, is there a list of diversion
12 programs? Does the Department maintain a list
13 of district diversion programs?

14 MR. OLIVA: We don't -- we don't aggregate
15 that at this time, no.

16 CHAIR: So, there's a difference though
17 between a diversion program for behavior, if a
18 kid is acting up in class, won't be quiet,
19 tardy all the time, et cetera, that's
20 different, a different type of intervention, or
21 diversion, than a kid who is stealing things,
22 that is hitting others and committing crime,
23 correct?

24 MR. OLIVA: Correct.

25 CHAIR: But -- but that seems to be all

1 aggregated, maybe, in these school-based
2 programs?

3 MR. OLIVA: It can be, yes.

4 CHAIR: Okay. All right, anybody else
5 have any before we break here? All right,
6 because again, I want to make sure that
7 everybody, all of you have every opportunity to
8 ask all the questions. I think it's very
9 important that you be able to get all the
10 information that you want. So, we are off
11 schedule, but that's okay, we'll figure out how
12 to fix this and make it up, but we're going to
13 break now for lunch, and we will resume right
14 at 1:00 with the Broward County School's
15 presentation on their application of all of
16 this, and specifically the PROMISE program.
17 So, we'll see you all at 1:00.

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

20 CHAIR: The next presenter will be Mickey
21 Pope from the Broward County School District,
22 and I've asked Mickey to talk about the
23 discipline system within the Broward County
24 Schools, specifically, and there's been some
25 reference to this, and public discussion, about

1 the discipline matrix that's used by Broward
2 County Schools, and their diversion programs,
3 and then specifically the PROMISE program. So,
4 we will go from, with Mickey's presentation
5 from now until 2:15, so Mickey, welcome. Thank
6 you.

7 MS. POPE: Thank you. Good afternoon. My
8 name is Michaelle Pope. I'm the Executive
9 Director of Student Support Initiatives for
10 Broward County Public Schools. My team and I
11 have district oversight of disciplinary
12 processes for the district. Before I take you
13 through some of our related work I have been
14 asked by Mr. Robert Runcie, our school
15 superintendent, to read a message from him to
16 the commission. So, with the Chair's
17 permission, I'd like to do that now?

18 CHAIR: Yes. Yes, fine.

19 MS. POPE: Thank you. Mr. Runcie is
20 attending his daughter's college graduation and
21 is relocating her to her next place of her,
22 next leg of her life, so he couldn't be here
23 today, but he definitely wanted to address the
24 commission. His message reads:

25 "Good morning, Commission Members. I

1 should, at this point, say good afternoon. On
2 behalf of our school board and the entire
3 Broward County public schools' community, thank
4 you for your service in this critical important
5 process. We are grateful for your leadership
6 in investigating and working to understand this
7 tragic event, and the preceding practices of
8 the school district, public agencies, and all
9 relevant individuals and institutions.

10 For the parents of students whose lives
11 were taken we offer our deepest condolences for
12 your tremendous loss. We will also continue to
13 work tirelessly to support the injured and
14 their families who my staff and I continue to
15 meet with, determining their needs, as well as
16 all others who suffer and are impacted by the
17 trauma of this horrific tragedy.

18 We also seek to find answers to understand
19 how such a tragedy came to be. Over the next
20 two days we'll present on the three topics that
21 you have requested. Know that we will be a
22 contributing partner with you for the duration
23 of the commission's work. This commission's
24 work is one of several such efforts underway in
25 our community.

1 Each of these initiatives will be
2 informative in our consideration of what must
3 change in policy, operational practices, and
4 resource allocations. Broward County Public
5 Schools has an external review underway that
6 will be released by June 30, 2018.

7 Simultaneously we have activated internal
8 investigations. We are committed to rigorous
9 review, determining accountability, and
10 implementing improvements. While a complete
11 response is under development we commence
12 procedural and resource changes immediately
13 after the event. Additionally, significant
14 changes will go into effect for the 2018/2019
15 school year.

16 We are grateful for your work in
17 completing the investigation, identifying
18 corrective actions, and recommending systemic
19 improvements. We will learn from each
20 investigatory body and implement a
21 well-informed thoughtful set of actions.
22 Again, thank you. Mr. Robert Runcie."

23 I, too, would like to begin by thanking
24 the commission for the opportunity to present
25 out work this afternoon. I'm here with a team

1 of district and school-based practitioners who
2 are close to the implementation and can answer
3 questions in great detail if needed. We will
4 begin with framing our philosophy on school
5 discipline.

6 This slide speaks to our philosophy, but
7 there will be elements of that philosophy
8 throughout the presentation. We are firm in
9 the belief that appropriate behavior begins to
10 be shaped from birth by the environment, by all
11 adults in a child's life, and we also believe
12 that children should receive regular feedback
13 from adults on their behavior.

14 The reinforcement of positive behavior,
15 interventions with inappropriate behavior, and
16 discipline for misbehavior at home, in a
17 community, and in school, provides students
18 with the guidance needed to be able to
19 self-regulate, and to contribute to our society
20 in a positive way. We also believe that the
21 application of discipline should be age
22 appropriate, and applied objectively,
23 consistently, and equitably, and that a safe
24 environment, a positive climate that is
25 conducive to learning is the responsibility of

1 all stakeholders.

2 As a public school system, we are charged
3 with serving the community's children, all of
4 them. We open our doors every day to over two
5 hundred and seventy thousand students. Our
6 work is directed and guided by federal and
7 state statutes, some of which our previous
8 presenters already outlined, but also by local
9 policy, and by formal agreements between
10 governmental and youth serving agencies.

11 We must also give great, great
12 consideration to the voice and the needs of the
13 community we serve, so we facilitate many
14 opportunities for community input. We have
15 close to thirty committees in the district that
16 we facilitate to get community input. We have
17 parent advisory groups. We have open school
18 board meetings and workshops. We have
19 dedicated offices to hear parent and community
20 concerns. We hear from advocacy organizations,
21 and individual advocates.

22 And because we cannot be a teaching
23 organization without also being a learning
24 organization we seek to learn best practices
25 from across the nation, what is working in the

1 field, and look to continuously improve.

2 That's the commitment that we have around
3 discipline, and around everything we do.

4 So, behavior intervention in Broward, and
5 disciplinary actions, begin with school-based
6 decisions made by teachers and administrators.
7 You'll see that at the center of the slide.
8 First with opportunities for learning
9 appropriate behavior through lessons on
10 character ed, through social/emotional learning
11 skill development lessons, and through our
12 response to intervention processes.

13 Second, through disciplinary decisions and
14 actions that may lead to short term or
15 long-term removal of a student from a regular
16 school learning environment. The latter
17 processes are guided by policies that you will
18 hear about throughout this presentation.

19 In Broward County public schools, we offer
20 a number of program options for students who
21 much be removed from their regular school
22 environment. These options allow for
23 continuing education while received behavior
24 support. We have alternative to external
25 suspension programs, or what we call AES.

1 Those are for short term assignments, up to ten
2 days for specific infractions. A PROMISE
3 program would fit in this category.

4 We have expulsion and behavior
5 intervention programs for longer term
6 assignments, and Division of Juvenile Justice
7 programs for youth and confinement. While
8 these involve law enforcement actions, and
9 programs that are not housed within the
10 district, we are responsible for providing
11 educational services, behavior, and wrap around
12 services to the youth while they are in
13 confinement.

14 I mentioned earlier that our work around
15 discipline is directed by state statutes,
16 policies, and formal agreements. This slide
17 lists some of the most prevalent, and I've
18 highlighted four that I will go into a little
19 bit with greater detail. And a number of them
20 you've already been exposed to through previous
21 presenters. And that is the school
22 environmental safety incident reporting, SESIR,
23 the zero tolerance for crime and victimization,
24 our own code of student conduct and suspension
25 and expulsion policy, and something that is

1 unique to Broward, and that's the collaborative
2 agreement on school discipline where PROMISE
3 was birthed.

4 There was much conversation earlier about
5 SESIR, the school environmental safety incident
6 reporting. This is just a picture of the chart
7 that we receive, and that guides much of our
8 work around building our policies, as well as
9 on what we provide in terms and definition to
10 our school- based administrators.

11 SESIR provides guidance to districts on
12 incident types for developing code of student
13 conduct policies, specifies the parameters for
14 coding and reporting school behavior incidents
15 to the state, and the parameters for reporting
16 incidents that are against the law to law
17 enforcement. It's important to note that SESIR
18 definitions and codes are not a match to
19 uniform crime codes. The SESIR guidance
20 document states when interpreting student
21 behavior for SESIR reporting consideration
22 should be given to both developmental age
23 appropriate behavior, and to those students
24 with an individual education plan, IEP, or a
25 504 plan.

1 Another guiding statute is the zero
2 tolerance for crime and victimization, which
3 specifies this section in Section 3, which
4 again you've heard about earlier from the
5 state, expellable infractions, or requirements
6 for -- it specifies three expellable
7 infractions and requirements for reporting to
8 the criminal justice system. These include
9 bringing or possessing a firearm or weapon to
10 school, or to a school function, as well as
11 onto any school district property, making a
12 threat or false report to any of those same, in
13 any of those same locations.

14 Another guiding, key guiding piece is also
15 the Every Student Succeeds Act, which puts a
16 clear focus on the establishment of evidence
17 based general education instruction, both
18 academically and behaviorally. That is
19 effective in helping most students achieve
20 success. Additionally, for those students who
21 continue to struggle in a general education
22 setting intervening early is paramount. The
23 federal and state policies in district guidance
24 require the adoption of a multi-tiered system
25 of support for all students, referred to as

1 MTSS.

2 The Every Student Succeeds Act states
3 school districts are to implement MTSS,
4 positive behavior supports, and other school
5 wide tiered models to address the social,
6 emotional, behavior, and mental health needs of
7 our students. The definition of multi-tiered
8 system of support; it's a term used to describe
9 an evidence-based model of schooling that is
10 used, that uses databased problem solving to
11 integrate academic and behavior instruction and
12 intervention.

13 The integrated instruction intervention is
14 delivered to students in varying intensities,
15 and the next slide brings you to what those
16 tiers look like. Key principles of MTSS is
17 that you intervene early, we heard that also
18 from earlier presenters, that you use that
19 multi-tiered model for service deliver, that
20 you match the intervention to the learner's
21 needs, that you use progress monitoring to
22 change the intervention within each tier so
23 we're not doing the same thing and looking for
24 different results, that we use research based
25 interventions, that we monitor student progress

1 frequently, that we employ practices to ensure
2 that interventions are implemented consistently
3 and correctly, and that we document and
4 encourage parental involvement in all the steps
5 of the process. And we really push that within
6 our classrooms, within our schools, and provide
7 the support to schools to implement the MTSS
8 process with fidelity.

9 While much of our work rethinking
10 discipline started before this publication,
11 that's in this line from the U.S. Department of
12 Education, it was underscored in this report
13 that outlined three guiding principles. That
14 it called for state, district and school
15 leaders to reexamine school discipline in light
16 of these three guiding principles, to take
17 deliberate steps to create positive school
18 climates, do deploy resources, to address
19 underlying behaviors that are causing the
20 behaviors that are disruptive, to ensure clear,
21 appropriate, and consistent expectations and
22 consequences are in place, to old students
23 accountable for their action in a
24 developmentally appropriate way, and to rely on
25 suspension and expulsion as a last resort.

1 It also outlined that districts and
2 schools must understand their civil rights
3 obligations and ensure fairness and equity for
4 all students. We began having conversations
5 about all of this, again, very early on, before
6 this publication, but this provided us the
7 guidance and the support that we needed as we
8 worked with our school communities, and with
9 our larger community around the work that we
10 were doing.

11 So, the information on all the previous
12 slides informs the development of Broward
13 County Public Schools code of student conduct.
14 You will find elements of all the statutory
15 requirements of the formal agreements, and it
16 fully represents the voices of the community in
17 how they want their children to be treated in
18 our schools.

19 Some of the underlying tenants include
20 when consequences are warranted they shall be
21 implemented based on a system of progressive
22 discipline. Minor infractions and first
23 offenses have less serious consequences than
24 major infractions and repeat offenses. Factors
25 such as age, grade level, social, emotional,

1 and intellectual development, and overall
2 student rights and responsibilities are
3 considered.

4 Disciplinary issues are to be resolved
5 using positive behavior strategies prior to
6 exclusion from school, and equitable and
7 reasonable procedures will be followed to
8 ensure student's rights. And statute does
9 require that each school districts adopt a
10 student code of conduct.

11 When we speak to our administrators about
12 responding to misbehavior we outline very
13 specifically the interventions and consequences
14 for student behavior within the code of student
15 conduct and the discipline matrix, again with
16 the idea that they should be age appropriate.
17 We outline specifically when incidents require
18 suspension, when they require expulsion. The
19 discipline matrix is very specific around when
20 to consult with law enforcement, and it is
21 connected assessor guidelines.

22 School administrator is the primary source
23 of application of intervention and disciplinary
24 consequences for misbehavior, while law
25 enforcement is the primary source of

1 intervention in matters related to school
2 security and safety. But as we work with our
3 administrators we tell them that it should be a
4 collaborative, that your school resource
5 officer is a partner, and decisions around who
6 will handle what should be discussed. So,
7 you'll find in our matrix in many places
8 consult with law enforcement.

9 The discipline matrix is a tool that is a
10 part of the code of student conduct for
11 administrators which is used to assign
12 consequences and intervention for student
13 misbehavior. The tool is designed to offer a
14 consistency and provide for equity, and we have
15 in Broward four matrixes. Over the years our
16 board has looked at developing them to more age
17 appropriate, with more age appropriate tenants,
18 and so we have one that is for students in
19 grade K-2, one for students in grades 3-5, 6-8,
20 and 9-12.

21 It is aligned with school board policy 5.8
22 and 5006 suspension/expulsions, and that second
23 bullet speaks to something that over the last
24 two years our board and our community wanted to
25 assure was part of our code of conduct, that

1 school principals have the discretion to
2 deviate from these guidelines by assessing an
3 appropriate consequence other than stated in
4 the matrix if he or she determines in his or
5 her sole discretion that there are mitigating
6 or aggravating circumstances. Principals may
7 deviate by one level when applying consequence
8 per the discipline matrix, and that's one level
9 up in terms of a consequence, so a harsher
10 consequence, or one level down, or a lower
11 consequence. This does not pertain to lawful
12 actions that must be taken for expulsions.
13 Principals may not deviate from the discipline
14 matrix for mandatory expellable infractions.

15 So, you heard earlier that the school
16 discipline and school safety statute allows for
17 expulsion under three categories; substance
18 infractions, possible expellable behaviors, and
19 mandatory expellable behaviors. And I know
20 that you had lots of question with that, and
21 what I'll share is that for us in Broward we do
22 a lot of consulting with the state.

23 Throughout, as we look to define actions that
24 need to be reported, and as we guide our
25 principals we often will contact the state.

1 We're on a first name basis, and they help us
2 to address, and they help us to address
3 specific situations. And that same
4 relationship exists with our school leaders,
5 and with our schools. We have a staff that is
6 dedicated to helping to support the schools by
7 providing them guidance.

8 So, while this, those three categories
9 provide, you know, very clear direction around
10 the expellable infractions, and are aligned to
11 this statute, we offer above and beyond some
12 additional supports for students who have
13 substance infractions. Students who have
14 substance infractions, particularly after a
15 second offense, are engaged within state
16 certified substance abuse programming, where
17 they are monitored and held accountable. And
18 that is a condition of their ability to come
19 back into the regular environment at times.

20 This is our expulsion data in Broward.
21 We're giving you a three-year review of, it
22 represents the total number of students within
23 Broward County public schools who are
24 substantiated to have committed an expellable
25 violation of school board policy 5006. Be

1 mindful that for students having an IEP or a
2 504 plan a manifestation determination meeting
3 must be conducted relative to the behavior.

4 Now we move into our much talked about
5 program, the PROMISE. PROMISE stands for
6 Preventing Recidivism Through Opportunities
7 Mentoring Interventions Support and Education.
8 PROMISE was a true collaboration. In 2011/12
9 the Department of Juvenile Justice released a
10 report that found Broward County public schools
11 to have the highest number of school related
12 arrests of any other district or county in the
13 state of Florida.

14 We had one thousand fifty-six students
15 arrested in Broward, but the conversation about
16 arrests, and about what we were doing with
17 students within our schools in collaboration
18 with law enforcement really began much earlier
19 than this report was released. This report was
20 released in 2013. Years prior, and with
21 previous superintendent and previous school
22 board members, the NAACP was knocking on our
23 doors, and that was very concerned about some
24 of the practices within the county, within the
25 district regarding arrests, and they were also

1 concerned about the children we were arresting.
2 They had claims that we were disproportionately
3 arresting students of color.

4 And so those conversations kind of went
5 on, and they went on for a couple of years, and
6 then DJJ released this report in 2013 and it
7 confirmed what we had been hearing from NAACP
8 and other community members. Now, we know
9 that, you know, arrests are a function of law
10 enforcement, and the determination of what is
11 school related is made by law enforcement, but
12 we also know that within our schools we were
13 handling discipline, we were actually handing
14 off discipline, to our sorrows often times.

15 If there was a fight in the cafeteria the
16 principal or school administrator was not the
17 first to address it. Often times the SRO was
18 the first to address it, and SROs will use what
19 methods they know how to address misbehavior,
20 and that is to arrest, so we were often having
21 ten, twelve kids who are having a big food
22 fight arrested in our schools. And we take
23 some responsibility for that.

24 Mr. Runcie came in in 2011 and heard from
25 the community some of these same complaints

1 that had been expressed prior years, and he
2 walked into this report coming forward as well,
3 so he decided that we would begin to look at
4 our data more closely, we would begin to
5 dissect the data to see if we are over, if we
6 do have minority over representation in
7 discipline, and when we looked at our data we
8 saw we could confirm that. And he decided that
9 we needed to do something about it, and we
10 needed to do something about it not in
11 isolation, because again we as a collective,
12 law enforcement, school staff, community, we're
13 all engaged in how we treat children for
14 misbehavior.

15 So, he brought together some key
16 collaborators around this conversation, and
17 this slide lists the folks who were critical to
18 the conversation, and over a two-year period we
19 built what was called the collaborative
20 agreement on school discipline. So, in that
21 committee we had the Seventeenth Circuit
22 judicial system, we had local law enforcement,
23 Department of Juvenile Justice was at the
24 table, Public Defender's Office, State
25 Attorney's Office, NAACP, the Broward Teacher's

1 Union, the Broward Principals and Assistant
2 Principals Association, our children's services
3 counsel, and many parent advisory groups, and
4 for two years we began this conversation about
5 what are we going to do, and how are we going
6 to address the issue of arresting students and
7 over representation.

8 So, the collaborative agreement on school
9 discipline aligns with state statute. It
10 establishes guidelines and processes for
11 handling specific misbehavior offenses on
12 school campuses to eliminate the school to
13 prison pipeline. It outlines for school
14 personnel when it is necessary to involve law
15 enforcement, and when specific offenses can be
16 handled through school resources and
17 intervention programs such as PROMISE.

18 And specifically noted in the agreement is
19 that nothing in this agreement is intended to
20 limit the discretion of law enforcement, that
21 law enforcement officials are encouraged to use
22 their discretion in determining the best course
23 of action, especially when using alternatives
24 to arrest. And within the agreement we state
25 over and over again that collaboration in our

1 schools between school leaders and law
2 enforcement is critical. And you will find
3 that noted in many places.

4 To decide what we were going to determine
5 would not be arrestable took about a year. We
6 knew that we had to, you know, look at the
7 statutory requirements, what we had to report,
8 and what was in law enforcement's eyes had to
9 be, had to engage in arrest, so with the State
10 Attorney and Public Defender at the table there
11 was a lot of back and forth as to what we would
12 no longer arrest our children in the county
13 for. And it was driven by the data on what we
14 were arresting students for, so when we had
15 those large, that large number, we took that
16 and looked at what were the instances, the
17 incidents that we were arresting children for,
18 what were the top numbers, and that was a
19 driving determinate on what you see here, along
20 with of course the law and policy.

21 So, the collaborative came to these
22 thirteen offenses, and then decided that they
23 would add bullying and harassment to it, even
24 though those are not misdemeanors, because of
25 the prevalence of bullying and harassment in

1 our schools. They wanted that addressed
2 through a formal program as well. So, two
3 years of meeting with much heated conversations
4 by all committee members on the content of the
5 agreement and what the eligible incidents would
6 be.

7 So, what we have over the next few slides
8 is a matrix that we put together which offers a
9 crosswalk of what we're doing pre-PROMISE with
10 these specific incidents, and what we do post
11 PROMISE with these specific incidents. I'll
12 just take you through a couple. First, I'll
13 highlight that pre-PROMISE administrators had
14 discretion when to consult law enforcement, so
15 if you go through, you know, our code of
16 conduct, and our matrixes over the last
17 probably ten years you'll see a statement that
18 says consult law enforcement with progressive
19 incidents, so it was up to the school
20 administrator.

21 Post PROMISE we outline very specifically
22 consultation with law enforcement was
23 prescribed. Pre-PROMISE some infractions did
24 not require consultation with law enforcement.
25 Post PROMISE for specific infractions

1 consultation with law enforcement was
2 prescribed, specifically petty theft less than
3 \$300, vandalism less than \$1,000, drug
4 paraphernalia. PROMISE eligible substance
5 infractions also require state certified
6 substance abuse treatment programming on the
7 second occurrence. And that's above and beyond
8 what is required by the state.

9 So, if we look at this first crosswalk
10 page, and let's take vandalism less than
11 \$1,000. Pre-PROMISE on the first offense the
12 consequence was three days, and we offered the
13 student alternative to external suspension.
14 The student and parent could decline, so then
15 the student would go home for three days. We
16 heard from law enforcement that was around the
17 table with us that often times when students
18 went home, or went to the community, they were
19 unsupervised, they were engaging in crimes in
20 the community, breaking into cars and homes,
21 and they wanted AES to be mandatory so that we
22 can, every, we can keep eyes on students.

23 Post PROMISE the first consequence is
24 three days mandatory PROMISE. On the second
25 offense pre-PROMISE a student would have six to

1 ten days, and again they would be offered AES.
2 Post PROMISE they will have six days mandatory
3 PROMISE program, and we put requiring
4 consultation with law enforcement. And if we
5 move through third, fourth, and fifteen
6 offense, you will see that in each of those
7 categories we have required consultation with
8 law enforcement.

9 So, in many cases as you go through the
10 matrix you will see that we strengthen not only
11 the support for the students, we engage them in
12 mandatory program so that we can keep our eyes
13 on them and they're not in the community, and
14 we're asking the school administrator to
15 collaborate and consult with law enforcement.

16 If you go to, let's do one more, and that
17 will be assault threat, which I know is also a
18 topic of interest. Pre-PROMISE on the first
19 offense the consequence would be three days,
20 three to ten days, up to the administrator, and
21 they can offer the student AES. The student
22 and parent often decline, and then there were
23 others who did take advantage of our AES
24 program. Post PROMISE is three days mandatory
25 PROMISE program.

1 Now the difference between -- I'll stop
2 here and share a little bit about the
3 difference between AES and PROMISE AES. Our
4 AES offer, which still exist in Broward, is
5 where you are assigned to an alternative
6 placement, alternative site, and you are, you
7 are determined to be present in school. And
8 you bring your work, and you are basically
9 there, it's a holding area. It's an area where
10 you're not out, you know, in the community or
11 at home, but you're held there. What's
12 different with PROMISE is that we provide the
13 wrap around services. You do see a counselor.
14 It's mandatory for a parent to report. There
15 is specific interventions that are connected to
16 the specific offense, and there's work that is
17 done, social, emotionally, behaviorally, to
18 help you move from where you are committing
19 similar or same offense again.

20 So, moving onto second offense, we have
21 six days, offer AES, and second offense post
22 PROMISE six days, mandatory AES, which are
23 final, so here is that in both cases we require
24 comprehensive threat assessment for each
25 occurrence. However, on the PROMISE side, we

1 go on on the fourth and fifth offense to say
2 that consultation with law enforcement is
3 required, where pre-PROMISE it was up to the
4 principal or administrator.

5 So, I won't take you through all of the
6 matrixes, but we've provided to you here for
7 every single PROMISE eligible incident, what it
8 looked like pre-PROMISE and what it looks like
9 post PROMISE.

10 This slide shares a six-year district
11 student comparison for grades K-12 for PROMISE
12 incidents. What you will see is that from its
13 inception year 2013-2017 we have a reduced
14 number of students attending the PROMISE
15 program. And what we'll also share with you is
16 that we have seen recidivism rates for
17 recurrences decrease each year as well.

18 While this is going on, we're also seeing
19 downward trends in suspension, Broward and
20 state suspension rates, as you saw earlier from
21 the state demonstrate a downward trend.
22 There's a 15.9 decrease in suspensions from
23 2015-2017, and a 57.4% decrease in PROMISE
24 eligible infractions from 2015-2017. Our board
25 has been very hands on with the PROMISE

1 program, partly because the community was very
2 involved, and very engaged, so we have reported
3 to our board each year, on a couple of years
4 twice a year with the data on PROMISE, again at
5 public board meetings and workshops. We've
6 reported the data to all the communities that
7 we run around discipline, and to the public at
8 venues and events where they want to know about
9 the PROMISE program.

10 And of course, our collaborative committee
11 gets regular reports, and gives input
12 continuously into the program, so there is
13 accountability by all of the signatories, by
14 the school board, by the state, who we
15 regularly consult with around what we're doing
16 with PROMISE.

17 So, another aspect of behavior
18 intervention is our behavior intervention, or
19 our behavioral change program. When students
20 are not being successful in a traditional
21 setting, and all interventions in the school
22 has been exhausted, there's another opportunity
23 for them to go into a behavior change program,
24 which is one of our long terms programs. And
25 these are for students who are non-responsive

1 to school-based tier interventions and have
2 repeated behavior infractions.

3 We also have students that are
4 transitional that go into that program, and
5 those are students that are returning from
6 confinement or residential treatment programs.
7 Rather than them going directly back to their
8 home school the behavior intervention committee
9 reviews what is happened with this child and
10 makes a determination of where they would best
11 be placed to receive the services.

12 We also have students who are unsuccessful
13 in adjustment to traditional school when
14 they're coming from confinement, and/or they've
15 come from one of our programs and they're still
16 unsuccessful, so there's consideration for them
17 to go into a behavior change program. And then
18 we have special circumstances that are event
19 related, where a child commits an act that is
20 so egregious that removing them from the
21 environment is what we need to do, and so we
22 place them into behavior change or one of
23 alternative programs. So, those are considered
24 case by case.

25 There's a large committee -- we do a whole

1 lot by committee in Broward. There's a large
2 committee that meets twice monthly to review
3 the cases of students that we are removing from
4 the traditional environment to one of our
5 programs. They review the cases. The school
6 has to do psychosocial and provide us with all
7 types of information on the child's background,
8 their referrals. The referring school attends
9 the meeting to provide additional information
10 and clarification on what's happening with that
11 child, and it takes a deep, we take a deep
12 dive, sometimes hours, on what is happening
13 with that child, their home life, what's
14 happening with them in the community, what's
15 happened with them in the classroom, and in the
16 school.

17 The committee deliberates and decides on
18 the most appropriate school assignment to best
19 meet the student's needs. The decision is
20 immediately shared with the school. An
21 official letter is e- mailed to the school, and
22 the parent receives a letter letting them know
23 that their child will now access educational
24 services in this program. And we find that
25 there are many benefits for those children who

1 need it, that there is long term individualized
2 intervention for some of those students,
3 there's smaller structured environments,
4 intensive clinical behavior support. Those
5 programs are housed with social workers, family
6 counselors, therapists. They learn behavior
7 modification strategies.

8 There are individualized therapeutic
9 services provided to them, an ongoing
10 monitoring and measuring of the student's
11 behavioral health, ongoing measuring of the
12 student's social/emotional development, and
13 they are not discharged from the program until
14 there's a level of ability to self-regulate
15 with a significant reduction in behavior
16 infractions. There's also a transition plan
17 that is developed where the receiving school
18 will see what has worked for this child so that
19 they can engage in the collaborative
20 problem-solving process at the school level to
21 help to continue to support that child.

22 What I'll share with you is that that
23 letter that goes to the parents as we are
24 signing them, has my name signed, as I am the
25 superintendent's designee. I'll get the call

1 from the parents saying they don't want their
2 child to go there, they want him to be at, you
3 know, their local school, that we're not going,
4 we're not going. And I'll say, you know, give
5 it a chance, go and visit, understand that your
6 child is not successful at the traditional
7 school, and when they go at the point that, for
8 many at the point that they are about to be
9 released to go back I get the call from the
10 parent saying this is the first time my child
11 has been successful, can we keep them there.
12 So -- and I'll often remind them of the
13 conversation they had with me a year ago, or a
14 year and a half ago around the change.

15 Our behavior intervention reassignments
16 for 2014-2017 are outlined in this slide. So,
17 now we're going to talk a little bit about our
18 DJJ involved youth. You heard earlier about
19 the statutes that permits a public school,
20 center, institution, or any other entity that
21 is part of Florida's education system to
22 release a student's educational records without
23 prior consent to the student or parents to
24 parties to an interagency agreement, so we are
25 required to enter into an interagency agreement

1 with the Department of Juvenile Justice, the
2 school, well, the district, law enforcement
3 authorities, and other signatory agencies as
4 part of that agreement, and that allows us to
5 have those conversations about what we are
6 doing within the school system for our
7 children.

8 DJJ, well, the statute requires DJJ and
9 the sheriff, the chief of police, and district
10 school superintendent in each county to enter
11 into these interagency agreements for the
12 purpose of sharing information, and we do
13 provide that access. We have court liaisons
14 that are in our juvenile courtrooms providing
15 the information that the judges need about the
16 school, the child's attendance, their behavior
17 information, their grades.

18 And we are required as a school system to
19 require educational services to youth in
20 confinement, so we not only go in and do the
21 academic pieces, but we provide wrap around
22 services and supports for our youth that are in
23 DJJ. Our position is that they are going to
24 come out, and if they are school age we still
25 have to educate them, so we want to be able to

1 have supports transitioning in, and supports
2 within confinement, and supports transitioning
3 out.

4 Again, the statute outlines specifically
5 the academic interventions, the academic
6 services that we have to provide, but we
7 provide, as I shared, some wrap around
8 supports. We have school counselors in the DJJ
9 programs. We've engaged our DJJ students in
10 extracurricular activities by developing
11 partnerships with the DJJ program, so some of
12 them are in our debate programs, and we want to
13 provide them with those experiences so that,
14 again, when they come out they can function in
15 a different way, and much better within our
16 schools.

17 Title I Part D also requires us to provide
18 services for neglected and delinquent students,
19 and so those funds go to supplementing the
20 programs within our DJJ programs. The
21 educational services within our DJJ programs.
22 So, our programs provide educational and
23 transition services. They're in four types of
24 locations, our security detention centers, our
25 residential facilities, our diversion programs,

1 and adult correction facilities where youth are
2 going into adult facilities. They include
3 those that you see there from the Department of
4 Juvenile Justice, as well as those that are a
5 part of the Broward County adult correctional
6 facilities.

7 Some of those services for transitioning
8 in are listed here. Predisposition services,
9 Broward County public schools sits on a
10 Seventeenth Judicial Circuit committee where we
11 talk about the services of students that are in
12 confinement as they are going in, what their
13 needs are, community reentry team is part of
14 that, interagency review team staffing happens,
15 detention review staffing happens, and a
16 diversion coalition workshop happens.

17 And then there are services as they
18 transition out, which is our school district
19 delinquency court transition support plans, as
20 well as behavior intervention committee
21 placement consideration when they are
22 transitioning out. That's that committee I
23 shared earlier. We look at whether there's a
24 need for restorative justice referral. If
25 they're going into an environment where their

1 victim is there we try and support that reentry
2 if we feel it's appropriate. And again,
3 providing supplemental services through a Title
4 I Part D.

5 So, having said all of that, with all of
6 the choices that we have, and all of the
7 supports that we have, we are also guided by
8 the Individuals with Disability Education Act,
9 and that's a huge consideration when we're
10 talking about a child, so the IDEA governs how
11 states and public agencies provide early
12 interventions, special education and related
13 services to children with disabilities, and we
14 know that any change of placement or assignment
15 for a student eligible for special education
16 services under IDEA must be agreed upon by the
17 individualized education plan committee, and
18 that students with disabilities cannot be
19 suspended or expelled from school for more than
20 ten days per year without the provision of free
21 appropriate public education. So, that
22 underscores everything we talk about when we're
23 speaking about, when we're speaking of a
24 student that, a student with disability.

25 And lastly, we talked about the

1 authorities that are within the federal state
2 and local statutes. We talked about the
3 advocacy that we receive locally from a number
4 of advocacy organizations who are at the table
5 looking at all of what we're doing and
6 providing input and feedback, and we talked
7 about the advisory groups that also inform the
8 work. So, we know that moving forward we have
9 some serious work around the Senate Bill 7026
10 that we have to address within all of our
11 policies and practices, and we've already begun
12 that work.

13 We're having a school board workshop next
14 week where we're talking to our board about the
15 changes that need to happen within our policies
16 and practices. We're making the rounds with
17 all of our advisory groups, letting them know
18 that there are statutory changes that will
19 impact all of those policies and processes.
20 And we remain open as well to the
21 recommendations of all of the committees that
22 Mr. Runcie mentioned earlier who are
23 investigating, who are really looking and
24 uncovering everything that has occurred in
25 response to February 14th, so we'll be looking

1 for those recommendations to also build into
2 the policies and processes.

3 And I'd just like to leave the commission
4 with this final statement, that our board, our
5 superintendent, our team that many of whom are
6 here today, remain committed to taking care of
7 kids, all of them, and everything that we have
8 done has been about helping kids develop and
9 thrive, and we have seen some successes. And
10 so, we remain committed to that, and we remain
11 open to the changes that need to happen. Thank
12 you.

13 CHAIR: All right, thank you.

14 Commissioners, questions? Sheriff Judd.

15 SHER. JUDD: Does the PROMISE program keep
16 data, demographic data such as race, sex, age,
17 national origin, income statements on the
18 family, that sort of thing?

19 MS. POPE: I'm sorry, can you repeat that?

20 SHER. JUDD: As the PROMISE program do
21 you, can you provide to us demographic data,
22 age, race, sex, household income, on the people
23 that are in the program?

24 MS. POPE: Yes, we collect the data with
25 all of those demographics, and when it comes to

1 income it's mainly our students who are on free
2 and reduced lunch, so yes, we do have that
3 data, and we have it for every year that the
4 PROMISE program has been in existence.

5 SHER. JUDD: I didn't notice it here.
6 Could you provide us with that data?

7 MS. POPE: Sure. We do have some data
8 with us, but if you'd like the multiple years
9 from 2013-17 we can provide that as a follow
10 up.

11 CHAIR: Yeah, we'll have some follow up.
12 We'll just ask you for it all, and then we'll
13 distribute it to the commission once we get all
14 the information from you.

15 SHER. JUDD: My next question is whenever
16 the students are chosen for the PROMISE program
17 are they get, do they have to admit their
18 responsibility, as opposed, when they go into
19 the program, and accept that they have to be
20 accountable for their conduct through this
21 different steps you have here?

22 MS. POPE: So, upon entry into the PROMISE
23 program there's an intake, a developmental
24 asset sort of intake that is done with the
25 student, and it includes a portion of

1 interviewing their parents, so we collect
2 information from the student, we speak
3 specifically to the student about the offense,
4 and the questions also try and get to some of
5 the underlying causes. And this is done by a
6 social worker that is assigned to the program,
7 and we also have social worker interns in the
8 program that does the intake. That is upon
9 entering. And then there is also an exit
10 portion of that intake that follows up with the
11 child, and we develop the transition plan with
12 the child that goes back to the school so that
13 they can continue to be provided some support
14 and assure that they do not reoffend.

15 SHER. JUDD: So, do they have to admit
16 that they did whatever conduct it was that
17 you're trying to help them with?

18 MS. POPE: Oh, yes, that's documented.

19 CHAIR: Yes.

20 UNDER SHER. HARPRING: We've heard of the
21 PROMISE program as a collaborative. Who is the
22 lead entity in regards to all the different
23 partners that are involved; is it someone from
24 the district itself, district office?

25 MS. POPE: I would say that there's

1 probably a little tug about who leads, but I
2 think we are all co-leads. If you hear, you
3 know, the Circuit Seventeenth judge, Judge
4 Elijah Williams, he would say that, you know,
5 he leads. If you hear from the State Attorney
6 Office, they might say they lead. But it is a
7 true collaborative, so we have a seat at the
8 table as a district.

9 UNDER SHER. HARPRING: Regarding the exit
10 what specific requirements will be there be
11 regarding follow up for any of those particular
12 recommendations on the exit that would be
13 contingent on the participant getting back into
14 the mainstream?

15 MS. POPE: So, there is -- there's some
16 teeth in the program, which is what the
17 collaborative wanted. The question from the
18 Public Defender's Office was what happens if
19 one of these children do not complete the
20 program, what are we going to do, so we had to
21 put a process in place that monitors
22 attendance, that monitors completion of all of
23 the steps that are within the program, and if a
24 child does not complete they are summoned to
25 what we call a juvenile justice system of care

1 meeting. And in that meeting are
2 representatives from the school district,
3 representatives from DJJ, from the State
4 Attorney, from the Public Defender's Office,
5 and the judge, juvenile Judge Elijah William
6 comes in in robe to that meeting.

7 And it is done in our school board room,
8 which is right across the street from the
9 courthouse, so he walks over every Thursday, he
10 blocks his calendar to come in and address the
11 parents and students that do not complete the
12 program. And is message to them is you either
13 complete the program here with the school
14 district, which is why I'm here, or you see me
15 across the street at the courthouse. 100% of
16 our parents decide to complete the program.

17 UNDER SHER. HARPRING: Is there a
18 particular case worker, or a specific
19 individual assigned to a specific particular
20 case or student, or is that, is that random, in
21 terms of the follow up and the monitoring?

22 MS. POPE: Upon return to, to school?
23 Upon return to school the transition plan is
24 sent to a school administrator, who shares that
25 transition plan with key staff, the RTI staff,

1 the staff that is looking at collaborative
2 problem solving on students who have either
3 academic or behavior issues, so it's put on
4 their radar that this is the student that they
5 need to follow up and have a discussion around,
6 and it is shared with the school social worker.
7 So, the school social worker in collaboration
8 with the school counselor touch base with that
9 student for the next six weeks.

10 CHAIR: Senator Book, and then Secretary
11 Carroll.

12 SEN. BOOK: Thank you, Mr. Chair. So, we
13 talked a little bit about what if a child
14 doesn't complete the program. What are -- how
15 are we tracking whether they go? So, if
16 they're referred to the PROMISE program, what
17 happens then?

18 MS. POPE: Upon referral a parent is
19 contacted, the school notifies the PROMISE
20 location through an electronic recorded system
21 that we have that this child has been assigned,
22 this is what they're assigned for,
23 transportation is automatically engaged for
24 that child through that system, and they are
25 transported. They cannot drive there. They

1 are transported by bus, and they must appear
2 there on day one where they are expected, the
3 roster is there, and if they don't show that
4 initiates that JJSE process.

5 SEN. BOOK: And when you talk about the
6 JJSE process that we talked about with the DJJ,
7 that first, the double arrest, you know,
8 warrant, the arrest, or the referral, is that
9 then, does that trigger an arrest, an
10 arrestable offense, because --

11 MS. POPE: The collaborative -- again
12 there was some heated discussion as to how many
13 times we're going to allow a student to commit
14 one of these misdemeanors, how many times
15 before we say that's it, you're being referred
16 to law enforcement for arrest. And that
17 conversation probably went, you know, between
18 the State Attorney, Public Defender, and
19 everyone for a good six months until they came
20 to an agreement that after the third incident
21 that is PROMISE eligible, that is a
22 misdemeanor, that that student would be
23 referred through the probable cause process to
24 the State Attorney's Office.

25 What we're finding is that when we do

1 refer that student after the third time that
2 they've committed any PROMISE eligible offense
3 the State Attorney will give us a call and say
4 I still want them to go through PROMISE, and
5 part of the reason she does that is because she
6 says they are getting an intervention that she
7 feels they need, and then she makes the
8 decision at that point whether she's going to
9 move forward with moving that child through a
10 diversion program or their next steps.

11 SEN. BOOK: So, going back, a child is
12 referred to the PROMISE program, transportation
13 automatic, the letter goes out, the
14 transportation, they're going on a bus. What
15 if they don't show?

16 MS. POPE: That initiates that JJ --

17 SEN. BOOK: The DJJ component.

18 MS. POPE: No, the JJSE process.

19 SEN. BOOK: I'm sorry, JJSE process.

20 MS. POPE: Where through our electronic
21 records daily we get a poll of who didn't show,
22 and so that letter summoning them to that
23 Thursday's JJSE meeting where all of the
24 collaborative departments are represented, and
25 the judge is there, they appear there, and they

1 are told to either engage or be referred to law
2 enforcement, be referred to a State Attorney.

3 SEN. BOOK: And then if they don't go
4 they're referred.

5 MS. POPE: Yes.

6 SEN. BOOK: Okay. Second to that -- and
7 you've talked a lot about there's the different
8 kind of groups, because we want it to be
9 developmentally appropriate, how many kids can
10 you tell us -- and it was interesting to me
11 there's a K-2 component. How many kids in
12 kindergarten are referred to a PROMISE program?

13 MS. POPE: It's our smallest number, but
14 we do have kindergarteners referred. And
15 that's something that we have been talking
16 through, particularly this past year with the
17 collaborative and the committees, whether or
18 not we will continue to have kindergarteners
19 attend the program. What we heard from some of
20 our principals is that it benefits them, and
21 the program can accommodate them.

22 We also, you know, have heard from the,
23 you know, their parents, and members of the
24 collaborative, that if we find that it's
25 beneficial then we don't want to say to our

1 schools now kindergarten students should go.
2 So, we do provide age appropriate interventions
3 for them there.

4 SEN. BOOK: Thank you.

5 CHAIR: Just to clarify something from
6 that. You just mentioned that after the third
7 PROMISE offense there's a referral to the State
8 Attorney's Office?

9 MS. POPE: Yes, after the third offense,
10 there's -- and the way that she has us doing
11 that, initially we were sending her the list of
12 kids, year one and year two, and we received
13 guidance from -- I say her, Maria Schneider is
14 our Assistant State Attorney. She has told us
15 that what she would like for us to do now is to
16 inform the school's SRO here is a student that
17 has engaged in a fourth offense on that list,
18 and through the school SRO to her office
19 through that whole probable cause process she's
20 notified.

21 CHAIR: So, upon the fourth offense in the
22 student's life -- there's not -- not within a
23 year, or two years, or three years, so it's the
24 fourth time that the student commits an offense
25 that it's referred to the State Attorney's

1 Office. My question now is, is that, because
2 I'm looking at the matrix, is it has fourth and
3 fifth offense under the PROMISE program. So,
4 if they're referred to the State Attorney's
5 Office and the juvenile justice system on the
6 fourth and subsequent why do you have fourth
7 and fifth consequence under PROMISE?

8 MS. POPE: We are capturing, and that was
9 direction from our board, to continue to
10 capture students that commit fifth, sixth
11 offenses that are part of PROMISE. Oftentimes
12 a referral to law enforcement doesn't mean that
13 that child is arrested, or that they go
14 anywhere.

15 CHAIR: So, you're referring them to the
16 State Attorney's Office, the State Attorney's
17 Office might not do anything with it, but just
18 because --

19 MS. POPE: Well, they might. They go
20 through their processes. I don't --

21 CHAIR: Right, I get it. But so, in other
22 words, is that you're still referring them to
23 PROMISE at the same time you're referring them
24 to the State Attorney's Office?

25 MS. POPE: Yes.

1 CHAIR: Okay. So, that's why you've got
2 up to five here --

3 MS. POPE: Yes.

4 CHAIR: -- because they may get referred
5 but you're still, the school is still requiring
6 that they participate in PROMISE, because and
7 the AES is Alternative to External Suspension,
8 and so that's why, because you hold that over
9 them, if you will, that if you don't
10 participate in PROMISE regardless of what the
11 juvenile justice system is doing then you are
12 subject to sanctions by the school.

13 MS. POPE: Exactly. Not only sanctions,
14 but we also have fourth and fifth level
15 interventions for those students, so we're
16 requiring them to have higher levels of
17 interventions, that they're moving up the tier
18 three system of RITI processes, that they're
19 being discussed more, they're being looked at
20 more closely, and it may mean that this is a
21 child that we want to send to behavior change
22 program. It may mean a child, this is a child
23 that we need to look at a long- term placement
24 for them somewhere else where they can have
25 more support.

1 CHAIR: Secretary Carroll is next.

2 SEC. CARROLL: Thank you, Mr. Chair. From
3 a data perspective -- I'm trying to figure this
4 out, and I think I asked the question earlier,
5 but I still don't know that I know the answer.
6 When I'm looking at this Broward, the numbers
7 in PROMISE, that entered PROMISE, it went from
8 4,500 down to about 1,900, and above it you
9 have Broward suspensions, 59,000 down to
10 50,000. Are the kids who go into PROMISE, are
11 they included in those suspension numbers, or
12 are the --

13 MS. POPE: Yes.

14 SEC. CARROLL: Okay. So, they are. Okay.
15 And it does look like your suspension numbers
16 have gone down, which I guess is good, but when
17 I look at this issue of PROMISE -- when I first
18 looked at this list of things that would make
19 you eligible for the PROMISE program, this is a
20 pretty extensive list, but when I look at your
21 total of folks going into PROMISE versus
22 suspension, so 1,900, or approximately, let's
23 say round it up, 2,000 of the more than 50,000
24 kids that got suspended went into PROMISE.
25 That's about 4. So, 4% of the kids who

1 committed one of these acts went into PROMISE.
2 96% of them were suspended.

3 MS. POPE: Correct. Or -- or for, you
4 know, alternative programs.

5 SEC. CARROLL: Right, the pre-post that
6 you went through. The kids in PROMISE, I didn't
7 see any data presented in terms of success
8 rates. Do kids that go through PROMISE either
9 in the short term or longer term, do you see
10 outcomes for them in terms of their behavior,
11 or in terms of their academic progress?

12 MS. POPE: Absolutely. In fact, we have
13 2018 data with us. We can -- if the Chair
14 would allow me to bring one of my people up to
15 share some data, it's up to you?

16 CHAIR: Sure, go ahead.

17 SEC. CARROLL: And I don't need to see
18 that data right now, but I would be interested
19 if they shared it to get it at some point.

20 CHAIR: Sure. Yeah, if you just want to
21 touch on it, and then we'll get it, and then
22 we'll share it more comprehensively, but if you
23 just want to touch on it, sure.

24 MS. POPE: Yes, we can provide from its
25 inception up until --

1 CHAIR: We'll have a lot of follow up
2 requests from this.

3 MS. POPE: Specifically, success data,
4 recidivism data --

5 SEC. CARROLL: Yeah, I just wanted --
6 because it seems to be 50,000 -- your
7 enrollment was 220,000, and I'm just going by
8 the data that's in front of me, you said that
9 of the 220,000 50,000 kids were suspended.
10 That's a little bit -- it's like a little less
11 I guess than 1 in 4. Your baseline was a
12 little less than 1 in 5 I guess, but the -- you
13 started off where you had 60,000 suspensions
14 out of 223,000 kids.

15 That just seems really high to me. You
16 know, it's a long time since I've been in
17 school, but 1 of every 4 kids is suspended
18 during the school year, it would seem to me
19 that that unto itself is an issue with, with
20 behavioral issues in the school.

21 But I just wanted to understand that if
22 you're sending 4% of these kids to some type of
23 alternative that includes wrap around services,
24 and you're making an investment in those kids,
25 what is the payoff for that investment, is it

1 different significantly, statistically
2 significantly different than what is happening
3 to the 48,000 kids who get suspended and don't
4 have that opportunity?

5 MS. POPE: So, your question has two
6 parts. The first are what is happening with
7 all of the other students that are being
8 suspended and are not going through PROMISE.
9 In the very early slide I shared all of the
10 different programs that we have, so a child
11 that is going to AES, even though they are
12 technically receiving services, are in one of
13 our schools, it is counted as a suspension.
14 So, those are being counted.

15 And so, we also take a look at some of
16 these kids who are part of that number, and
17 we're looking at where again would be some of
18 the most appropriate places for them as we look
19 to serve them. So, yes, you're right that we
20 have, you know, large numbers of suspensions,
21 and that is a reduction from where we were. If
22 you look at that one, the other slide where I
23 talked about the reduction and suspensions, so
24 we have continuously reduced the number of
25 suspensions.

1 SEC. CARROLL: But I guess my question
2 more to the point was there were really two
3 elements in implementing PROMISE, one was to
4 reduce the number of suspensions, reduce the
5 number of potential arrests, but I also think
6 because you're putting wrap around services one
7 of the intents was similar to what the DJJ
8 presentation was earlier today, that you were
9 going to get to the underlying root causes of
10 what was driving the behavior, and so you were
11 going to put some wrap around services in place
12 with those kids, and I was just wondering if
13 you had any data that would show us what bang
14 for the buck you've gotten in making that
15 additional investment in those kids, is it
16 worth expanding or, or is it not worth
17 expanding? I don't know because I --

18 MS. POPE: It is. I can give you the 2017
19 data, and then we have for each year as I
20 shared. So, in 2017 we had 1,731 students who
21 committed a first offense and did not commit a
22 second offense. Out of that group 165, 8.5% of
23 them committed a second offense, 1.6 committed
24 a third offense, 31, and 15 of them committed a
25 fourth offense.

1 This speaks to the fact that of that large
2 number that went in something changed, that
3 they didn't reoffend and go back a second or
4 third time with any promise eligible offense.

5 SEC. CARROLL: I agree, but I don't know
6 what your numbers are on your suspended kids,
7 so I'm sure that not all 48,000 kids that were
8 suspended were re-suspended either. That
9 number would have dropped off of them. I'd
10 just like to see if there's -- I don't have to
11 litigate this now, it's just when you -- I
12 would like to see that data, and how that
13 population compares to the population that
14 actually went through PROMISE.

15 MS. POPE: We'll be glad to provide that.

16 CHAIR: And we'll follow up on that.
17 Anything further, Secretary? Okay. Next was
18 Mr. Petty. Sheriff Ashley is not with us
19 today, but he's on the phone. So, hang on,
20 Sheriff Ashley, we'll put you in the line here.
21 Mr. Petty, you're next.

22 MR. PETTY: Thank you, Mr. Chair. Good
23 afternoon, thank you for the presentation.

24 MS. POPE: Good afternoon.

25 MR. PETTY: Can you describe in the -- in

1 the matrix that you showed today you described
2 a consult with law enforcement, or it says
3 consult with law enforcement. Can you describe
4 what a consult with law enforcement means?

5 MS. POPE: It's the school administrator
6 and the SRO having a conversation, coming
7 together about an incident and what actions
8 that they're going to take.

9 MR. PETTY: Is the purpose of that consult
10 to change the principal's decision on a course
11 of action, or what is the purpose, or goal of
12 that consult?

13 MS. POPE: To collaborate on what will
14 happen with that student.

15 MR. PETTY: Okay. Do you -- does that
16 consult often change the course of action?

17 MS. POPE: No. I'll hear from law
18 enforcement that, you know, they had a
19 conversation, and they decided that based on
20 some information they might have about a
21 particular student, about what's happening with
22 them in the community, based on some prior, you
23 know, information or incident that they're
24 aware of, that they'll make the decision to
25 arrest.

1 I'll hear from school administrators that,
2 you know, the child is doing well in school,
3 has not engaged, or this is their first, or
4 this is their second, and so those
5 conversations are the conversations that
6 they're having, and collaborate, you know,
7 coming to some consensus as to whether that
8 child will remain in school, go to one of our
9 alternative sites, or be arrested.

10 MR. PETTY: Okay. So, it's not a referral
11 to law enforcement, it's a consult. Okay.

12 MS. POPE: It's a consult.

13 MR. PETTY: So, I'm just looking at Slide
14 32 now, the sort of the -- and we were talking
15 about this a little bit earlier, but there's a
16 phenomenal decrease in PROMISE eligible
17 infractions between 2015 and 2017. To what do
18 you attribute that reduction? These are
19 inputs. This is not pointing to the success of
20 the PROMISE program, this is point to -- this
21 is an input to the program, correct?

22 MS. POPE: Well, I think it does speak to
23 the success of the program as well. If we have
24 more, less students committing PROMISE eligible
25 offenses, I think it speaks to those students

1 who might have gone to PROMISE and didn't
2 commit a second or third offense, so that's
3 captured there. And it also speaks to the
4 success of many of our other wrap around
5 programs, and how the school-based staff are
6 addressing misbehavior. I mentioned earlier
7 that we've provided supports to the schools
8 around MTSSRTI on the behavior side. We've
9 developed that aspect.

10 We've trained our school leaders and our
11 teachers around positive behavior
12 interventions. We are -- we've asked our
13 schools to build positive behavior intervention
14 plans outlining specifically how they're going
15 to address behaviors, and that has to, that's a
16 plan that's developed at the school level with
17 the Broward Teacher's Union representative
18 endorsing it, in that building, so that we have
19 buy in from the staff. So, I think it's a
20 combination of, of all of the work that we've
21 kind of mentioned here today.

22 MR. PETTY: So, you have data you can
23 share with the commission to show correlation
24 or causation?

25 MS. POPE: No. Our research department,

1 however, this year is building a research brief
2 on PROMISE, and that was something that our
3 board requested last year, so we will have that
4 probably within the next months, couple of
5 months, and we can share that with the
6 commission.

7 MR. PETTY: Okay. I'd love to see that
8 when you prepare it. So, right now, if I
9 understand you correctly, we believe PROMISE is
10 having this impact, but we don't know for sure.

11 MS. POPE: PROMISE, as well as all the
12 other interventions.

13 MR. PETTY: We believe that's true.

14 MS. POPE: Yes.

15 MR. PETTY: We just don't know, okay. And
16 then getting back to the referrals, so we now
17 know public, the district has publicly stated
18 that Cruz was referred to PROMISE program but
19 did not attend. We heard you describe earlier
20 that there's a process that kicks off. Is that
21 process -- was that process not in place when
22 Cruz was referred?

23 MS. POPE: In 2013 -- we have done
24 improvements to the program each year.

25 MR. PETTY: Sure.

1 MS. POPE: In 2013 we were, we didn't have
2 the electronic processes that we have in place
3 now, and I don't know that I can specifically
4 speak to Nicholas Cruz, and, you know, the
5 situation that occurred with him, only because
6 I don't have that information, but I do know
7 that in 2013 we did not have the electronic
8 processes that we have now to capture some
9 information that we have now.

10 MR. PETTY: So, when -- when were the
11 electronic processes put in place?

12 MS. POPE: Well, how -- no, they are in
13 place now, but in 2013 we did not have them.

14 MR. PETTY: When were they put in place?

15 MS. POPE: In 2014/15.

16 MR. PETTY: Do you have data that you
17 could share with the commission on students
18 that are referred that refuse to participate in
19 the program?

20 MS. POPE: Yes, we do.

21 MR. PETTY: Okay. I think that's it for
22 now. Thank you.

23 CHAIR: And the school board has hired a
24 consultant to do an evaluation and a report on
25 the PROMISE program, correct?

1 MS. POPE: Not necessarily on the PROMISE
2 program, but all of our disciplinary processes.

3 CHAIR: So, there is -- right. And so, do
4 you have any idea of when that report will be
5 published?

6 MS. POPE: Mr. Runcie mentioned in his
7 letter that by June 30th that independent
8 review will be released.

9 CHAIR: And just to clarify from the
10 question there -- I just want to clarify
11 something, is, is that when a law enforcement
12 officer consults with the principal or school
13 staff, does the law enforcement officer have
14 the authority -- because you said that law
15 enforcement retains discretion, and under the
16 PROMISE program law enforcement doesn't lose
17 discretion -- does the law enforcement officer
18 have the authority to override the principal's
19 decision if the principal says I want this kid
20 referred to PROMISE, and the law enforcement
21 officer says, no, that's not going to happen,
22 and I'm going to arrest the kid, or I'm going
23 to refer the kid to the State Attorney's
24 Office, does the law enforcement have the
25 absolute authority to override that decision?

1 MS. POPE: They do all the time.

2 CHAIR: Chief Lystad, you're next.

3 CHIEF LYSTAD: Thank you, Mr. Chair. I
4 just have a couple questions for you, if I
5 could. The PROMISE program, my first question
6 is was the PROMISE program modeled after any
7 best practices, or any national or state model,
8 or is it just a collaboration of local
9 stakeholders?

10 MS. POPE: It was modeled after Clayton
11 County, Georgia's diversion, pre-diversion
12 program. Our juvenile judge, our chief
13 juvenile Judge Elijah Williams had met Judge
14 Teske out of Clayton County who was having much
15 success with a similar program, talked with us
16 about Judge Teske, and what was happening in
17 Clayton County. We had Judge Teske come to one
18 of our collaborative meetings and, and began
19 to, you know, flesh out what they were doing,
20 and how can build it into the conversations
21 that we were having about how to address
22 student arrests and out of school suspension,
23 and the disproportionate representation of
24 minorities.

25 So, yes, it was modeled from that, and

1 what he shared with us is that he was having
2 much success with his students that, that was
3 going through their pre-diversionary program.
4 He saw his arrests go down in general I
5 understand, in the county, and that the schools
6 in the county had higher success rates when it
7 came to graduation and performance, and so knew
8 that it was something for us to look at.

9 Now, our program -- he likes to tell
10 people that we, we took it and, you know,
11 enhanced it by, you know, a hundred times, and
12 given, you know, the additional resources that
13 we brought in, but he continues to advise us,
14 and was just with us last month as we did a
15 community forum on PROMISE where he talked
16 about the role that he played in helping us set
17 it up.

18 CHIEF LYSTAD: Okay, thank you. My next
19 question is on your matrix, and it can be
20 misleading. I think I understand what it was
21 supposed to be telling to me, is it says first
22 consequence, does that mean first offense or
23 first consequence, the first time they've been
24 disciplined? Because if a administrator
25 decides, look, we're not going to do anything

1 with this program does that reset it to zero,
2 or is it still considered a consequence if they
3 deviate from the disciplinary action?

4 MS. POPE: It is first offense, to the
5 first part of your question. The second part
6 was if an administrator decides --

7 CHIEF LYSTAD: If the administrator has
8 the ability, correct me if I'm wrong, to go one
9 level below, and so on a first offense three to
10 ten days, and they decide no, we're not going
11 to do that, we're not going to do anything,
12 that does not reset -- does that reset the
13 clock to zero for that particular student, or
14 the next offense is automatically going to be
15 at step two, or occurrence, or consequence two
16 is as it's listed in the matrix?

17 MS. POPE: I think that an administrator
18 can make that decision based on, you know, the
19 circumstances of the situation. In some cases,
20 at first offense we require consultation with
21 law enforcement, so it may be that with law
22 enforcement they decided that they would not do
23 the PROMISE intervention. It may be that
24 there's some other school-based intervention
25 that they're engaging in. It may be that

1 they're looking at this child going to behavior
2 change, which is a more long-term program.

3 CHIEF LYSTAD: Okay. So, consequence in
4 your matrix really means offense, first time in
5 the program.

6 MS. POPE: Yes.

7 CHIEF LYSTAD: It doesn't mean the
8 consequence per se, by the way I'm reading it.
9 So, if they have an offense, they're referred
10 to PROMISE, it's an offense.

11 MS. POPE: Yes.

12 CHIEF LYSTAD: My last question is, is
13 when you have your behavioral meetings to look
14 at various students, and you have your partners
15 together, you have law enforcement I know, you
16 stated is a part of that consultation to decide
17 actions, and what happens with various
18 students, or issues. Which law enforcement
19 agencies are those that are involved, is it
20 just the SRO, is it the local jurisdictions,
21 and if so which agencies in Broward County are
22 actually participating in the PROMISE program
23 from a law enforcement perspective.

24 MS. POPE: Okay. So, we're talking about
25 the collaborative agreement, is where we have

1 law enforcement at the table, and right now --
2 initially we started with a subset of law
3 enforcement agencies who signed on to
4 agreement. Two years later we had additional
5 law enforcement agencies sign on to the
6 agreement, including the Chief's Association.
7 So, I can give you the listing of those
8 organizations in Broward who are part of the
9 agreement if that's what you're requesting.

10 CHIEF LYSTAD: That's what I'm looking
11 for. And also, just whether or not if you have
12 a student that goes to a school that the SRO is
13 not part of that local jurisdiction are they
14 involved in the process, are they aware of
15 what's going on with the student as they return
16 back to their home residency?

17 MS. POPE: One more time with that
18 question.

19 CHIEF LYSTAD: I'll try and simplify it a
20 little bit. So, if an SRO from say Broward
21 Sheriff's Office is the SRO for the school, but
22 the jurisdiction is a local jurisdiction, are
23 they aware of what's happening with this
24 particular student in its school environment
25 absent them being a participation in the group?

1 MS. POPE: Yes, they are at the school.
2 The code of student conduct and the matrix
3 refers the principal to consult with the SRO,
4 so yes, they are collaborating, they're talking
5 regardless of whether that municipality signed
6 on to the agreement. Now, whether or not they
7 agree not to arrest is, is up to them, or if
8 they decide to arrest it's up to them. So, we
9 do see some differences in, from one
10 municipality to the other in terms of arrest
11 numbers, but that was happening even before
12 PROMISE.

13 CHAIR: So, we have three more
14 commissioners that have indicated they have
15 questions, and we'll get to you. What I think
16 might be beneficial, if this is acceptable to
17 everybody is, is that we let the three more,
18 and if Mr. Schachter, if you want to ask, ask a
19 question and be the fourth you can, but that we
20 get through these and move on, and we get the
21 data, and we ask Ms. Pope to come back. I
22 think this is important enough of a topic, and
23 there's enough questions on it, and it would be
24 beneficial, and probably more probative, if we
25 have additional information and the data that

1 you're all asking about, and we bring her back
2 where we can continue this when we have all the
3 information, and frankly we've had an
4 opportunity to digest this a little bit,
5 because it is a lot.

6 And while it's been informative, and
7 you've shed a lot of light, I think it's also
8 created as many questions as it's answered.
9 So, if that's -- is that acceptable to
10 everybody, that we'll bring her back for a
11 future after we get more information? Okay.
12 The next one, Commissioner Dodd, you had a
13 question?

14 MR. DODD: Yes. When you had started out
15 you mentioned the number of students arrested,
16 I think you said 1,056, and that was one of the
17 determining factors to go into the PROMISE
18 program, because this -- what is that annual
19 number now for students arrested?

20 MS. POPE: I'm not sure that I have that
21 with me, number of arrests. Do we have that?
22 No, okay. Okay. Again, a follow up, we can
23 provide that. But it was significantly reduced
24 the first year that we instituted PROMISE.

25 MR. DODD: Okay. So, I look at the issue

1 with drugs and alcohol, and the determining
2 factor, with so many children and young
3 people's lives that started with use of drugs
4 and alcohol that get into other criminal
5 activity, and under this PROMISE program it's
6 not until the fourth consequence the fourth
7 time that a child is found to be in possession
8 of an illegal substance that law enforcement
9 would be notified; is that correct? Is that
10 what I'm reading here?

11 MS. POPE: Go to the chart.

12 MR. DODD: In the matrix, Slide 27. I'm
13 just trying to understand the PROMISE program,
14 so that if there was a child in possession of
15 an illegal substance is it not until the fourth
16 time, or is there, are there times where law
17 enforcement would be notified?

18 MS. POPE: Okay, Slide 27, drug use
19 possession, or under the influence?

20 MR. DODD: Yes.

21 MS. POPE: Okay.

22 MR. DODD: So, prior to -- it looks like
23 it was consultation with a law enforcement
24 officer, most likely the school resource
25 officer, I assume.

1 MS. POPE: Yes.

2 MR. DODD: And then post -- am I missing
3 that, or is that correct? And the same way
4 with alcohol.

5 MS. POPE: All right, so what changed from
6 fourth offense pre-PROMISE and post PROMISE, we
7 continued to provide the ten days. Now post we
8 have the mandatory PROMISE. The child still
9 goes through the expulsion process. And then
10 there's consultation with law enforcement
11 required.

12 Now, prior to that we did not have
13 necessarily consultation with law enforcement
14 pre-PROMISE, it was left up to the
15 administrator whether or not they would.

16 MR. DODD: Okay. Because I know you talked
17 about the importance of, you know, the officer,
18 the school resource officer maybe having
19 information about other things that are
20 happening in the community, and when I think
21 about community policing, and I think about the
22 schools and community working together, then
23 there's some validity to those, that
24 information for the school that could actually
25 help with intervention for the child, and so

1 that's why I was just kind of wanting to make
2 sure I understood. But the PROMISE program
3 kind of removed that side of it though, didn't
4 it?

5 MS. POPE: I don't -- I don't believe so.

6 MR. DODD: No?

7 MS. POPE: No. I think the PROMISE
8 program strengthened communication about these
9 students through the regular meetings of the
10 collaborative getting this data, through our
11 board looking at the, you know, this data that
12 we've been pulling and providing on a regular,
13 so -- and we're talking about these children.
14 We're bringing them up for our collaborative
15 problem solving at the school level. I think
16 there's more eyes on these students through
17 PROMISE.

18 CHAIR: Sheriff Ashley, are you there?

19 SHER. ASHLEY: Thank you. I'm sorry I'm
20 not with you all today. Thank you, Chair. I
21 just had a few questions. If you might refer
22 to Page 5, Slide 9, it's the zero-tolerance
23 policy does not require reporting of petty acts
24 of misconduct and misdemeanors to law
25 enforcement, and it enumerates a number of

1 violations of law.

2 The whole -- my understanding the PROMISE
3 program is pretty similar to civil citation,
4 you basically decriminalize criminal activity.
5 In my opinion we usurp the authority of the
6 legislative branch, and discretionary authority
7 of the judicial branch, but that aside, you
8 listed some reasons why you thought the PROMISE
9 program was necessary, too many arrests in
10 schools.

11 Could you tell me if the number of arrests
12 in your schools was -- you said it was a record
13 number of arrests. Was that based off the large
14 population of your school district, the largest
15 in the state, or was that based off a per
16 capita population?

17 MS. POPE: That information is information
18 that is reported through DJJ for school related
19 arrests.

20 SHER. ASHLEY: Right. Was that based off
21 of your school population or a per capita
22 population?

23 MS. POPE: It is based on Broward County
24 information, in terms of numbers of youth that
25 are arrested, so I'm not quite sure how to, how

1 to answer the per capita part.

2 SHER. ASHLEY: Well, the second question,
3 do you have the data that could tell us are
4 more minority students represented in the
5 PROMISE program, or is it about equal to what
6 it was prior to the program?

7 MS. POPE: I'm sorry, I did not hear your
8 question.

9 SHER. ASHLEY: I'm sorry. The PROMISE
10 program, are more minorities represented in
11 that program since its initiation than were
12 prior, disproportionate minority contact, has
13 that remained the same or has that improved, or
14 do you know?

15 MS. POPE: That is -- that is a great
16 question. We began with looking to address
17 over representation of minorities in arrests
18 across the county, and we've reduced arrests
19 generally in great numbers, you know, a huge
20 percentage, but our percentage of reduction in
21 terms of disproportional representation has
22 been only slightly reduced. So, we continue to
23 have an issue of disproportional representation
24 of minorities in arrests and in discipline
25 across our district.

1 SHER. ASHLEY: Yes, ma'am. I would offer
2 to you though that the reduction of arrests is
3 because we've decriminalized the offense, it's
4 not based off of the merits of the program,
5 it's because it's no longer a crime under this
6 program. That's my question. I don't see any
7 difference between your program and civil
8 citation, so again I think it's -- where does
9 the victim fit in your program, I mean do they
10 get consulted, could they file an independent
11 criminal report with a law enforcement agency,
12 and what authority to you use to not report
13 criminal activity at your schools, what
14 authority are you acting under not to report
15 those crimes?

16 MS. POPE: I caught the second, the last
17 part of your question in terms of authority to
18 not report these misdemeanors that are outlined
19 as part of PROMISE program if I understand it
20 correctly. So, I think that we've tried to lay
21 out that authority what with the statutes that
22 are part of this presentation, and that
23 authority was also outlined by both presenters
24 earlier from the Department of Education and
25 the Department of Juvenile Justice in terms of

1 what school districts can do around diversion
2 and pre- diversion programs.

3 SHER. ASHLEY: Thank you.

4 MS. POPE: Thank you.

5 CHAIR: Thanks. Secretary Senior next,
6 and then Mr. Schachter, and then we'll wrap
7 this up.

8 SEC. SENIOR: And just quickly, just to
9 follow up, because I think I got -- I had the
10 same question as the first part of that
11 question, which is for several reasons, and the
12 matrix is hard to follow, but there's assault
13 threat, there's bullying, there's harassment.
14 There's a -- there's an innocent victim. What
15 is the -- what are the victims' rights in this?
16 How are the victims and their families
17 approached, and what is the authority for not
18 reporting some of these violations to law
19 enforcement if the victims want law enforcement
20 involved?

21 MS. POPE: So, that -- the question of
22 victims was one that was raised and discussed
23 as part of the collaborative, again with, law
24 enforcement was very adamant that we needed to
25 address exactly what you are talking about, so

1 we do address victim's rights, and if there is
2 a victim that would like an arrest then it is
3 up to law enforcement to do that, and they do.
4 We also do some restitution pieces with our
5 students, where we do have opportunity with one
6 of our partners to do restorative meetings when
7 there is a victim, but it is the victim's
8 choice, so we do have some victims that take
9 that opportunity, and it helps both the victim
10 and our student who has offended in the healing
11 process, and in moving forward. But when there
12 is that piece law enforcement responds.

13 CHAIR: Do you know whether there are any
14 law enforcement agencies in Broward County by
15 policy that have prohibited their law
16 enforcement officers from making arrests for
17 these first or second time offenses?

18 MS. POPE: No, I don't know that, whether
19 there are any law enforcement agencies that
20 have it by policy. What I can tell you is that
21 one of the conditions of the Chief's
22 Association to sign on was that there would be
23 no limitation to law enforcement in any agency
24 across Broward, that this agreement would not
25 limit their authority to do anything they need

1 to do lawfully.

2 CHAIR: Mr. Schachter.

3 MR. SCHACHTER: Thank you very much. I
4 had thought that after the third arrestable,
5 third PROMISE eligible offense, that our big
6 threat would be that they were going to be
7 arrested. It's disconcerting to hear that the
8 State Attorney's Office doesn't arrest them, so
9 could you explain that a little bit more?

10 MS. POPE: I don't -- I can't tell you
11 what the State Attorney's actions, or what the
12 State Attorney is required to do per her, in
13 their official capacity. I think it depends on
14 the child if there are priors. And I would say
15 that as a blanket statement that they don't
16 arrest them.

17 MR. SCHACHTER: Okay. Okay. And then
18 after the third arrestable offense does, and
19 let's say -- is that per year and then it
20 zeroes out at the next calendar year? How does
21 that work? Or is that through their whole high
22 school career, what?

23 MS. POPE: Again, lots of discussion about
24 that question with the collaborative, months of
25 back and forth, and what the State Attorney was

1 most concerned about that, that, you know, is
2 it three in their whole schooling career or is
3 it three annually. Tug, tug, tug, she said I
4 would like to give it a try -- she said I'm
5 going to give it a try to say that we would
6 zero out annually. She said I want to see the
7 annual numbers, and midyear numbers of those
8 students who are reaching that threshold. And
9 so, as that information is provided they have
10 revisited that idea and have seen that it is so
11 few numbers of students that are reaching that
12 threshold and asked us to put additional
13 interventions in place for those students while
14 still providing their information to the State
15 Attorney.

16 MR. SCHACHTER: Could you show us numbers
17 on, you know, time periods, three, six years,
18 to see how many, you know, PROMISE eligible
19 offenses there are, so we can get a better
20 idea?

21 MS. POPE: Yes. Our board was also very,
22 very adamant on knowing those numbers, and
23 that's why we report all the way out to five
24 offenses.

25 MR. SCHACHTER: Is any of this information

1 public, these statistics?

2 MS. POPE: Yes. If you go to our Broward
3 County Public Schools website, and under school
4 board you will see all the presentations that,
5 with data that we have provided to the public,
6 to our board, to the collaborative, to all of
7 our committees.

8 MR. SCHACHTER: Thank you. And then my
9 last question is how do you verify if a child
10 is being honest when you do the intake, and the
11 questions to you, you know, when you're
12 gathering all this data?

13 MS. POPE: Being honest about?

14 MR. SCHACHTER: Well, the intake process
15 that you were talking about that's a
16 questioning process between the child and the
17 counselor. How do you know if the child is
18 being honest, I mean, if they're having four,
19 you know, many of these offenses, there is the
20 possibility they might not be honest, so I want
21 to make sure, you know, that we're getting
22 those correct answers, and the honest answers.

23 MS. POPE: So, it's not the child's word
24 that determines whether or not this act
25 occurred. The school administrator is

1 determining that this child was engaged in this
2 particular offense, and they through their
3 investigation have made that determination, and
4 therefore have assigned them to PROMISE, and
5 has documented it, so the intake with the child
6 is about what is going on, why did you do this,
7 what are the circumstances around this.

8 MR. SCHACHTER: Right. And that's my
9 point, maybe that child -- how do we know that
10 child is not going to, is not going to, you
11 know, tell us the truth, and that's my --
12 that's my --

13 MS. POPE: Yeah, I mean sometimes they
14 deny it, but they still go through the
15 intervention. That doesn't really -- there's
16 no release of them not engaging if they lie.
17 And we know children do lie at times, but for
18 the most part this is a very, it's a friendly
19 intake, so we hear from the children what is
20 truly happening in their environment, and in
21 their lives, what caused this fight to happen,
22 what's causing them to engage in abusing
23 alcohol. And we have some kids who say I
24 didn't, the administrator was wrong, but you
25 will still engage because you have been

1 assigned, and we're going to assume that an
2 adult did an investigation and has found this
3 to have happened.

4 CHAIR: All right, what -- go ahead.

5 DR. BLACKBURN: Thank you.

6 CHAIR: Okay. Last question on this
7 topic, Dr. Blackburn, and then anybody else
8 just hold onto them because we'll bring Ms.
9 Pope back, and we'll have a follow up
10 discussion. So, Dr. Blackburn.

11 DR. BLACKBURN: Thank you, Chief. My
12 questions will be brief. And thank you, Mrs.
13 Pope. Just a clarification. We spend a lot of
14 time talking about reductions of suspensions
15 and PROMISE eligible infractions, but I was
16 noticing on Slide 20 it looks like the most
17 severe consequence that the district can
18 provide is the expulsion from school, and those
19 numbers are up over the last three years. Is
20 that -- did I read that correctly?

21 MS. POPE: Yes, they are. We have seen an
22 uptick in our expulsions, and that is for the
23 slide that spoke to those expellable acts, so
24 yes, that is correct, there is an increase in
25 expulsions.

1 DR. BLACKBURN: Last question. We've
2 spend a lot of time talking about the services
3 that you provide responding to student
4 misbehavior, proactively trying to avoid
5 student misbehavior. Is there ever a time that
6 you're familiar with that statute or law allows
7 the school district because of frequency or
8 egregiousness to simply cease and desist
9 providing any service to a student based on
10 frequent and/or gross behaviors?

11 MS. POPE: Yes, when a student is arrested
12 for gross and egregious behavior, in
13 collaboration with juvenile justice system, and
14 the judge, and everyone that's in Circuit
15 Seventeen, those determinations are made as to,
16 you know, whether or not that child will
17 continue to receive services. I don't know
18 whether that answers your question.

19 DR. BLACKBURN: So, it has to be a group
20 -- do you have the authority of the school
21 district to cease and desist providing services
22 to students based on frequency or egregiousness
23 of behavior?

24 MS. POPE: No, we don't have that
25 authority. There may be periods where we do

1 not provide a service based on, you know, what
2 is happened with that child, but if they are
3 school age and eligible the district must
4 provide services by statute.

5 CHAIR: So, last question, is -- at intake
6 when you're determining eligibility, and this
7 kind of goes to I think Chief Lystad's
8 question, and others, at eligibility for first
9 offense, second offense, et cetera, do you
10 query at all JJIS or Prevention Web, because as
11 we're going down this path it seems like that
12 we're looking at the number of offenses, or the
13 number of incidents based upon what's known to
14 the Broward County schools, but this kid may
15 have either in other counties, in other
16 districts, or even here in Broward because they
17 have extensive involvement outside of the
18 school system, so do query JJIS or Prevention
19 Web in determining program eligibility and the
20 appropriateness of diversion?

21 MS. POPE: Again, that was a concern of
22 the State Attorney's Office during this whole
23 process, and so the JJSC process that we talked
24 about, all of, you know, the entities that need
25 to know about that child, including DJJ, is

1 there. And we have that interagency agreement
2 where we share information, so we are sharing
3 information on those children that are within
4 PROMISE with those that have signed on to the
5 agreement, and those that are required, that
6 would require to share information with.

7 CHAIR: No, I understand that, but so if
8 you get a kid and the kid stole something in
9 campus, or one of the eligible offenses, at
10 intake, but the kid had four prior thefts
11 because he stole something at the mall, does
12 Broward County schools consider that a first
13 offense or a fifth offense?

14 MS. POPE: No, for us?

15 CHAIR: Yeah.

16 MS. POPE: It's the offense that's within
17 our system.

18 CHAIR: Okay, well that's -- right, that's
19 my point.

20 MS. POPE: However, the SRO and all the
21 others know of this child, and so they look at
22 the offense that's occurring within the walls
23 of our schools, and they put that into, you
24 know, their perspective as to what needs to
25 happen with that child on that side of the --

1 CHAIR: Right, but you all are not taking
2 that into consideration at the time that you're
3 making your decision, you're just looking at it
4 in your closed universe.

5 MS. POPE: No, we're -- we're not
6 capturing that through PROMISE in terms of, you
7 know, counting it as an offense, because again
8 it wasn't an offense that happened that is,
9 that is part of our process, but when we are
10 sitting down and talking about this child, and
11 transitioning them back into the school, and
12 there is a collaborative problem solving, that
13 information is there. Our court liaisons are a
14 part of that process. So, we know that
15 something other than this one incident that we
16 may have documented is happening on the
17 outside. So, those conversations are happening
18 informally, and as part of our data sharing.

19 CHAIR: All right, Ms. Pope, thank you
20 very much. We certainly appreciate you being
21 here today, and your formal presentation.

22 MS. POPE: Thank you.

23 CHAIR: We'll be in touch to ask for
24 information and ask you back so we can follow
25 up this discussion.

1 MS. POPE: Thank you.

2 CHAIR: We're going to segue -- we're
3 going to segue now in topics to what we had
4 touched on earlier today, which was physical
5 site assessments, and the next presentation
6 will be from the Department of Education, and
7 Linda Champion, who is the Deputy Commissioner,
8 is going to talk about school construction and
9 physical site security requirements from the
10 state. Welcome. Thank you for being here.

11 MS. CHAMPION: Okay, good afternoon. As
12 you indicated, Mr. Chair, this presentation is
13 focused on really the security requirements for
14 education facilities. They're specified in
15 state law. Florida is a local control state,
16 and that means that local school boards do own
17 and operate the school buildings within their
18 district. The role of the Department of
19 Education's Office of Educational Facilities is
20 to provide technical assistance and training to
21 school district personnel, and to implement the
22 laws that are passed by the legislature.

23 The state level requirements for design
24 and construction of new schools are found in
25 the following sources: The Florida Building

1 Code is established by the Florida Building
2 Commission. The Department actually has a
3 representative that sits on that to deal with
4 education facilities construction. Chapter 453
5 represents the state requirements for education
6 facilities that's within the building code and
7 addresses again new construction.

8 There's a volume of the Florida Building
9 Code, the Florida Accessibility Code, that's
10 based on the Federal Americans with
11 Disabilities Act. Chapter 1013 of Florida
12 Statutes requires that all education and
13 ancillary facilities constructed by a school
14 board or Florida college board comply with
15 state requirements for education facilities
16 manual, and the SREF manual includes a
17 requirement the districts must follow the
18 Florida Safe School Design Guidelines, which
19 include the crime prevention through
20 environmental design, or CPTED principles. I
21 know you have a presentation in detail about
22 that that follows. Also, the Fire Prevention
23 Code and Fire Marshall Rules, those are
24 required to be complied with by school boards,
25 again in Chapter 1013.

1 All K-12 public schools and colleges must
2 be constructed to meet the code requirements in
3 place at the time the construction begins, and
4 the portion of a building being remodeled, and
5 any additional square footage that's added,
6 must meet the code requirements in place at the
7 time the work starts. Unless a school is
8 remodeled, or unless new square footage is
9 added, a school building does not have to be
10 retrofitted to meet current code requirements.

11 Charter schools and private schools are
12 subject to the general building code, and but
13 not to Chapter 453, the state requirements for
14 education facilities. They do of course have
15 to meet requirements of the Florida Fire
16 Prevention Code and the Fire Marshall Rules for
17 Education Facilities.

18 In addition to the requirements related to
19 construction there are requirements that apply
20 to all existing education facilities, that is
21 the Fire Prevention Code, the Fire Marshall
22 Rules, and the SREF manual. Chapter 5 deals
23 with existing facilities. All district owned
24 facilities must be maintained in accordance
25 with current requirements from these sources,

1 and they really provide minimum safety and
2 health standards for maintaining existing
3 education facilities.

4 The Florida Fire Prevention Code and Fire
5 Marshall Rules address life safety and fire
6 prevention. Chapter 5 of SREF provides minimum
7 standards for safety, maintenance, and
8 sanitation for the protection of occupants in
9 the school buildings. The crime prevention
10 through environmental design principles are a
11 set of guidelines that districts must consider
12 in the design and construction of a school, and
13 while it's mandatory that districts design
14 schools in accordance with these principles
15 school districts do have flexibility with
16 regard to how to implement the safety
17 principles.

18 I'll just quickly highlight the CPTED
19 principles here. Natural access and control of
20 schools means, for example, designing buildings
21 and walkways, and landscaping to direct the
22 flow of traffic in areas of congestion.
23 Surveillance should always be possible from
24 both within the school and from the street.
25 Territorial integrity includes perimeter

1 fencing, securing courtyards, and providing
2 adequate lights for the site and the buildings.
3 Sound and motion detection systems should cover
4 ground floor doors, stairwells, offices, and
5 areas where expensive equipment is stored.

6 And these last two, designs that will
7 promote the prevention of crime and violence
8 include architectural features that do not
9 allow foothold or handholds on exterior walls,
10 use of tamper proof doors and locks, and
11 landscaping and tree placement that does not
12 provide access to roofs by unauthorized
13 persons. Safe school design would also include
14 using open handrails and other features that
15 allow unrestricted surveillance of the campus,
16 including exterior stairs and balconies.

17 State specifications found in the building
18 code, fire prevention code, and SREF manual
19 have certain requirements that address safety
20 and security, and some of those specifications
21 are related to doors, door hardware, windows,
22 egress, alarm systems, and fencing. So, in
23 general classrooms must have an opening to the
24 outside or be equipped with fire sprinklers.
25 This provision is designed for safety in the

1 event of a fire.

2 Doors must swing in the direction of the
3 exit. This prevents entrapment and bottlenecks
4 when the occupants attempt to exit the room.

5 Doors must be hinge type, and always be
6 operable from the inside by a single operation,
7 and without a key. This would prohibit a
8 sliding door or a roll up door, and this
9 requirement to be operable from the inside
10 without a key ensures that occupants can
11 quickly exit in the event of an emergency.

12 Doors must either be recessed or have a
13 window. This ensures that no one gets hit by
14 the door when it's opened into a hallway.
15 Classroom doors cannot lock people inside in a
16 manner that prevents them from exiting the
17 room. Classrooms can be locked with a key from
18 either side as long as the inside door handle
19 can be opened with one motion and is ADA
20 compliant, that is classroom doors can be
21 locked to prevent entry but not exit.

22 To ensure accessibility for students and
23 staff, including persons with disabilities,
24 door handles cannot require tight grasping or
25 twisting of the wrist, and the location of the

1 door opening devices must be installed so that
2 they can be reached by someone standing or in a
3 wheelchair. Several provisions in the code are
4 designed to ensure safe means to exit the
5 building in the event of an emergency. As
6 mentioned before student occupied spaces must
7 either have fire sprinklers or windows and
8 doors to the outside.

9 The code provisions are specific on these
10 requirements, including the dimensions of the
11 rescue windows. In addition, evacuation routes
12 must be posted by the classroom door. To keep
13 very young children safe the code requires that
14 preschool, kindergarten, and first grade
15 classrooms are on the ground floor, and second
16 grade classrooms are no more than one story
17 above ground level. This prevents small
18 children from having to navigate multiple
19 flights of stairs in order to exit in an
20 emergency.

21 Under the current building code buildings
22 with an occupancy of more than 100 persons must
23 have a voice alarm system, and buildings within
24 60 feet of each other must have a single shared
25 alarm system. This allows detailed information

1 and instruction to be provided throughout the
2 building.

3 This last feature that we'll discuss is
4 fencing. These requirements are designed to
5 ensure territorial integrity, that is keeping
6 unauthorized individuals off of school property
7 while allowing access to students and staff.
8 Fencing should not be located to allow access
9 to roofs by unauthorized persons, and of course
10 fencing materials should allow for surveillance
11 of the campus.

12 The Florida Building Code and SREF manual
13 contain special security requirements for pre-
14 kindergarten, daycare, and kindergarten
15 playgrounds, requiring that these areas be
16 separated by a fence that is a minimum of 4
17 feet tall. The requirement prevents
18 unauthorized access, and also ensures that
19 small children do not leave the playground
20 unattended. For further protection of the
21 youngest children codes require fencing around
22 certain special hazard areas like retention
23 ponds, drainage ditches, and play areas that
24 are next to highways and roadways. And
25 finally, there is a requirement that when a

1 fence is padlocked the key must be stored in a
2 master key box that is accessible by fire and
3 rescue officials.

4 And with that, Mr. Chair, I'll be glad to
5 answer any questions.

6 CHAIR: Okay. We're going to have a --
7 and just so you -- one of the next things on
8 the agenda is a specific presentation on CPTED,
9 so that's coming. Commissioner Book, did you
10 have a -- somebody did over here. I saw a
11 hand.

12 SEN. BOOK: Thank you, Mr. Chair. One
13 question that I have is -- two questions I have
14 actually. One is I have been talking a lot
15 with the school officials throughout Broward,
16 and talking about students with
17 exceptionalities, and it was interesting on
18 Slide 12 when you talk about kindergarteners
19 and preschoolers only being allowed o the first
20 floor, second graders shall not be located more
21 than one story. What about students with
22 exceptionalities? I've heard several times
23 that there are some students who may be
24 wheelchair bound but are on a third floor or
25 fourth floor, and for example let's say in a

1 case of a fire what would they do? Is there
2 anything that addresses some of that within the
3 code, with that within the code?

4 MS. CHAMPION: I'll be glad to get that
5 information for you. I do know some of the
6 arrangements that certain school districts have
7 made to accommodate students with disabilities
8 when they have multi story buildings. And I'd
9 like to give you the exact quote though with
10 regard to the requirements.

11 SEN. BOOK: Thank you. Another thing on
12 Slide 9, talking about single operation without
13 a key, is there any specification as to how a
14 door must be able to be locked? So, I know one
15 of the things that we've heard is that you,
16 that in some classrooms you have to open the
17 door to lock the door with a key from the
18 outside. Is that in fact the case?

19 MS. CHAMPION: So, again going back to,
20 let's see, I think that's Slide 10.

21 CHAIR: It looks like 9 and 10.

22 SEN. BOOK: 9 and 10.

23 MS. CHAMPION: Thank you. So, again you
24 see that all, all spaces, I mean going back to
25 the student occupied spaces, either have to

1 have opening to the exterior of the building or
2 they have to be sprinkled. The door has to
3 exit to the, excuse me, has to swing in the
4 direction of the exit. And then I think with
5 regard to, you're asking about locks, so I
6 think again the point is that they, they can be
7 locked from the inside or the outside as long
8 as the inside door can swing open freely, yes.

9 SEN. BOOK: And last question --

10 CHAIR: I'm sorry, if I can just interrupt
11 you here for a second. I'm sorry to do this to
12 you, but because -- but more directly would it
13 be in violation of this law, these regulations,
14 for a door to a classroom to only be able to be
15 locked from the outside? So, in other words is
16 that, would that be consistent or inconsistent
17 with the regulations if the only way a teacher
18 could lock his or her classroom door is if they
19 had to stick their head out in the hallway and
20 with a key and lock the door, and they couldn't
21 lock the door while they're inside the
22 classroom? Would that be consistent or
23 inconsistent? Is that, Commissioner, is that
24 your --

25 SEN. BOOK: Yes.

1 CHAIR: Okay. So, that -- I think --
2 because that's an important question as it
3 relates to this incident.

4 MS. CHAMPION: A door can be locked from
5 the outside as long as the folks inside can
6 freely leave the room, can freely exit. That
7 is consistent with these standards. But again,
8 the lock can be on the inside or outside as
9 long as the occupants can leave the room.

10 CHAIR: Whether it's a good practice is
11 another question, but as far as the law is
12 concerned the current state of the law now is
13 that if it was installed that way it would not
14 be in violation of the statute.

15 MS. CHAMPION: Correct.

16 CHAIR: Okay, thank you. I'm sorry about
17 that.

18 SEN. BOOK: Thank you. One other
19 question. In terms of -- and this -- you may
20 or may not be able to answer this, but I think
21 this is something that is important. In terms
22 of this incident, or others, we've heard a lot
23 about sheltering in place and barricading
24 inside a room. I have heard that some of the
25 furniture within school buildings apparently

1 are bolted down, so like a bookshelf, or heavy
2 desks, or objects. Is that the case? Is that
3 something that you can speak to at all?

4 MS. CHAMPION: I would need to get that
5 information for you.

6 SEN. BOOK: Thank you. Thank you, Mr.
7 Chair.

8 CHAIR: Commissioner Dodd.

9 MR. DODD: I'm going to kind of follow
10 along with Senator Book here on some questions
11 with the doors, because there has been a lot of
12 talk about all kinds of different door security
13 devices in the case of an active shooter, and I
14 was in a meeting where it was explained that
15 that would be a violation of regulations, and
16 so I just want to make sure that we're clear on
17 that, that if there were to be a school
18 district, or a recommendation to have some type
19 of an emergency locking device, that I would
20 like to know if that would be a violation, if
21 it's not so many inches above the floor for ADA
22 accessibility, if it's not, you know, one
23 motion, is there an issue with that?

24 MS. CHAMPION: And again, I'm not familiar
25 with the specific device you're speaking to,

1 and I didn't get the name of the -- you
2 indicated there was an organization that --

3 MR. DODD: No, I was -- I was in a meeting
4 and a discussion ensued on that topic. So,
5 there's all kinds of devices, some that block
6 the arm, some that go in the floor and snap
7 down, and there's a lot of devices out there.
8 And I had never heard that before, so that's
9 why it kind of falls right in line with this,
10 with this discussion. Is that a violation of
11 --

12 MS. CHAMPION: So, Mr. Chair, if I can --

13 CHAIR: Go ahead, you can answer. One of
14 the things we are going to do, is that we're
15 already working on it for July, is we're going
16 to have somebody from the state Fire Marshall's
17 Office come in, and maybe they'll be beneficial
18 in answering some of those questions from that
19 perspective as well, so we are planning on
20 that. But go ahead and answer it if you know,
21 or if you can shed any light on it.

22 MS. CHAMPION: Again, to the extent that
23 we've outlined the requirements here, so if
24 there's a device that doesn't fall within the
25 minimum and maximum for the area that a door

1 handle can be located on a door then that would
2 be in violation of the code. So, without
3 changes to some of these requirements I don't
4 think you would be able to go forward with
5 devices that violate these requirements.

6 MR. DODD: That might be a recommendation
7 to look at too.

8 CHAIR: Jim, go ahead.

9 UNDER SHER. HARPRING: I wasn't
10 necessarily getting back into these door locks,
11 but I just wanted to be clear, and Sheriff, I
12 just wanted to clarify your point on the
13 regulation relative to only being able to lock
14 the door from the outside. For example, you
15 couldn't lock the door from the inside, you had
16 to open the door and go outside and lock the
17 door with a key, and that could only occur from
18 the outside. Would that be consistent with the
19 regulations or not, because I can't tell just
20 from reading the outline here?

21 MS. CHAMPION: So, I'll just say again
22 that the lock can be either on the inside or
23 the outside as long as the occupants of the
24 room can leave the room. So, in other words
25 the door has to be able to be opened in a

1 single move without a key, okay, but the lock
2 can be on the outside or it can be on the
3 inside.

4 UNDER SHER. HARPRING: But if it was only
5 exclusively on the outside to lock so long as
6 it could be opened from the inside with some
7 mechanism, key or not, then that wouldn't be
8 violative of the current regulations.

9 MS. CHAMPION: Correct.

10 UNDER SHER. HARPRING: Thank you.

11 CHIEF NELSON: From what I understand -- I
12 just want to clarify from your testimony, you
13 stated that in the State of Florida, local
14 districts contain, or maintain local control.
15 Does DEO have any oversight or inspection
16 authority of schools to ensure that they are
17 complying with this, and if there was a school
18 that wasn't would DOE have the authority to
19 come in and make them comply with that?

20 MS. CHAMPION: So, Mr. Chair, if we could
21 respond to that?

22 CHAIR: Yes, please, go ahead. You don't
23 need to ask.

24 MS. CHAMPION: So, again the local school
25 board is responsible for the construction and

1 design of those buildings, and local
2 inspections occur to ensure they're in
3 compliance with all the codes. The Department
4 doesn't have the authority to enforce that.

5 CHAIR: Anything else?

6 CHIEF NELSON: No, sir.

7 CHAIR: All right, Mr. Schachter, go
8 ahead.

9 MR. SCHACHTER: Are you familiar with the
10 Partnership for Alliance for Safe Schools, they
11 pass guidelines?

12 MS. CHAMPION: I am not. Sorry.

13 MR. SCHACHTER: That's been adopted by
14 eleven states. It was a collaboration between
15 the NSCA and SNCA, and I certainly would like
16 to have guidelines. We're working with the
17 Architect Association to make sure that all
18 schools are built safe. So, that's something
19 that I would definitely like Florida to adopt.
20 I'm not sure if you're going to be able to
21 answer this question, but one of the major
22 problems with this massacre, I would prefer
23 people not refer to this as an incident, as
24 just like a regular, you know, I stole some gum
25 from Walmart. This is an absolute massacre

1 that happened here.

2 But the fire alarm is a major problem
3 here. That's how a lot of children died on the
4 third floor. What do -- what do the current
5 regulations say so that kids do not evacuate in
6 a fire alarm situation to make sure they're not
7 running into the line of fire? Do you know the
8 answer to that question?

9 MS. CHAMPION: I do not. I can get
10 information to you on that, but these are the
11 basic outlines related to the requirements for
12 alarm systems that exist for education
13 facilities.

14 MR. SCHACHTER: Okay. And then you also
15 said as far as doors go that they could be
16 recessed or have a vision panel, so does that
17 mean that if they're recessed they do not have
18 to have a vision panel?

19 MS. CHAMPION: They do not is my
20 understanding.

21 MR. SCHACHTER: They do not have to have a
22 window. Wow, well that would be great. Does
23 -- does anybody know, or does that mean that we
24 could have a door without a window? I mean
25 that's how my son died, and a lot of our

1 children died, because the monster shot right
2 through the window. Is that -- do you have any
3 information on that?

4 CHAIR: You know, I think she answered the
5 question, is she said that there's no
6 requirement that the doors have windows.
7 That's the way I understand your answer.

8 MS. CHAMPION: That's correct. The doors
9 must either be recessed or have a window.

10 MR. SCHACHTER: Wow, that would -- that
11 would be great. No windows, that would -- I
12 don't know of any schools that don't have a
13 window, though, does anybody?

14 CHAIR: You know, I don't want to get too,
15 you know, in risk of -- but also, I mean just
16 let's again, is that there's no one size fits
17 all, and no one thing that we know that is
18 going to prevent any of this, is also keep in
19 mind, and we know this, yes, he shot through a
20 lot of windows in the school, but he also shot
21 through walls too, so -- and that happened.
22 So, again best practices, best we can do to
23 mitigate, absolutely, but just because you
24 don't have windows doesn't mean they're not
25 going to shoot through doors and shoot through

1 walls. And he did shoot through walls in this
2 case, so that's a fact. Commissioner.

3 MS. LARKIN SKINNER: I have a question
4 regarding fencing. You mentioned that local
5 zoning, and I know local zoning regulations
6 vary, can vary widely. Do you know of any
7 instances where maybe a school district tried
8 to build a school where there was a certain
9 height fence for safety reasons, but local
10 zoning regulations didn't allow it? And the
11 reason I ask is that it just seems to me that
12 that's something we could possibly affect.

13 MS. CHAMPION: And I am not aware of any
14 situation where that was prevented by local
15 zoning.

16 CHAIR: Commissioner Stuart, did I see
17 your hand? Did you have a question?

18 MS. STUART: I didn't have a question. I
19 had a comment with regard to the doors that
20 lock from the outside. So, subsequent to the
21 Marjory Stoneman Douglas shooting there are
22 many schools that have those kinds of doors
23 that can only be locked from the outside, and
24 they have gone to the practice of every single
25 classroom door being locked during the school

1 day. Students are still able to regress that
2 room with the door being locked from the
3 outside.

4 So, I don't want us to dismiss doors that
5 lock from the outside, because there is a way
6 to keep the situation safe and still be able to
7 get out, which is the reason for that
8 requirement in our facility's code. So, I just
9 wanted to make that point.

10 CHAIR: Thank you for the, for the point.
11 Sheriff Judd.

12 SHER. JUDD: Mr. Chair, I have a comment.
13 The comment is when these schools were built
14 they didn't contemplate active shooters, and
15 that's why I think it's incumbent upon this
16 commission, and I may just be ahead of myself
17 by the presentation, that we just look for best
18 practices with architects and subject matter
19 experts from this point forward about (1) how
20 do we retrofit the schools that have
21 insufficient security measures now, and (2)
22 what are the standards that we mandate that
23 they at least build to in the future.

24 Because my colleague over here, you know,
25 it's not uncommon -- there's always lots of

1 windows, because you want to bring in light,
2 and the air, and I mean we're sitting here with
3 a whole wall of windows behind us. But in our
4 district stations we have the windows so high
5 that if they shoot they shoot over everyone's
6 head, so there's ways to get to all that.

7 But my point is we're looking at old
8 facilities and wondering why, but the reality
9 is they're designed for fire safety and
10 suppression, and we just have to I think as a
11 commission look at what we have, and where we
12 need to be in the future.

13 CHAIR: And I'll add that the regulations
14 and the code that are being discussed are the
15 same thing, they were built for, and designed
16 for responses to fires, and other similar
17 situations. None of this was put in place to
18 deal with this situation. But, Commissioners,
19 any other questions of Ms. Champion? All
20 right, thank you for being here. We appreciate
21 it very much, thank you. And we'll hear from
22 you again later. Why don't we go ahead and
23 take an afternoon break, and come back at 3:35?
24 There are refreshments in the same room we had
25 lunch, and we'll see you in about fifteen

1 minutes. Thank you.

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

4 CHAIR: Okay. We'll go ahead and get
5 started. So, just so you, housekeeping, to
6 give you the agenda for the rest of the day,
7 we're going to hear next from Edward Upthegrove
8 from the Florida Office of Attorney General,
9 and Art Hushen from, is a lead instructor with
10 the Attorney General's Office on CPTED. That
11 will take us for the next hour, from now until
12 4:30. At 4:30 we're going to wrap up the
13 presentations for the day with Bob Kowalski,
14 who is a Deputy Assistant Secretary for the
15 Department of Homeland Security. The remaining
16 presentations that are on the agenda today we
17 will not hear from because we won't have time.
18 I'll figure out how to fit those in tomorrow,
19 and I'll make schedule adjustments tonight for
20 tomorrow. And the last thing today after we
21 hear from DHS will be public comment. We do
22 have about five public comment cards, so I
23 would anticipate we'll wrap today at about
24 5:30, is the way it's looking. So, we'll go
25 ahead and begin with the presentation from Mr.

1 Upthegrove and Mr. Hushen from the Attorney
2 General's Office. Welcome.

3 MR. UPTHEGROVE: Mr. Chair, Commissioners,
4 my name is Edward Upthegrove. I'm with the
5 Florida Attorney General's Office. I am the
6 Program Administrator for the Florida Crime
7 Prevention Institute, which is housed in the
8 Bureau of Criminal Justice Programs, and we
9 provide training around the state on various
10 topics. One of them have happened to be on
11 Crime Prevention Through Environmental Design.

12 It was asked for our office if we could
13 come present in front of the commission today a
14 basic understanding of what CPTED is, and best
15 practices as it relates to school safety. I
16 have with us today our lead instructor on
17 CPTED. He is the Chair of the Florida Design
18 Out Crime Association, Mr. Art Hushen.

19 MR. HUSHEN: Chair and Commission, thank
20 you for allowing me to be here today. My name
21 is Art Hushen. I am the President and Owner of
22 the National Institute of Crime Prevention.
23 I'm also the lead instructor for the Florida
24 Crime Prevention Training Institute. I've been
25 doing that since about 2001, 2002.

1 I've been asked to talk to you today about
2 CPTED, Crime Prevention Through Environmental
3 Design. We've heard a lot of discussion about
4 it, and you're probably going to hear more
5 about it for the next couple of days, but the
6 question is what it is. You know, we hear
7 about it, people talk about knowing it, but how
8 do we apply it, and what's the benefit of
9 looking at that program?

10 When you think about CPTED you have to
11 look at Florida the state, because we talk
12 about where it came from, and it came from the
13 State of Florida. In 1971 there was a
14 criminologist by the name of C. Ray Jeffries,
15 Florida State University, and he came up with
16 this phrase, or this concept called crime
17 prevention through environmental design, and he
18 felt the way to combat crime was to design the
19 total environment, and so now what we're going
20 to do is break down what the total environment
21 is. And I think you're going to be pleasantly
22 surprised when we talk about the direction
23 we're going to go with that.

24 But when we talk about CPTED we get back
25 to the concept, or the basics. What I want to

1 cover today is what is crime prevention through
2 environmental design, how we can use that for
3 our school safety and security program, and the
4 next thing is how to implement CPTED into the
5 school safety and security program. So, when
6 we talk about the concepts and the initiatives
7 we have to go the fundamentals first, and that
8 is going to be the basic of natural
9 surveillance, natural access control, territory
10 reinforcement, and maintenance.

11 Now, you've heard mention of
12 territoriality. You've heard a few comments
13 about the overall, or the perspective of CPTED
14 and how we apply it, but we're going to go back
15 down to the grassroots of CPTED and talk about
16 how it impacts us today, cities that are
17 utilizing this, along with school districts
18 that are already adopting these concepts. So,
19 here's the chance for us to maybe look at
20 standardizing this with the state, and looking,
21 having design standards right across the board
22 that's going to help us create that safe and
23 that comfortable learning environment.

24 So, the first thing, what is the premise
25 of CPTED? Well, that is the proper design and

1 effective use of the building environment that
2 can lead through reeducation and fear of
3 incidents and crime, and an improvement of
4 quality of life. That's what everyone is going
5 to be talking about, the premise of CPTED, but
6 what is the proper design, who sets that
7 standard of proper design, is it going to be
8 standardized throughout the state or is it
9 going to be left from district to district?

10 And so, when I look at proper design that
11 ties into every component of school design that
12 you can possibly think of, from door design to
13 building setback, to the design of our
14 restrooms to the design of the classrooms, to
15 the design of the lobby to the design of the
16 reception area. These are all elements of
17 CPTED when we look at the design of the school,
18 and the effective use is how we use that space.
19 And we use it we talk about how people interact
20 in the built environment, how do they come into
21 the building, do they feel comfortable, do they
22 feel safe, do they want to be there, so when we
23 design it well we can have that positive impact
24 on people using that space.

25 It also creates a sense of safety and

1 security. If I like where I'm at, if I enjoy
2 being there, if I understand how the building
3 works I'm going to feel very comfortable, I'm
4 going to consider going there again and again,
5 and again, I'm going to continue to use that
6 space.

7 But when I look at CPTED, though, we start
8 breaking down the concept of what is CPTED
9 design. Well, when I look at design defined
10 under the CPTED model it includes a physical
11 design, which you're going to hear a lot about
12 these next few days. What we tend to forget is
13 the other component, social management, and
14 that's key for me.

15 I can design it with some good strategies,
16 but do people feel comfortable using that
17 space. What programs do we have in place to
18 give them the resources they need if something
19 does happen, or if they see something going on;
20 so, we're going to build it well, provide the
21 resources, and then we look at directives that
22 seem to affect positively human behaviors as
23 people interact within their environment. In
24 this case it's going to be a school.

25 And those directives are rules, and those

1 rules, we want them visibly, we want them
2 present, we want them up front, we want them
3 throughout the entire corridor. This is the
4 expectation, because when people get away from
5 that, when they don't follow them, we can now
6 identify that, and we have the resources to go
7 to to look for the assistance that we do need
8 for that site, or for what's taking place.

9 Now, the environment defined includes
10 people in their physical and social
11 surroundings, and the social, that's the
12 components that's missing, so we're going to
13 design it, and we're going to look at the
14 surroundings that encourage positive behavior.
15 We're going to provide the resources to enforce
16 that type of behavior throughout the school.
17 And these are things that are being done
18 throughout the country, it's not just here in
19 Florida that we're talking about this. I do
20 training in several other states, and I get a
21 chance to see what other school districts are
22 doing, and other cities are doing to promote
23 these concepts. So, we're going to apply them
24 here, and we're going to try to get them going
25 in a way where we can maybe standardize these

1 concepts are part of our design guidelines.

2 The real power of your CPTED program that
3 we sometimes forget about is that everyone
4 benefits from these standards, everyone from
5 the students to the staff, to the teachers, to
6 the neighbors next door, to people that want to
7 visit the school. This has a positive
8 influence on what's going on. CPTED is about
9 people and quality of life. We get too focused
10 on the design sometimes and we forget about the
11 social program, so we really need to build on
12 that as we start looking at standardizing these
13 concepts and maybe making them something
14 permanent, something sustainable, something
15 that we can refer to back when we have a model
16 that we can follow throughout the state.

17 The goal of CPTED is to reduce the
18 opportunities for crime that may be inherent in
19 the design of the school. Can this be new
20 design, yes. Can we take a look at an old
21 design and make the changes, yes. A lot of the
22 schools we have in the state are old. I can
23 give you all the good things about a new
24 design, because we can build it now, but what
25 about schools that are already there. What

1 about schools that have been there thirty
2 years, can we apply these strategies there?
3 Yes, we can, and we'll talk about the process
4 of doing that as well.

5 CPTED uses various tools. We talk about
6 evaluating the environmental conditions and
7 utilizing intervention methods, and those
8 interventions methods we want to provide as
9 part of the training that's conducted by the
10 Florida Crime Prevention Training Institute.
11 We want to have a standard of training, so
12 everyone recognizes these strategies and are
13 able to identify them and make those
14 corrections.

15 We focus on methods to control human
16 criminal behavior and reduce the fear of crime.
17 Going back to C. Ray Jeffries from Florida
18 State University in 1971, the total
19 environment, how do we build it, how do we
20 sustain that, how can we make sure this is long
21 term, and these are things we're going to cover
22 in this session.

23 We understand now that the arrangement and
24 design of buildings an open space can either
25 encourage or discourage undesirable behavior

1 and criminal activity or criminal events, so
2 we're going to start designing it, and look at
3 how students move into the building, how staff
4 moves into the building, how we connect to the
5 parking lots, how we connect from one building
6 to the next, to the exterior, how we connect to
7 the bus stop that's right outside the school.

8 All of this is part of your CPTED program,
9 providing that line of sight, providing that
10 level of comfort where students feel safe, and
11 that they're there to learn. And that's a
12 priority for us under the CPTED program. We
13 talk about school districts, what they're doing
14 today, and school districts throughout the
15 country are adopting these CPTED standards.
16 And these standards are universal. When you
17 think about the concepts, they overlap as we
18 start applying it from state to state.

19 We talk about requiring site plan reviews
20 as we go for new construction or major
21 renovation, are these concepts being applied,
22 if not why not, is it part of the design
23 guidelines, is it part of the design
24 requirements for the site. Now, we're going to
25 focus on crime prevention and safety in mind.

1 For me when we get into breaking down the
2 school components, it's a learning environment,
3 and then we supplement that with security if we
4 need to. But good design first, and good
5 design can serve as a mitigating strategy when
6 I think about criminal behavior on that site.
7 And even on a retrofit we can still apply those
8 good design strategies.

9 When I look at some of the schools and
10 what they're doing, you can take a look at the
11 slide, you see CPTED for schools, CPTED best
12 practices, CPTED design strategies and
13 concepts. Architectural firms throughout the
14 U.S. now are adopting a lot of these concepts.
15 A lot of them can't even bid on a school
16 project unless a member of that team is
17 certified in CPTED. So, not only are we
18 looking for the standards within ourselves, or
19 within our district, we're looking at the
20 professionals that are designing those schools
21 to have to meet those same requirements as
22 well. And for me, if we're all on the same
23 page, it makes it a lot easier for us to adopt
24 these concepts.

25 We look at new strategies that are out we

1 can look at the CDC, the Center for Disease
2 Control in Atlanta. They presented this
3 template last year to talk about the concepts
4 in its crime prevention through environmental
5 design for schools. Now, that is a true CPTED
6 approach, using only CPTED strategies to create
7 a safe learning environment, and to adopt that,
8 can you imagine now if we include a physical
9 security component onto that? Can you imagine
10 the impact we'd have on that school? Blending
11 good design with physical security, blending
12 that along with social programs, empowering
13 students to take ownership of the space, and
14 providing the resources for them in case they
15 need that. I think it's a win/win for all of
16 us if we can set that standard or standardize
17 these concepts.

18 You're going to hear mention of Florida
19 Safe School Design Guidelines. Now, the first
20 issue I saw was about in 2003 I believe, and it
21 needs to be updated. It's a great manual. I
22 mean I share this information throughout the
23 U.S. All we're doing right now is trying to
24 update that information just a bit, and it's a
25 tool that we can use today. We have one of the

1 architects from Florida Design on Crime that's
2 working on updating that manual as we speak, so
3 we want to keep it current, again good design
4 strategies for each one.

5 Now, CPTED is a multidisciplinary
6 approach. It just can't fall on one person's
7 shoulders, you know, everyone has to take
8 responsibility for these concepts. So, now we
9 start looking at planning, we look at
10 architecture, we look at landscape
11 architecture, we look at law enforcement
12 engineers and securities, the role we all play
13 to address these concepts and apply them
14 throughout the district. And these are things
15 that we can really have an input in as far as
16 designing a safe environment.

17 CPTED is based on these overlapping
18 concepts, natural surveillance, natural access
19 control, territorial reinforcement, and
20 maintenance. Now the first one, natural
21 surveillance, can I see, can I see what's
22 taking place. People feel comfortable in an
23 environment when they know they're under eyes
24 of other people utilizing that space.

25 Offenders don't want to be observed. And that

1 we've seen nationally, in most cases offenders
2 do not want to be observed, especially when
3 they're approaching my building, so we use good
4 design concepts to recognize that movement
5 further away. We begin layering those concepts
6 in as people approach the building, as they
7 transition into the lobby area, and then
8 transition through the school corridors, so
9 good line of sight is one of the strategies we
10 look at.

11 Natural access control; how do I manage
12 movement into my building, do I have a focal
13 point, or celebrated entryway, do I highlight
14 that. So, I want to eliminate all the excuses
15 why people do not comply with the rules; I was
16 lost, I didn't know where I was going, I
17 thought I could come in through this doorway.
18 Now that person is a threat based off the
19 design of the school, they shouldn't be there
20 in the first place. But good design gets you
21 to where you need to go, and that's going to be
22 key for us when we start talking about activity
23 taking place around the school.

24 We talk about territorial reinforcement,
25 showing ownership; what type of fencing do we

1 use to set up that perimeter, what about our
2 line of sight, am I going with six foot or
3 four-foot fences, am I going with anti-climb
4 fence for that facility, can I soften up the
5 look of the fencing with landscaping. So,
6 these are strategies we look at as well.

7 And the last one is going to be
8 maintenance. We have these great ideas, but
9 can we maintain them; are they sustainable, are
10 we sure that our camera system will work, our
11 landscaping, our lighting. These are all
12 things we address under the CPTED program.

13 Natural surveillance, we talk about the
14 application; increase the threat of
15 apprehension by taking steps to increase the
16 perception that people can be seen. An example
17 is nothing more than kids looking out a window;
18 can I see who's approaching the school, can I
19 see who is entering the building, can I see who
20 is in the parking lot. These are all key form
21 me, so that's why we work on the programs, so
22 students know what to identify, they know what
23 to look for, and they recognize that's a
24 threat, I need to let someone know before it
25 even gets close to my building.

1 Improving visibility with lighting or
2 transparent building materials; that's going to
3 be window placement. When we saw looking at
4 standards, 20% transparency, 30% transparency,
5 how much do I want, and can I set that as a
6 standard to apply that natural surveillance. I
7 look at avoiding the creation of building
8 entrapment areas. For our -- for our older
9 schools that's a challenge, and that comes back
10 to the design team, the CPTED team, how do I
11 eliminate those errors of entrapment.

12 And the design landscaping allows clear
13 unobstructed view of the surrounding areas; how
14 do we do that? Well, for me I look at the
15 2-foot 6-foot rule, and that's all landscaping
16 not to exceed 2 feet in height, low ground
17 cover, lower tree canopy 6 foot and higher. I
18 maintain that surveillance along the entire
19 campus, I can see what's going on. I am
20 species specific on the plant species that are
21 allowed to be placed there, and how do I do
22 that, well, through standardization. I include
23 that as part of our CPTED requirements for the
24 site. So, when I look at that the view looking
25 out with windows and landscaping I can

1 aesthetically design a school that looks great
2 as I layer my security into the building
3 design.

4 Some examples, and these are schools
5 outside of the state of Florida that I wanted
6 to highlight for you. Here's an elementary
7 school that got a little carried away with the
8 landscaping, and this is a corridor between the
9 two buildings that they use for a learning
10 area. Now imagine your first responders having
11 to get in there, or for students that need to
12 evacuate the building quickly, yet this
13 district allowed that to take place.

14 Under the CPTED program that wouldn't
15 happen. That would fall under our maintenance
16 program, which is the 2-foot 6-foot rule.
17 Another look again, there's my escape window
18 for my students to get out of the building in
19 older construction. How do I fix that? I have
20 a standard, I go back to the 2-foot 6-foot
21 rule. And then the entryway coming into my
22 school on the left-hand side. We might look at
23 it as, oh, that looks nice, see, I have the
24 landscaping there. My staff's not going to
25 like it because we can't see what's going on.

1 What about my first responders, they have no
2 clue what's going on on the other side of that.
3 How do we fix that, we'll standardize it again,
4 2-foot 6-foot rule along that entire corridor
5 so we can see what's taking place.

6 Another example from another school.
7 Because we're talking about an older school,
8 they didn't have the chance to design the
9 security checkpoint. So, we know we got to
10 have security up front, we know we have to have
11 people check in, so let's do it this way. And
12 when I had a chance to walk this school that
13 was one of my first recommendations, you got to
14 fix this, because if we look at the check
15 point, notice I've got three security officers
16 there. Well, that's a positive, having three
17 there, but what are they looking at? Where is
18 the entry way, and where is the visitor
19 parking? Right behind them, so they have no
20 line of sight looking out into the parking lot.

21 They have no idea if someone is
22 approaching the school with a weapon, so that
23 becomes -- and then take a look at the upper
24 right-hand corner, you see the doorway that
25 allows access into the building. Their

1 response time is not going to be there, it's
2 going to be too late for them based off the
3 design on this older building. Where it should
4 be located is up against the wall facing
5 outward. By the limited budget I can apply
6 that strategy there.

7 Now, why wasn't it placed on the wall in
8 the first place? Well, if you notice at the
9 bottom left hand side by the security desk
10 you're going to see an outlet and a plug, and
11 that's where they wanted them to hook into the
12 power and to access the internet. And when I
13 asked why wasn't it set on the far wall, well,
14 because it would have cost us \$300 to run the
15 wiring over there. And I'm like, okay, well,
16 let's find that \$300 to run the wiring over
17 there and set it up where it needs to be. In
18 many cases they would have just let that go.

19 So, now we start looking again at how do
20 we standardize this, how do we make that
21 difference. So, I look at natural access
22 control as one of my strategies, how we design
23 the street, the sidewalk, the building
24 entryway, how can I use this to guide people in
25 to where I want them to go. Does it mean I

1 have to use some type of bollard or barrier
2 that doesn't look inviting to the school? No,
3 I can add color to that. I can encourage
4 people to use that entryway. There's all kinds
5 of strategies I can apply under my CPTED
6 program to make sure my entryways are visible,
7 well lit, and overlooked by windows, bringing
8 more surveillance outward, clearly defining the
9 entryway.

10 Remember we're trying to eliminate all the
11 excuses why people don't comply with the rules,
12 so we wanted to limit access at other points of
13 the site and guide everyone to that main
14 entryway, highlight the main entryway. You'll
15 see a few examples here in just a moment.
16 Clearly mark your walkways and paths, guide
17 people to where they need to go to as they
18 transition from the public space into my
19 school. And then a comprehensive way finding
20 system; I want it clear that people know where
21 to check in, where they need to go, where
22 they're not allowed to go.

23 For emergency egress in the event of
24 something taking place I want way finding to
25 get you out quickly, I want all my signs to be

1 of pedestrian scale, clearly defined so there's
2 no doubt where we need to go if something does
3 take place. When I look at natural access
4 control I can use color, in this case bright
5 lemon yellow, to guide you in, and it gets you
6 right to my main entryway. And then I provide
7 seating, so people can sit here, either
8 grabbing a sandwich or taking a break, and
9 they're observing who's approaching the
10 building and coming in. So, I'm extending my
11 surveillance away from the building, further
12 out to try to identify the offender as they
13 approach.

14 Natural access control; I was just
15 introduced to this design three weeks ago from
16 a firm out of Philadelphia, and I saw it and I
17 was just -- what they did with the color red to
18 highlight the entryway, that is part of our way
19 finding strategy, so I asked if I could use the
20 photo for this and they said yes. But I take a
21 look at the window placement above, and then I
22 start looking interior design classrooms, so we
23 can see out and see who's approaching. But
24 it's pretty clear to me when I approach the
25 school where the entryway is, eliminating all

1 the excuses why people don't comply with the
2 rules. And that is nothing but good design,
3 and something we need to look at standardizing
4 as I look at school construction.

5 Even on a renovation, even on an older
6 school I can highlight that entryway. In this
7 case they've got the signage. Notice the
8 pavers. Notice how they've highlighted the
9 walkway. They've added landscaping to
10 highlight the entryway. They've created a gap
11 so there's no area of concealment. They've got
12 the signage up on the front. They've got the
13 directives at the doorway, here's where you
14 check in, here's the expectation. You come
15 into the building, and if you're in the wrong
16 building here's a map right next to you to help
17 you to get to where you need to go. All of
18 that is part of your CPTED design review.

19 Territorial reinforcement; one of our
20 strategies, attributes that express ownership,
21 this is our school, this is our space. I can
22 use that through fencing. I can have
23 decorative fencing that supports target
24 hardening, and I can add elements of design to
25 that to show this is our school. Pavement

1 treatments, signage, and landscaping, are all
2 strategies I can apply for that site.

3 When I look at territorial reinforcement,
4 you take a look at some of the fencing that's
5 available to you. I want to get the signage
6 up. I want to get the directives up, please
7 visit the office upon your arrival, please
8 check in, and guide them to where they need to
9 go. I can use different types of barriers, you
10 see in the lower left-hand side. I can use
11 cable to create a barrier. I let my
12 landscaping grow over that and no one realizes
13 target hardened, I've softened it up with
14 landscaping. And then my bollards on the lower
15 right-hand side keep a vehicle from driving
16 into the campus. And then I can add decorative
17 bollards to ensure that and still give the
18 feeling that this is a place of learning. We
19 haven't target hardened, it is a place of
20 learning.

21 Maintenance plays an important part of
22 that, sustainability. And that's what I
23 emphasize time and time again, we want our
24 program to be sustainable long term, so when I
25 look at maintenance that ties into my

1 expression of ownership, we own this space,
2 we're repairing things that are wrong. For
3 example, fencing that has been damaged that we
4 don't repair, lights that are inoperative using
5 old technology, which we'll cover today.
6 Cameras, the camera in the center, the wiring
7 has been pulled out, it's not functioning
8 anymore, so it gives you that false sense of
9 security as you look at that.

10 Then you look at landscaping on, in this
11 case my tennis courts. Why aren't those
12 maintained? And when the principal asked me
13 why is type of behavior going on in the tennis
14 courts, and I'm like, well, let me help you
15 with that, you can't see what's going on in the
16 tennis courts, so let's trim that down a bit so
17 we can see what's taking place. And then you
18 look at graffiti and etching on glass, that
19 should have been replaced a long time ago. So,
20 maintenance has to be one of our strategies
21 when we look at the site.

22 Then we can take a look at target
23 hardening as one of our strategies. Now, it's
24 not the primary goal of CPTED, but it's
25 something we have to identify and address as we

1 look at building design, and it's one of the
2 most obvious ways to prevent crime. And this
3 ties into your alarm systems, your locks, your
4 devices, ballistic material on the windows.
5 These are all things we'll address as we go
6 site by site. It makes the target difficult
7 for the offender to get into.

8 Now, we look at locks, reinforced walls,
9 fortified doors, bars, and laminated glass. In
10 the planning world we call this your urban
11 fortress model. Now sometimes we'll make no
12 issue or attempt to deal with what's happening
13 outside the building, and that's where your
14 social programs come in, the resources that
15 deal with that, so we can design it using a lot
16 of these elements, but we include that social
17 component under our CPTED initiative.

18 So, when I talk about my school design, we
19 talked about some of our technology, now
20 whether I'm looking at cameras or secondary
21 locks on the doors, these are all things we
22 have get approval from fire, because again we
23 look at fire, so they need to be a member, be a
24 member of the program as well. I look at
25 camera placement and design, you know, that's

1 going to be key to me as well. I look at maybe
2 using technology. I see the national school
3 district using facial recognition in the
4 corridors, so I have to look at the database
5 and how we pull from that.

6 I look at ballistic glass. I look at
7 communication devices, whether we go with a fob
8 or a radio. These are all things we address as
9 part of our strategies. Under the design
10 component when I talk about school design I
11 have to look at how design impacts the safety,
12 whether old or new construction. I look at
13 stairs and ramp design. Now, these are just a
14 few I picked for you to look at. You know, the
15 training is actually sixty-four hours, and we
16 cover a lot of it in that session with the AG's
17 office.

18 But stairs and ramp design, parking lot
19 design and lighting, that's our look at
20 interior and exterior lighting. And I know
21 you're going to hear it too as part of your
22 security components. But stairs and ramp
23 design is a quick one we can look at. A lot of
24 our schools are two or three stories. A lot of
25 our parking garages might be two or three

1 stories, so in the old stair design, I don't
2 have the ability to see who's coming down the
3 stairs, and for me I feel uncomfortable using
4 that.

5 Even I remember being a student in school
6 going up the stairs; I couldn't see around it.
7 Now we fix that by adding mirrors, something as
8 simple as that, adding mirrors, when we look at
9 old construction, the ability for you to see
10 above you. And now my first responders have
11 quick access to that upper level because now
12 they can see as they approach. Even on my
13 design standards looking at the stairwell on
14 the left and the right, the one on the left,
15 that's a visual barrier, I can't see through
16 it. So, what if I change my construction
17 standards and now allow you to look through
18 that stairwell. That speeds up my first
19 responders coming into the school. Teachers
20 and staff like it because they can see what
21 kids are doing, hey, you shouldn't be there, go
22 to class, hey, break time is over, let's go to
23 class. So, it provides that visual connection
24 as I look down those corridors.

25 Lighting is going be key for me.

1 Sometimes we see our schools becoming the
2 centers of community. We hold all kinds of
3 events where we reach out the community,
4 whether PTA meetings, whether after school
5 classes, whether teaming up with the Vo-tech
6 schools to offer adult education, we're using
7 those parking lots at night time, and in many
8 cases, we're using old technology for lighting,
9 so we start throwing money away for that.

10 So, now we look at upgrades under the
11 CPTED program as we measure the light that you
12 have and examine that. We're going to switch
13 over in this case to LED. We'll look at
14 uniformity. LED lighting helps with my
15 security, it's best for my camera system, and
16 it will eliminate dark spots at night time
17 where offenders can hide and wait to commit a
18 crime. So, good lighting is one of the
19 strategies we look at. As well we follow foot
20 candle standards, we follow uniformity levels
21 for our recommendation for the school, and
22 that's something we teach in the course with
23 the AG's office.

24 We look at hallway design, including
25 lighting, interior and exterior lighting.

1 Interior lighting, you want to be comfortable
2 an inviting. I want to eliminate any type of
3 glare. We start looking at locker placement,
4 recessed if I can do that, or do I extend it
5 out, well, then I know I need to fix that. We
6 look at where we place our vending machines
7 along the corridors. I don't want to create
8 areas of concealment. I don't want to slow
9 down my first responders. And then the
10 exterior lighting to guide you into the
11 facility, those are all key to me as I look at
12 each site.

13 Elevators, doors, and windows, blind
14 spots, or ambush points, in new schools I can
15 get that done once we start setting some of
16 those design standards, but when I start
17 looking at interior design if I'm looking for
18 an elevator for ADA access to the upper level
19 I'm going to go with panoramic view elevators
20 every time. Even on a retrofit I'm going to
21 recommend that, because I want you to be able
22 to see as you're using that elevator. I want
23 my first responders to see who is in that
24 elevator.

25 And if I can't do that, if I'm stuck with

1 old technology I had mirrors, mirrors so when
2 the door opens they can see inside before the
3 door is fully opened, so students can see if
4 anyone is inside as they get ready to use the
5 elevator. And I add mirrors to the exterior so
6 when the door opens you can see down the
7 corridor. All of this to help you to feel
8 comfortable as you use the space and make it
9 difficult for the offender to stage and commit
10 that crime.

11 Interior classroom, I start looking at
12 door and window design, which are key for me,
13 window design, and then I look at classroom
14 design. I look at workstation orientation.
15 How do I provide additional surveillance
16 outward, height of the windows, location of the
17 windows, strategic placement of those windows
18 throughout the building. And then the door
19 design, that's key for me as well, can we look
20 out the door and then recess back to secure it
21 in place, do I have a good line of sight that
22 we can peek through and see what's going on,
23 how does the door open, what kind of locking
24 device do I use. These are all critical when I
25 think about movement, and just the comfort of

1 going in and out of that classroom.

2 Design, when I talk about blind spots or
3 ambush points these are what I'm talking about.
4 These are inherent in some of the older
5 designs. How do I fix that, you know, what
6 strategy do I attach to that, because if I
7 don't fix it that's where the offender might
8 stage to commit the crime. So, I have to look
9 at fencing, I have to look at landscaping.
10 When I look between the gym and the building on
11 the right, that's easy access for any offender.
12 He said, well, let's add a camera to fix that.
13 Well, no, I don't want to add a camera, I want
14 to put a real barrier there and make it
15 difficult for the offender to get in there,
16 because I don't have real time viewing. So,
17 these are things we consider as we go site by
18 site.

19 Design my school restrooms, and I heard
20 mention of that early on, which we now refer to
21 as comfort stations. I'm trying to get away of
22 calling these restrooms. Building circulation
23 patters, how you come in and transition through
24 the building. And then I look at common areas
25 that we share.

1 Design when I talk about school restrooms
2 or comfort stations, how do I design them, you
3 know, I want them to be inviting and open.
4 Issues I can deal with here with good design
5 are bullying, you know, I eliminate those
6 opportunities for bullying to take place there
7 based off of good design. And even on a
8 retrofit I can change that, we'll see in just a
9 moment. But I look at wet and dry areas, I
10 transition out, providing more eyes to the
11 site. I go with maze entryways to make it
12 difficult for an offender to lock themselves
13 inside, and we hear noise coming out if someone
14 needs assistance.

15 I could add windows to what I currently
16 have. And the first thing people tell me, you
17 cannot add windows to a restroom, and school
18 districts are already doing that so now I can
19 see inside. I still have my privacy, but I
20 still have the area up in front where staff can
21 walk by and observe what's taking place, and
22 that in turn decreases bullying. I do follow
23 ups with a lot of the schools I work with,
24 opportunities to address after each site, and
25 the students feel comfortable using that,

1 bringing more eyes to that spot where they
2 might not normally go to.

3 How do I bring students in and out of my
4 building, how do I bring guests in and out of
5 my building, do I add windows to that corridor.
6 If I add windows what's taking place behind
7 them. In this case I want to add a seating
8 area. A seating area provides seating. You
9 can plug in your laptop. You can sit here.
10 You can grab a soft drink, but I'm getting you
11 to look towards the entryway. I'm getting you
12 to look towards the main office. All of the
13 basis we look at workstation orientation, being
14 able to identify the threat far, from far away,
15 and take steps to make sure that doesn't
16 happen, or to make it difficult for that
17 offender.

18 I look at my common areas, how do I design
19 my libraries, how do I design my cafeteria. We
20 even go as far as what type of tables do we use
21 in case students need to get out quickly. I
22 don't want anyone stumbling or tripping over a
23 table, so how can I design that to ensure I've
24 got quick egress away, how do I position that,
25 and where do I place my ingress and egress.

1 And if you look at the upper right-hand side
2 notice a barrier from the second floor, it's
3 open so my first responders coming in can
4 clearly see if anyone is up there and eliminate
5 any hiding areas. So, all of these come back
6 to good design standard. And these are things
7 we really want to enforce.

8 So, when I look at my strategies -- here's
9 another school that's from another state. New
10 construction -- just to let you know it's not
11 perfect, we look at new design, unless we have
12 standards. I come into the main entryway to
13 the building, and if I look on the left-hand
14 side by the American flag that's my main
15 office. So, you are supposed to walk in and
16 check into that office. Well, what happens if
17 you choose not to walk in and check into the
18 office; you have access to the entire school.
19 So, yeah, so who slows you down if you choose
20 not to check in.

21 So, what about security devices to fix
22 that before we even open the school, why did we
23 put the reception office there instead of not
24 in the front, why do we have a double door
25 entryway to funnel people in, and have our

1 staff check them in before they come into the
2 building. So, even knew construction isn't
3 perfect. We have to start setting those
4 standards during the design phase to make sure
5 they're done.

6 So, a couple of ways to implement this.
7 I've thought about it for a bit, kind of talked
8 to other people about how we can get this done.
9 So, the first thing, CPTED principles will be
10 incorporated in all school security safety
11 assessments, and they'll be listed right there
12 in that assessment form. These assessments
13 should be conducted every two years. So, we
14 want to accept the standards, we want to show
15 the standards, and through the training with
16 the AG's office as provided we learn about
17 those standards, and we'll learn how to apply
18 them when we're in the field.

19 The CPTED assessment will be conducted by
20 persons who have received and maintained the
21 Florida CPTED practitioner designation, or FCP
22 through the Florida Attorney General's Office,
23 or a similar CPTED designation program. We
24 have architects bidding on school projects here
25 in Florida from out of state, so now we look at

1 other components that might be available to
2 them as they come in to bid on Florida school
3 projects. So, that's a second one we can
4 consider.

5 Third one, all CPTED recommendations will
6 be implemented within a set period of time and
7 maintained and maintained. I want this program
8 to be sustainable and long term. I don't want
9 to reinvent the wheel every time we look at a
10 school or work with a district. These are
11 things that we can have in place as we look at
12 new construction or major renovation. CPTED
13 design guideline standard for schools will be
14 established at a state level. And I see that
15 in other states, or other groups starting to do
16 that. I work with a lot of cities that
17 implement these standards based off planning &
18 zoning, and code, but a chance for us to set
19 those guidelines early on for new construction,
20 major renovation -- now, we do have the ability
21 to work on old schools as we start to make
22 those changes as well.

23 All new construction or major renovation,
24 a member of the bidding design team, the group
25 bidding on that school must have earned the

1 Florida CPTED practitioner designation, or a
2 similar CPTED designation to bid on school
3 projects. We set that as a standard now. If
4 you're going to bid on one of our schools, you
5 better understand the concepts of CPTED and
6 show that you learned them and understand them
7 by having earned one of the designations that's
8 out there. We're all doing it on this side,
9 why aren't the developers doing it as well, the
10 architects. So, we start setting the standards
11 for both if you want to bid on a project here,
12 or a school in the State of Florida.

13 All proposed change will be reviewed and
14 approved by the CPTED design team, and that can
15 be your school's security team as well, but we
16 want that security team to have earned and
17 maintained that designation again for CPTED.
18 We want to be on the same page as we make these
19 recommendations, or a similar designation
20 program. And once we do this we can have a
21 program that's sustainable and long term,
22 because I don't want to reinvent the wheel
23 every time.

24 If we can set that now as a standard I
25 think we can be pretty successful. The

1 emphasis is still the learning environment,
2 that's key for us, we talk about natural light
3 and window placement, but I have to look at
4 physical security as one of those strategies as
5 well. But if we can put it together in a
6 format that's easy to understand that's adopted
7 by the designers and the districts I think we
8 have a sustainable long-term program that we
9 can keep going for many, many years.

10 So, I want to thank you for allowing me to
11 talk about CPTED program, and I'm open for any
12 questions you might have. So, thank you very
13 much for allowing me this opportunity. Thank
14 you.

15 CHAIR: Mr. Schachter.

16 MR. SCHACHTER: Thank you. Thank you very
17 much, Mr. Hushen. I appreciate your
18 presentation. I enjoyed it. Number one, can
19 you come and do an assessment at Marjory
20 Stoneman Douglas High School?

21 MR. HUSHEN: I would love to do it. I
22 would love to be part of that.

23 MR. SCHACHTER: Thank you. Number two,
24 what does CPTED say about fire alarms? That
25 was a major point of catastrophe in our school,

1 and --

2 MR. HUSHEN: And that -- and that comes
3 down to directives. We really list that right
4 up in front. You know that's an initiative
5 that the board creates, or the school board, or
6 the district, but if it does, a standard that's
7 met, it has to be in the directives. It has to
8 be in the directives.

9 MR. SCHACHTER: So, do -- do you state
10 that children should not immediately evacuate
11 during a fire alarm? Is that part of CPTED?

12 MR. HUSHEN: That's part of the
13 directives, again that you establish.

14 MR. SCHACHTER: But that's not -- you
15 don't get -- you don't get involved in that, or
16 that's just fire code?

17 MR. HUSHEN: No, once again if that's the
18 directive that's established by the school we
19 will reinforce that through good design to get
20 students out.

21 MR. SCHACHTER: Got it. Now, I mean, I
22 totally agree with your objective to try to get
23 this, you know, instituted as a standard
24 across. Do you -- do you integrate with PASS
25 --

1 MR. HUSHEN: I've never integrated with.
2 I've heard good things about them. They take a
3 lot of the concepts and apply them, which I
4 love hearing about. And it's something we see
5 also in the Florida Safety and Design
6 guidelines. I see it in California as well.
7 Everyone seems to be coming together to start
8 applying this.

9 MR. SCHACHTER: Yeah, it would be good if
10 there was, you know --

11 MR. HUSHEN: Collaboration.

12 MR. SCHACHTER: -- a unification so we
13 have, you know, one school safety standards.
14 Visitor vestibules, are you, is CPTED in favor
15 of that, or --

16 MR. HUSHEN: I want to limit access into
17 the building, so if I create a visitor
18 vestibule that's something we'll look at.
19 We'll look at the material used to design that.
20 We'll look at the placement and the orientation
21 for that as well.

22 MR. SCHACHTER: Okay. And then as far as
23 Indiana's public law 27, they have four main
24 things. Number one, there has to be immediate
25 notification to 911, immediate notification

1 that there's a life-threatening emergency.
2 Number two, that each classroom should be a
3 protected space. And then the other is that
4 there has to be, a law enforcement has to be,
5 have the ability to remotely launch counter
6 measures to attack the attacker within a
7 minute. How does CPTED, you know --

8 MR. HUSHEN: Oh, I agree with all of
9 those.

10 MR. SCHACHTER: You agree with all of
11 those, okay.

12 MR. HUSHEN: We have the directives in
13 place and have support from the district. I
14 agree a hundred percent that those are
15 standards we should meet.

16 MR. SCHACHTER: And then, let's see here.
17 As far -- is CPTED included in the FSSAT?

18 MR. HUSHEN: That I wouldn't know off the
19 top of my head.

20 CHAIR: You're going to have a
21 presentation probably, we're rearranging the
22 schedule, tomorrow morning on the FSSAT, so --

23 MR. SCHACHTER: If it's not I certainly
24 would recommend it. What do you think,
25 Chairman?

1 CHAIR: Let's hear -- let's hear the
2 presentation tomorrow. I know that there are
3 -- I can tell you this. I know that there are
4 some concepts, they may not be labeled as
5 CPTED, but in the current instrument there are
6 some of those concepts that are in there as
7 evaluation points.

8 MR. SCHACHTER: Thank you.

9 CHAIR: Other questions? So, you
10 mentioned a lot about new construction and
11 major remodels. You touched on the end, at the
12 end of the presentation about the ability to do
13 some of this in older construction and existing
14 facilities. Do you have any examples of how
15 that has -- because the reality is, is that
16 most of the schools are older, they've been
17 around for a long time, and there are no plans
18 to replace them or do major remodels. Of
19 course, what goes with a major remodel is
20 significant cost.

21 MR. HUSHEN: Yes.

22 CHAIR: So, do you have any examples in
23 places where districts have looked across the
24 board, or especially across the state, and what
25 did these older schools effectively without a

1 significant cost implemented these concepts in
2 older schools.

3 MR. HUSHEN: All right, what I've seen in
4 some examples is, for example, doorway design.
5 That's something we can do pretty quickly on an
6 older facility. If I have a door with no
7 windows I can add that. And if I have a
8 classroom with no windows looking to the
9 hallway I can add through a door window. So,
10 little, little changes we can make. The design
11 coming into the lobby, I can look at the
12 mechanism locking the door. I can look at
13 rerouting people in through the office, by
14 saving money on that end, on how we're going to
15 design the entryway where they have to check in
16 at a certain point, and then allowed access
17 into the building.

18 CHAIR: So, interestingly, you know,
19 followed up on the last presentation, some of
20 the comments, is it seems like it is, there was
21 some discussion about not having windows, but
22 you're advocating for windows.

23 MR. HUSHEN: In most cases -- I am a fan
24 of natural light coming in because that helps
25 with the learning process. And if I can allow

1 staff to be able to hear a noise and look
2 outside, whether it's a quick peek and then
3 behind a barrier, I'm all for allowing for that
4 surveilling. And that's pretty standard when
5 we look at some of our safe school design
6 strategies, is that we want to provide some
7 surveillance outward in the event something
8 takes place.

9 CHAIR: And are there any -- can you name
10 a specific district that has implemented this,
11 again any place in the country, a specific
12 district that has looked at older schools, and
13 you said there are some things you can do,
14 like, you know, signs, et cetera, but that have
15 taken a lot of these in with older construction
16 and done a, like a district wide change and
17 implemented this? Are there any that have done
18 that that you're aware of?

19 MR. HUSHEN: I'm aware from some of the
20 architects that are required to do it. I've
21 worked with them when they've had to make those
22 changes, but I don't know the specific name of
23 the district, other than I've worked with their
24 architects.

25 CHAIR: I mean it goes without saying, but

1 I mean just sitting here thinking about it, is
2 there -- whenever you look at any of this, and
3 some of the things are minor, and some -- but
4 the cost factor, and it's a reality, you know,
5 the state has this year in non-recurring money
6 allocated \$100 million. It's all got to be
7 dispersed by January 15th. But the districts
8 themselves no question have financial
9 challenges, so that all has to, all of this has
10 to be considered against that backdrop, of
11 course, which some of it is easier, but some of
12 it may be more challenging to implement.

13 MR. HUSHEN: That's true. And when talk
14 about CPTED we talk about CPTED as the most
15 cost- effective way of combatting crime,
16 because we're looking at minimal design changes
17 for some site, change in behavior, behavior
18 modification social programs. Now, once I get
19 into target hardening it's expensive, you know,
20 then I see that taking place. But, yeah, if I
21 can start making my new changes early on that
22 has the overall impact on safety, you know,
23 that's where CPTED plays that perfect role.

24 CHAIR: Senator Book.

25 SEN. BOOK: Thank you, Mr. Chair. Thank

1 you so much for your presentation. Can you
2 just talk a little bit about the school
3 restrooms and comfort stations, and the
4 windows? How -- can you just talk through that
5 with me?

6 MR. HUSHEN: Yes. What you have is under
7 the old design, is that you have solid walls
8 and solid doors, and a lot of these are placed
9 in areas you don't have a lot movement coming
10 through, and so students are reluctant to use
11 that amenity, so they're afraid to go and use
12 the toilet, so which in term leads to health
13 issues later on. They're afraid of bullying.
14 They're afraid of gang activity.

15 So, what we do in some cases is just
16 create a portal into that restroom based off
17 the design, once again you've got the sinks in
18 the front, and a partial wall where you'll have
19 privacy, and allow staff and other students to
20 walk by and glance inside to see what's
21 happening. In some cases, we prop the door
22 open for sound to come in, but now we have that
23 visual connection between the two.

24 SEN. BOOK: Mr. Chair, is it okay? Is
25 that also, I've seen some schools where there's

1 no door for the bathroom.

2 MR. HUSHEN: A maze.

3 SEN. BOOK: That's kind of like -- is that
4 good, bad --

5 MR. HUSHEN: That's similar. That's a
6 maze entryway, and so it -- because it allows
7 sound to carry out. If a student is in
8 distress, or needs assistance, others can hear
9 them now, instead of a solid core door in that
10 case. Now, when we start taking a look at
11 restroom design we see gang activity, drug
12 activity, sometimes bullying, because it's an
13 isolated area, you don't have a lot of
14 surveillance going in. When you open it up
15 it's more difficult.

16 One of the school districts I worked with
17 in South Texas, when they added the windows
18 they found that bullying dropped substantially
19 during their interviews with students, do you
20 feel comfortable using that. And we can start
21 bringing in students to come up with some
22 design recommendations as well, because they're
23 in that environment every day. It only makes
24 our program more successful.

25 CHAIR: Anybody else? Any other

1 questions?

2 MR. SCHACHTER: I have one follow up
3 question.

4 CHAIR: Sure, go ahead.

5 MR. SCHACHTER: How do you balance your,
6 you know, wanting to have light come in in more
7 windows where, you know, I see windows as an
8 opportunity, you know, and as an opportunity to
9 take children's lives, you know, as what
10 happened here.

11 MR. HUSHEN: Right, we can look at tubular
12 --

13 MR. SCHACHTER: If it's not -- if it's not
14 ballistic hardened.

15 MR. HUSHEN: We can look at tubular
16 lighting coming from the roof down. We can
17 look at how we have windows on the upper level.
18 If we have windows on the first floor they can
19 go a little bit higher above pedestrian scale,
20 so we're letting the natural light in, but you
21 can't see in. But the perception, you can see
22 from the inside out because of the window.

23 CHAIR: All right, thank you, very much,
24 appreciate the presentation. Thank you. All
25 right, the next presentation that we'll wrap up

1 with here this afternoon is active assailant
2 prevention and response and best practices from
3 the Department of Homeland Security. And we
4 have with us Bob Kowalski, who is a Deputy
5 Assistant Secretary in DHS's Office of
6 Infrastructure Protection. Welcome, and thank
7 you for being here.

8 MR. KOWALSKI: Thank you, Mr. Chair.
9 Thanks for having me. I'm light on slides
10 today. I apologize. We're in the process of
11 updating our guides. I'll talk a little bit
12 about it. We're about three weeks away from
13 having the guidance published, and we'll make
14 sure that the commission has it to benefit
15 them, benefit you and your work.

16 Let me start by just saying that as an
17 outsider to this community I'm humbled and
18 appreciative that you have invited us in here
19 to talk to you, and I do want to express on
20 behalf of the Department just of the anger we
21 feel for the horrific events that happened in
22 Parkland and, and similarly in Santa Fe, Texas
23 more recently. And, you know, it's certainly
24 focused our mind as homeland security
25 professionals, protecting kids in schools is

1 part of homeland security, it has to be. I
2 mean the idea -- it has to be. And we have
3 redoubled our efforts within DHS, within my
4 parts of DHA that are responsible for
5 infrastructure protection, to do what we can to
6 support to communities and schools in keeping
7 kids safe and secure as they go to school.

8 It's just unacceptable to expect that this
9 is going to keep happening, and so we'll do
10 whatever we can to support schools around the
11 country to make sure it does not. But that's
12 -- that is, you know, we talk a lot within DHS.
13 That is a whole, whole of community effort, and
14 we very much recognize, you know, we are in
15 support of the front-line folks who are
16 responsible for keeping schools secured, but we
17 want to make our resources and what we can do
18 available to you all.

19 AT the federal level we too are studying
20 some best practices as we look at enhancing
21 school security, school safety, across the
22 spectrum of things that may contribute to
23 stopping the horrific events like what happened
24 in Parkland in the Marjory Stone Douglas school
25 from happening at other schools. My boss

1 Kirstjen Nielsen, Secretary of Homeland
2 Security, is one of the four commissioners of a
3 national commission. That's Secretary DeVos,
4 Secretary Azar, and Attorney General Sessions
5 are on, and we are in the process of looking at
6 this at a national level.

7 Just yesterday at the Department of
8 Education we hosted a listening session where
9 we heard from a lot of organizations that are
10 active in Washington, DC, and their perspective
11 on the issues. That -- those -- those comments
12 are available publicly. We will be doing three
13 other listening sessions around the country
14 throughout the summer. We also are doing site
15 visits, and we will be having public commission
16 meetings as well just to see what we can do
17 sort of federally to achieve the objectives
18 that we're all in together, and that you all
19 are working on as a commission.

20 Within that commission DHS has been asked
21 to focus on seven areas, which I'll briefly
22 list, and then I'm going to pivot to the
23 purpose of my talk here. Those seven lines of
24 effort in support the federal commission are
25 thinking about how best to apply the mantra and

1 techniques around the see something say
2 something and encouraging suspicious activity
3 reporting to school settings. Working on -- it
4 was referenced earlier through our secret
5 service and others, working on best practices
6 for threat assessments, and understanding
7 where, where and how to link potential
8 indicators of, of people heading in the wrong
9 direction that are presenting a threat, and
10 intervening before they get there.

11 Best practices for school building
12 security, I think that builds very much on the
13 presentation you just heard a little bit.
14 Coordination of active shooter prevention and
15 mitigation activities, I'll talk a little bit
16 about that. Active shooter training for law
17 enforcement officers, something that we do
18 nationally already through the federal law
19 enforcement training center, but that we'll
20 look at making sure that that works for law
21 enforcement officers who are involved in the
22 school setting.

23 Response recovery tabletop exercises and
24 workshops, I'll talk a little bit about that.
25 And then the seventh area that the Department

1 is looking at is tactical emergency casualty
2 care. There hasn't been that much conversation
3 about that here, but certainly having the
4 capability to help triage victims and save
5 lives in the middle of an incident, you know,
6 we're all here, the goal is to not get to that
7 stage, but if we get to that stage do what we
8 can to save lives, it's important.

9 So, that's our charge to study that. We
10 -- we're working toward early Fall release of
11 best practices around those seven areas, and
12 updating some of our work, but in the meantime,
13 we're not just working on the commission report
14 obviously, you know, we have things that we can
15 do already that we know, and as I've said one
16 of the things we're doing is updating our best
17 practices on, and guide how to prevent gun
18 violence, how to protect against gun violence,
19 how to respond to gun violence in school
20 settings. That's a document that I'll be
21 talking about, some of the material in that,
22 and that we'll be aiming to publish this
23 summer, and I will make available to the
24 commission.

25 Before I talk about that just a couple of

1 principles just so, so you hear how we're
2 approaching what we can do as a department to
3 support communities. So, the first principle
4 is the idea that enhanced school security can
5 deter future attacks and disrupt them prior to
6 mass damage being done. A lot of what we talk
7 about is things that happen when somebody with
8 a gun gets there, but training, being ready for
9 somebody with a gun to get there is going to
10 make it less likely that somebody with a gun
11 ever shows up, so my goal is to make that, you
12 know, that's got to be a focus.

13 Second, that school security needs to be
14 designed with the learning environment in mind,
15 and you heard that in the discussion about
16 lighting and all that, you know, making sure
17 that schools are places where kids learn, it's
18 important. Security is -- there are ways to
19 design security that still promote learning
20 objectives.

21 The third area is that investments in
22 school security will be constrained by limited
23 budgets. That's just an unfortunate reality.
24 I know that that's energized in a lot of the
25 discussion that you all have been having, but I

1 think there are things we can do at the
2 national level to drive down the costs for some
3 of the things that right now seem cost
4 prohibitive, as well as change the incentive
5 structures for, for school districts to invest
6 in, in that kind of security measure.

7 The fourth area, the fourth principle is
8 school security is a shared responsibility and
9 benefits from community involvement, powering
10 the individuals, and leveraging law
11 enforcement, non- government and private sector
12 capability. We're all in this together. And
13 finally, our, our mission is to support
14 enhanced school security, but we don't, as the
15 Department of Homeland Security we are not in
16 the school, directly securing schools, you
17 know, it's making our research in our capacity,
18 our convening authority, the way we can sort of
19 help scale solutions is what we're doing. That
20 includes some of the things we do through our
21 grant making programs.

22 So, with those principles in mind I'll
23 shift to, to what I was asked to talk about
24 here. What you had up on the slide deck is just
25 a brochure we put together around our hometown

1 security campaign. A lot of the research that
2 I talked about are available at the website
3 www.dhs.gov/hometownsecurity, and it's meant to
4 be an easily accessible down to the level that
5 a local school resource officer, or a
6 principle, or somebody, school safety committee
7 at a school can get to those resources and can
8 use things that will be helpful.

9 The mantra that I will organize my
10 conversation about, active shooter defense,
11 active assailant defense, is around the ideas
12 of connect, plan, train, and report, simple
13 mantra. And so, when I talk about what are the
14 best practices to keep somebody with a gun from
15 successfully shooting, or doing, doing
16 something like the horrific events that we saw
17 here, I'll start with the idea of connect. And
18 connect starts with the basics of making sure
19 that the right individuals at the school
20 setting are involved in the planning efforts.
21 So, you've got to get the right people
22 involved.

23 That includes school administrations, it
24 includes representatives of parents and
25 students, it includes local law enforcement, it

1 includes emergency response. It is the idea
2 that if that group of people who all have
3 different capabilities, different expertise,
4 and different influence with the organization,
5 are helping think through what the, what the
6 plan is for, for dealing with an active shooter
7 situation.

8 The second part of connecting is beginning
9 the process of sharing information to
10 understand threats. What talk a lot about what
11 we do in homeland security, it's all about
12 connecting the information to people who might
13 see that that information leads to an increased
14 threat and might be able to take actions to
15 prevent something from happening or protect
16 against something from happening. So,
17 understanding the threats in a school setting,
18 you know, it is a lot about the indicators, or
19 behavior that may be sending kids or others
20 down the direction, working through the threat
21 assessment team process, connecting with local
22 sources of information, law enforcement and
23 others, that might say that there's something
24 going on that would lead to an increased
25 potential of an incidence happening.

1 You know, the more that those connections
2 are made, the more information, the more
3 there's freedom of dialogue around that the
4 more likely you are to see something.
5 Connecting the dots is an important thing, and
6 fuse that information together, and build that
7 in, build that in to your immediate protective
8 measures, and how you think about protection
9 long term. So -- so that's the connect element.

10 The plan element is the, is the most
11 robust part of this. You know it's hard to get
12 up and talk about what the right plan is
13 specifically for any one school. Schools are
14 so, there's so many different environments for
15 K-12 schools, there are different resource
16 levels. They are different community norms.
17 There's different expectations. There's urban.
18 There's rural. There's things like that that
19 are different times when the schools were
20 built. Some schools are now, as we talked
21 about, can be secure by design. Others you
22 really are leaning on security to suboptimal
23 situations.

24 So, we start with a plan by, by the idea
25 that it is a risk-based plan based on your,

1 based on the planning committee's understanding
2 of risk tolerance, what kind of security
3 objectives you're trying to do. And it's
4 outcome oriented. It is not, you know, we
5 can't at national level say this is how you do
6 access control, or this is how you do
7 screening, or this is how you do perimeter, you
8 got to think, you need, you need to do some
9 level of access control that meets your risk
10 tolerance, you need to do some level of
11 screening that meets your risk tolerance. You
12 need to do some level of perimeter control.

13 It's achieving those outcomes that are
14 desired and thinking through innovative in what
15 works in a budget, and with a security
16 community, so -- so, you know, we certainly do
17 ask sort of an outcome-oriented approach to
18 security, raise the level of security, so with
19 that in mind, you know, part of the plan is, as
20 I said, establishing the planning team, having
21 a planning process, being fairly deliberative
22 about the approach you're trying to achieve.
23 We offer guidance and sort of best practices
24 for security planning.

25 You know the actual planning process

1 matters, as you all know. As you do that
2 you're working through the elements of how you
3 can imagine an attack happening, so there are a
4 lot of things to think through as part of
5 planning in terms of pre-incidents, what,
6 what's your method of access control, what's
7 your, what's your approach to screening people
8 who enter, how, you know, access control looks
9 at sort of who's allowed to be there and how
10 they're allowed to get into the facility.

11 Screening looks at to what degree are they
12 being looked at as they're getting into the
13 facility, and what's, what's happening when you
14 detect something that might cause you to be a
15 little concerned, you know, so that's a
16 process, because again, we're, we're thinking
17 about this in terms of learning environments.

18 Then there's security procedures to think
19 about, you know, what are your, what's your,
20 what's your patrol, to what degree do you have
21 a security force there, what's your manning and
22 staffing approach, where are you using cameras,
23 where are you using perimeter controls. We
24 have done a number of vulnerability assessments
25 at schools around the country to sort of work

1 through this and make advice, give options for
2 considerations based on our best practices and
3 observations of, of these sort of issues.

4 That's not a scalable model, as I've said
5 before, that the Department of Homeland
6 Security can't go to every school and do that,
7 but, but there are, there are businesses that
8 do that, there are nonprofits that do that. We
9 are going to make our sort of lessons learned
10 from doing our vulnerability assessments
11 available for school safety teams, so they can
12 walk through checklists of how to, how to
13 answer the questions of how to deal with the
14 gun violence situation. And that's really the
15 product that I'm talking about that we'll be
16 releasing. It's a checklist- based way to, for
17 people who are not security professionals to
18 start to think through some options for
19 consideration. But there are others, you know,
20 there are other resources out there to do that.

21 And then on the plan inside the other is
22 the mitigation planning, how are you designing
23 and thinking through the facility, you know,
24 the way the facility is designed, the use of
25 locks, the use of, you know, stuff to protect

1 windows, other sorts of things they make in
2 design so, so that you can mitigate things from
3 the get go. So, all that's, all that's in the
4 planning phase. Again, I can't tell you if
5 there's any one answer for any of that, but
6 there are methodologies and ways to think
7 through how to make the right answer for your
8 school.

9 That -- that then feeds to, you know, the
10 response elements of planning, and, you know,
11 it's important to have communications
12 mechanisms in place that in the middle of chaos
13 there is communications, both to the best of,
14 best possible within the school between
15 somebody who's trusted to, to the adults, and
16 somebody who is trusted to, to the kids, to try
17 to think through what kind of guidance you can
18 give in the middle of an active shooter
19 incident. What are the mechanisms for
20 communicating, what's going to work. There are
21 technologies out there that can enable this.
22 What are the protocols, who's going to do the
23 communicating, how it's going to happen, how
24 instructions are going to be given through.

25 That's an important element of this.

1 Think through how communications is going to
2 work, test your communications. Think through
3 communications between the school and law
4 enforcement and emergency management. Those of
5 you who are law enforcement know that the best,
6 better, and more accurate information you have
7 about what's going on as you arrive at a scene
8 will certainly increase the odds of being able
9 to successfully deal with the scene.

10 And then, you know, are there ways that,
11 what are the, what are things to do in terms of
12 standard processes, in terms of response during
13 an incident, you know, the run, hide, fight
14 mantra, are there places to hide, are there
15 things you can do to lock certain, lock, close
16 off certain parts of the school. That's -- the
17 better the communication the better the
18 knowledge you have, the better situational
19 awareness that you create, you can then attach
20 that with security decisions.

21 I do think there's a lot of promise, and a
22 lot of these technologies are out there.
23 Again, it's a growing market, and there's some
24 cost issues, and there's still, it's all
25 shaping out, but I think we will see in the

1 next ten to twenty years, we're going to see
2 real progress that be made technologically.
3 And you heard earlier about thinking through
4 this, both for, you know, the student body as a
5 whole, but also those folks who may have
6 special needs, and making sure they're a part
7 of your response designs.

8 And then in terms of, you know, as an
9 incident happens we, among the lessons we've
10 learned are, are thinking through where the
11 offsite rallying points, or the offsite points
12 where you, people go to in the middle of an
13 incident, making sure that that's, there's
14 enough distance to not get in the way of
15 incidents, questions of family reunification
16 processes, parent notification, that's all an
17 unfortunate part of the planning that should
18 happen.

19 So, planning, a good plan has elements of
20 thinking through all that for a particular
21 context and decisions, and then you move to the
22 train phase. And training means really, I
23 think a couple different levels. One is
24 training the people who are really expected to
25 be in the front, front lines of dealing with an

1 incident as it's happening. I'm not just
2 talking about the security professionals, but
3 I'm talking about the leaders on the security
4 side. Extra time, you know, spending more time
5 sort of training and keeping them up to date,
6 and then regular drilling, regular exercises of
7 the plan that involve, you know, everyone who
8 is in a school setting, that include local
9 community, law enforcement, and emergency
10 management as appropriate.

11 So, as much as possible, you know, again
12 while balancing the reality that this is a
13 bunch of kids we're training, you know, that
14 they're, it's still worth going through,
15 thinking through how to train people for the
16 plan. And then as you do that, you know,
17 making sure that they're really after action,
18 and they're observers, and there's a process to
19 catch, catch what you learn in terms of the
20 drills, and that those, you know, there's a
21 little bit of shining a light on yourself, are
22 we ready for this sort of thing, and if we're
23 not, you know, why not, and are there resource
24 gaps, and can we connect the training and the
25 drills to future resource requests.

1 And then the final area in how we think of
2 the best practice around this is around
3 reporting. Certainly as you all have talked
4 about all day, and the lessons that have been
5 learned here, I mean thinking through who, who
6 suspicious activity should be reported to if
7 people see something go in the wrong direction,
8 how to report it, what to report, when to
9 report, and building in a little bit of an
10 education of what are the indicators, and we've
11 seen lists, and there are lists available, and
12 we'll certainly publish lists that are based on
13 the best, best understanding of organizations
14 like the FBI and Secret Service, what are the
15 indicators that, that somebody might be headed
16 in the wrong direction to be doing a horrific
17 activity.

18 I think, you know, I don't know quite how
19 you create a no-fault culture in schools. I
20 was trying to encourage my daughter the other
21 day to feel comfortable about if she sees weird
22 talking the principal. She's just like, eh, I
23 don't, it doesn't make sense to me, like I
24 don't know how to do that, and I'm like talking
25 it through with her. And so that's just a

1 microcosm of the whole things, like there is a
2 culture among young kids not tattling on each
3 other, and kids are on the kids' side, and
4 adults are on the other side, and we got to
5 break that. There are people who are bigger
6 experts than I am, or greater experts than I am
7 on that subject, but, but as much as possible
8 sort of a no-fault culture on reporting things
9 that look like anomalous behavior.

10 And then, you know, building the
11 relationship so that if, you know, anomalous
12 behavior, things have been noticed, the adults
13 in the situation feel, feel empowered,
14 comfortable, don't feel like there's legal risk
15 to say, hey, something looks wrong here, and
16 instead of keeping it just in the discipline
17 track, you know, making sure that things that
18 look like a problem don't, don't get reported
19 to security officials. I think that's an
20 important element. Again, these are difficult
21 problems to work through, but I think that's
22 part of the answer.

23 So, you know, I'll stop there, take any
24 questions. There aren't any easy answers for
25 this, but at the end of the day, you know, I

1 think the more we do to raise the baseline
2 level of security at schools around the
3 country, the more of this type of stuff we do
4 we can sort of turn the tide and make it less
5 likely that there will be other tragedies like
6 this in the future. So, thank you.

7 CHAIR: All right, thank you. Any
8 questions, Senator Book?

9 SEN. BOOK: Thank you, Mr. Chair. Thank
10 you so much for being here today. One of the
11 things that I've heard a lot about, and done a
12 lot of research on, and actually have done some
13 trainings, is the Stop The Bleed campaign that
14 the Department has implemented, and you didn't
15 cover that here today. I was wondering could
16 you tell us a little bit about it, because I
17 think that it's an interesting component to
18 planning and training that would really benefit
19 the commission as a whole.

20 MR. KOWALSKI: Yeah, when I referenced
21 that work, what we're going to do for the
22 school commission on tactical emergency
23 casualty care, we'll talk a lot about the Stop
24 The Bleed, and the idea is to Stop The Bleed at
25 a basic level and, you know, it exceeded a

1 little bit of my expertise, is that you put
2 equipment and training in place where, you
3 know, with pretty simple level training, if you
4 could get access to the things you can do to
5 triage people from bleeding and, and deal with,
6 before the first responders arrive.

7 I think the science has shown that there
8 are some pretty simple things in a lot of cases
9 that increase the likelihood that somebody
10 lives, but, you know, the extra five minutes
11 means everything in that situation, and so what
12 we're trying to do with Stop The Bleed is put
13 that message out, put training out, put
14 capability out, and hope that it sort of
15 proliferates. Again, we can sort of inspire a
16 movement around that, and we can inspire some
17 of that, and then, you know, our grant funding
18 is certainly available to districts,
19 communities, localities that decide to
20 implement programs like that, so we can give
21 guidance on that. And there will be more
22 specifics, and I'm happy to provide, have
23 somebody provide more detail on that if it's
24 useful.

25 CHAIR: Mr. Schachter.

1 MR. SCHACHTER: And I just want to
2 publicly thank Secretary Kowalski for his help
3 in, in providing the Department's assistance to
4 Marjory Stoneman Douglas task force, so thank
5 you very much for doing that. And in reference
6 to Senator Book's comments, the county has
7 already started the Stop The Bleed campaign,
8 and specifically West Glades already has the
9 kits, they've already trained the teachers, and
10 we're in the process of doing it at Douglas,
11 and we already have raised the funds. A
12 wonderful family has, has already said they
13 would donate all the kits to Stoneman Douglas,
14 and so we're going to do it around the entire
15 county, so just to update the commission.

16 But as far as, as your presentation today,
17 you know, number one, you heard CPTED talk
18 about, you know, their goals of national school
19 safety standards, and also, I'm sure you're
20 familiar with PASS, and what Indiana has done.
21 Where does the Department stand on national
22 school safety standards, and how can you help
23 us develop those? And then, you know, in a
24 more general question, think the, the reason
25 the airports are secure, and the reason the,

1 the federal buildings are secure, is because
2 it's a federal agency.

3 The problem here is that schools are being
4 governed by a DOE, and they don't have any law
5 enforcement capabilities, you know, we feel, my
6 foundation feels that DHS should be in charge
7 of law enforcement of the schools, and that's a
8 major problem here that we, you know, come
9 across every day in making these schools safe.
10 So, if you could talk about that as well.

11 MR. KOWALSKI: Sure. Thank you. And
12 thank you for our kind words. There's a lot to
13 unpack there. Like -- like some commissioners,
14 you know, we -- to some extent I'm here to talk
15 about what we deal with the authorities as the
16 authorities currently exist, so the question of
17 the Department of Education and DHS, the
18 partnership between the Department of Education
19 and DHS and DOJ and HHS to work through these
20 issues will be a step, is a step in the right
21 direction. The Department of Education has a
22 lot to add in understanding how schools
23 operating, and what we're hoping to do is add
24 our security expertise in that, and I think
25 it's a good partnership.

1 To -- to some of the things, standards,
2 you know, and you brought up the federal
3 facility example, after, after Oklahoma City
4 there was an executive order in 1996 that
5 established the interagency security, after the
6 Oklahoma City's bombing they established
7 interagency security committee, which are
8 federal, which set federal facility standards
9 for all four hundred thousand or so places
10 where non-defense department employees work in
11 the country. My office, and I have the honor
12 of chairing that right now, the interagency
13 security committee, and it has been an
14 effective way, and somewhat sort of where our
15 plan ideas come from are through that
16 experience.

17 Over the last twenty years we have
18 elevated the level of federal facility security
19 through a risk-based outcome oriented federal
20 security standards, so they're
21 non-prescriptive, they, it has, it has led us
22 in a direction where we have confidence that
23 federal facilities are, are following similar
24 security standards, so I think there are
25 examples where national standards can make a

1 difference with that authority.

2 I'm hope -- and you'll see some of this in
3 our work. That authority allows us to say
4 things in a federal environment that might help
5 places where we don't have the same authority,
6 but those security standards can be sort of
7 picked up by others. In terms of national
8 security, I mean national, national school
9 security standards, or design standards, again
10 I think you got to work through how a national
11 standard gets set, generally set by a third
12 party. There are all kinds of incentives, and
13 whether somebody follows a standard or not,
14 that comes down to the jurisdiction that has
15 authority. You -- you all who were appointed
16 by the Governor, and the legislature through
17 that, have some, have some influence in what
18 kind of standards you think your authorities
19 should lead to.

20 We're not going to set the national
21 standard. We don't have the authority to set
22 the national standard. We do for federal
23 facilities. We will make that work available
24 if, if a third party, if the places where the
25 jurisdictions have the authority and choose to

1 follow the standards, you know, standards can
2 raise the level of security, but standards are
3 just part of the process.

4 MR. SCHACHTER: I mean it would be nice in
5 our final report if we could get all of these
6 agencies together, and using their expertise,
7 and the FBI, to form some sort of, you know,
8 common goal here, and common standards. I
9 would -- I would request that you take back to
10 Washington, and to Secretary Nielson, that at
11 the next meeting, or one of the next meetings,
12 that President's Commission be, be down here at
13 the site of this, of this tragedy where this
14 happened. I think it's very important that
15 there is a meeting down here to bring attention
16 to this issue, and that we do something about
17 it. So, I would -- I would like you to, you
18 know, ask that to the Secretary. You know, so
19 important in all of this is the funding, and we
20 would certainly, you know, love, you know, the
21 federal government's help in increasing funding
22 for school safety.

23 Even though we're appreciative of the Stop
24 School Violence Act, \$75 million for the entire
25 United States is absolutely ridiculous. That

1 is not going to help. We need a lot of money
2 just for one door, ballistic hardened door and
3 glass is \$3,900 for one door.

4 And then last but not least, the Palm
5 Beach County Sheriff's Office just released a
6 report that said that within two minutes you've
7 got to stop the assailant, two minutes. So, we
8 know that law enforcement is not going to get
9 there in time, and that's why I am a huge
10 proponent of countermeasures to stop the
11 assailant within a minute, or else, or else a
12 lot, a lot of death and destruction are going
13 to happen.

14 MR. KOWALSKI: Thank you. And, yeah,
15 that, that's where I do think -- to get to that
16 goal that's going to take technologies and new
17 solutions, and innovation. As you know, and
18 we've discussed, sir, there's things out there
19 that show promise, and we'll do what we can to
20 help speed up that promise and make it
21 available.

22 The funding, you know, there are grant
23 dollars available through DHS for preparedness
24 that our force can be used for schools, and
25 mitigation dollars that can be used for

1 schools, but I do recognize that that's,
2 there's competing priorities for that money,
3 and those are counterterrorism grants, written
4 large, and preparedness aside, so, you know, we
5 have had the opportunity to brief members of
6 Congress, and we will continue to on the
7 importance of this.

8 CHAIR: And we appreciate you being here.
9 Thank you very much. All right, we're going to
10 move into public comment, which will take us to
11 the end of the day. We have several comment
12 cards. The first person we're going to
13 recognize is April Schentrup. Ms. Schentrup,
14 are you still here? I just ask that the, in
15 the public comment section, if you would please
16 try and limit your comments to three minutes.
17 We would appreciate it.

18 PUBLIC COMMENTS

19 MS. SCHENTRUP: My name is April
20 Schentrup, S-C-H-E-N-T-R-U-P. I'm the mother
21 of Carmen Schentrup, one of the murdered
22 victims at Marjory Stoneman Douglas. Recently
23 a member of the Marjory Stoneman Douglas
24 security staff in his taped statement released
25 just last week said that he did as he was

1 trained. He kept saying that he reacted
2 according to his training.

3 At the last safety commission meeting, I
4 stood before this committee and stated that
5 this group should look into the training given
6 to the MSD staff. As it was stated they just
7 received code red critical training on January
8 2018, a few weeks before the tragedy. I don't
9 see on the agenda that the Broward Schools SIU
10 Department, the police force that they employ,
11 the department that conducts the district wide
12 training on the committee agency for today or
13 tomorrow.

14 As a Broward principal, I know that the
15 inactions of the school resource officer and
16 the security staff at MSD do not match the same
17 training that my staff has received over the
18 years, but I also know that there's different
19 SIU personnel assigned to different schools.
20 The MSD trainer is not the same trainer as my
21 school in the south area.

22 Again, please be sure to look into the
23 effectiveness of this training, and the
24 relevance to the security teams' response in
25 our loved ones' deaths; is this a training

1 issue or a breakdown or is it a MSD staff
2 breakdown. We need to know, and we need to
3 look deeper. Thank you.

4 CHAIR: Just so you know, and I'm not sure
5 whether you were here this morning or not, but,
6 you know, as I said the whole plan for today,
7 tomorrow, and for July, is to set the backdrop,
8 and set the framework. So, we're not getting
9 into in this month's meeting or next the
10 specifics of what occurred or didn't occur. We
11 will, and are, investigating that, and that's
12 what the investigators are doing now, so what
13 occurred at Stoneman Douglas, or what occurred
14 with Cruz, or any of the specifics, are where
15 we're going to pick up in August.

16 So, it isn't an omission, and it's not an
17 oversight, it's simply we're not there yet.

18 MS. SCHENTRUP: I understand specifically
19 to MSD, that's not where to look -- but again
20 the district does have a district training. I
21 know we looked at the state's. We just heard
22 the homeland security talk a little bit about
23 their training. Just don't look overlook that
24 there is a district training provided by the
25 Broward Schools SIU Department.

1 CHAIR: We're aware of it, yeah. And I
2 think you probably see some of that coming up
3 here, probably in July's meeting.

4 MS. SCHENTRUP: Okay.

5 CHAIR: Thank you very much.

6 MS. SCHENTRUP: Thank you.

7 CHAIR: Next in the public comment is Tony
8 Montalto.

9 MR. MONTALTO: My name is Tony Montalto,
10 and I'd like to thank all of you for serving on
11 this commission. It is important work that you
12 have out in front of you to analyze the events
13 of this tragedy, and to make recommendations
14 for change. I am concerned however, that there
15 might be some unnecessary expansion or mission
16 creep regarding your mandate. I am
17 specifically concerned about your plan to
18 monitor compliance with the Marjory Stoneman
19 Douglas High School Public Safety Act SB7026.

20 I feel that task should be left to the
21 good folks at the Florida Department of
22 Education, and/or the Florida Department of
23 Justice. Please use your limited time and
24 manpower to analyze the many failures that led
25 to the loss of my daughter Gina, thirteen of

1 her schoolmates, and three teachers on February
2 14th. Please focus your investigation and use
3 the knowledge you gain to help prevent another
4 mass shooting in a Florida school. Thank you.

5 CHAIR: Thank you. The next comment card
6 we have is from Craig DeWerff.

7 MR. DEWERFF: Good afternoon, my name is
8 Craig DeWerff, and I am with the Rauland
9 Incorporation. I'm also a senior, a father of
10 a senior at Stoneman Douglas who just
11 graduated. I happened to be in the intercom
12 industry, communications for schools. I just
13 want to bring it to your attention that there's
14 two primary communication, mass communication
15 devices in our schools. That's fire, which
16 handles fire. And the intercom, what everybody
17 calls it, handles everything else, including a
18 code red.

19 The intercom system that we currently have
20 at Stoneman Douglas and the majority of the
21 schools, not only in Broward County but all of
22 South Florida, are based on a technology that
23 was seven years old. Just until the last three
24 or four years we haven't been able to automate
25 the process of a code red. It should be a push

1 of a button and we lock down our school. That
2 didn't happen that day.

3 The specifications for Broward County, as
4 well as the majority of districts, not only in
5 Florida but around the country, require outside
6 speakers and hallway speakers, which that
7 school also does not have. A lot of times we
8 overlook that communication system in there
9 because we have the mindset of what it was when
10 we went to school. It's no longer just for
11 making morning announcements, it is your
12 critical communication system to lock down the
13 school, make a weather alert, make different
14 actions, all automated software driven, push of
15 a button so when we have an issue in our
16 schools we can lock it down quickly and let
17 people take cover.

18 This could have been an even more tragic
19 situation because at that school when the fire
20 alarm went off people evacuated. They were
21 outside. And when the minute and a half went,
22 and when we finally announced the code red,
23 they didn't hear it. They got back in school,
24 or back in the classrooms by administrators
25 running around saying we got a code red, get

1 back in.

2 There's a code over fire alarms. There's
3 no code over intercom, and they clash. So, I
4 want to make sure I bring that to your
5 attention. Hopefully, other people think that,
6 because just in health care facilities there's
7 a code over the communications systems, maybe
8 there should be the same kind of governing body
9 over the communications systems that we have in
10 our schools. Thank you for your time.

11 CHAIR: Thank you. Next in public comment
12 is Timothy Sternberg.

13 MR. STERNBERG: Hi everyone, my name is
14 Timothy Sternberg. I am the former assistant
15 principal of Pine Ridge Education Center, home
16 of the PROMISE program. I'm currently
17 unemployed. I was the assistant principal for
18 that school from 2014-2017, so in all that time
19 during PROMISE. I say that to say that I'm not
20 tied down to any political correct commentary,
21 I can say the truth, and say what I need to say
22 so that you can hear, you can hear some factual
23 information. I'm going to speak to the program
24 itself.

25 If you noticed during the presentation

1 today, there was no talk of restorative justice
2 really because there is no restorative justice
3 in the program. There is no victim
4 compensation. There is no choice given. We
5 tried to launch a program through Harmony,
6 which is a local, a local institution, and it
7 failed because nobody could understand how to
8 get that together. No one can understand how
9 to get a victim together with, with the person
10 who perpetrated.

11 The program has major potential. PROMISE
12 should stay. I am not an advocate of getting
13 rid of the program; however, there are problems
14 with the program that just are not fixed,
15 because either people don't want to admit that
16 there are issues, or the fact that it is so
17 discombobulated that district staff that are
18 actually over the program never came to the
19 school while I was there. I rarely saw them.
20 I only saw the curriculum supervisor when she
21 wanted to know about the data, the recidivism
22 data.

23 And about the recidivism data, as you know
24 that data is only per school year. A student
25 can have three infractions in one year, three

1 infractions in another year, and three
2 infractions in the following year, and never
3 have that referral to law enforcement because
4 it zeroes out each year. That's a problem.

5 There is a very deep inconsistency, as was
6 shown today, with the way discipline is applied
7 at Broward County. The matrix allows that one
8 step below and one step above. There's too
9 much discretion there. I understand the need
10 for discretion for case by case sometimes, but
11 if you have full discretion there is no
12 consistency in behavior, and constituency with
13 behavior is paramount and important in order to
14 institute expectations, and institute
15 punishment in understanding of what they did.

16 There really is no deterrence associated
17 with PROMISE. Kids come in, the teachers are
18 not given a research-based instruction
19 curriculum. That is tasked to them to create.
20 There was never a researched based curriculum
21 attached to that program, it was expected that
22 they would use the LEAPS program, which is
23 actually coming up on Tuesday for the agenda
24 for another \$1 million, or whatever it is, but
25 there's no association attached to what the

1 teachers are supposed to do with that, it's all
2 up to the school to figure that out. With a
3 program as big as PROMISE there was no
4 connection, there was no effort by the district
5 to help us with that.

6 Also, in addition there is the attendance
7 piece, and I want to speak to this. If a
8 child, for example, comes into PROMISE for a
9 drug offense, and that was talked about
10 earlier, they go in for three, let's say
11 they're in there for six days if they have a
12 drug offense, if they agree to meet with a drug
13 counselor, which is a great program, they get
14 to meet one on one with a drug counselor, they
15 get that time cut in half, they only have to go
16 to the program for three days. I didn't hear
17 that talked about earlier.

18 In addition, if a student is assigned to
19 PROMISE for six days, they don't have to attend
20 all six days. They can attend four days and
21 it's considered a completion of the program.
22 There is no attendance requirement other than
23 more than fifty percent of the time they have
24 to go to the program. That's important also.

25 And -- and there is currently a

1 disconnection between DJJ and PROMISE. If a
2 student commits an outside infraction, and I
3 heard this earlier, but I want to reiterate,
4 there is no communication with the law
5 enforcement agency and PROMISE. And recidivism
6 only talks to what they're doing in the school,
7 and not every school has an SRO. There was
8 mentioned about talking to the SRO. Not every
9 school has an SRO currently. They will with
10 the bill, but they don't currently have that.

11 And -- and the last thing I really want to
12 talk about, and there's a lot, and I know I
13 only have three minutes, is that part of Pine
14 Ridge too as a behavior, is one of three
15 behavior intervention sites that Ms. Pope spoke
16 about earlier, behavior intervention for
17 students in grades K-6 at Pine Ridge. While I
18 was there, we had a student that came in in
19 grade K, in kindergarten, and when I left the
20 school last year he was still there in 3rd
21 grade going into 4th grade because there is no
22 research-based intervention. We do positive
23 behavior, but it's more of a reactive situation
24 instead of being allowed to be proactive.
25 There isn't supports, and all that supports

1 that were mentioned earlier do not really
2 exist.

3 And I really just wanted to say that to
4 you so at least it opens your eyes, and creates
5 a little bit of larger dialogue, of not just
6 the district coming here and telling you but
7 someone who is a practitioner who wants to make
8 it better. PROMISE is a very important
9 program. It does -- they're researched based
10 at the third grade -- the prisons are based on
11 third grade data, and that's true.

12 And there is a large over representation
13 of African American students in the program,
14 don't they deserve though to have that fixed so
15 that they get the quality service as well? I
16 mean that really truly is helping to curb the
17 school to prison pipeline. Thanks.

18 CHAIR: The next one -- the next comments
19 come from Mark Rosenberg. Is Mark Rosenberg
20 still here? The next is Representative Kristen
21 Jacobs.

22 REP. JACOBS: Well, hello everyone.
23 Welcome to Broward County. I am Kristen
24 Jacobs. I represent District 96, which is,
25 Parkland is wholly within my district, as well

1 as Coral Springs, Margate, and Coconut Creek,
2 the range from which students were coming. In
3 fact, we often say Parkland, but sixty percent
4 of the students at MSD came from Coral Springs,
5 and so I want to make sure you all when you're
6 thinking Parkland you're also thinking the City
7 of Coral Springs and the, and the ache that is
8 coming out of that city as well as Parkland.

9 With just a few minutes today I have a lot
10 of things I want to talk to you about, and that
11 will come to you in the form of a letter, but
12 for today's purposes I wanted to address the
13 issue of school resource officers. I know
14 there was commentary earlier about how many
15 school resources officers, how many school
16 resource officers are in our schools, and that
17 there isn't a formula. And it is specifically
18 that language that I fought for and was
19 included in the bill that the Governor signed.
20 And I wanted to read you that language because
21 it is part of your charge as a committee to
22 come up with a formula.

23 Specifically, Line 1543 in the bill said
24 that you are charged with making specific
25 recommendations for determining the appropriate

1 ratio of school resource officers per school by
2 school type. At a minimum the methodology for
3 determining the school ratio should include the
4 school location, student population, and
5 design.

6 Why this is so important is that this last
7 legislative session this issue was front and
8 center, the house and the senate put monies
9 together. As you know we were able to go out
10 and find \$400 million to move forward and
11 address this tragedy in our state, and in our
12 community, but we don't know what future
13 legislative bodies are going to do, and where
14 they're priorities are going to go.

15 We also know that certain cities have
16 additional dollars where they will put into
17 schools, so those students in those schools
18 will have a greater number of school resource
19 officers by virtue of the dollars in one city
20 while yet another one may not have those
21 dollars available to them, and they will not
22 have as many school resource officers.

23 A funding formula is really important so
24 that future legislative bodies are bound by not
25 the will of the day, or the whim of the day, or

1 what's happening in a budget, but they have a
2 formula by which they must abide in providing
3 that funding. If we simply think that local
4 governments are going to come up with all the
5 dollars we need for additional school resource
6 officers, you and I both know it's not going to
7 happen.

8 This needs to be an obligation of our
9 state. The state house and the state senate
10 should be charged with having a formula. It's
11 in the bill. It's part of what you were all
12 charged to do, and I would encourage you all to
13 really address the best ways to go about it.
14 The Governor had -- I had a conversation with
15 the Governor's staff, where you all may know,
16 one school resource officer per a thousand.
17 There was no formula, no real math, no
18 understanding of where that number came from.
19 It sounded good, so it was the number that they
20 used.

21 But I am hopeful that you all dig in and
22 understand that a school that has a very side
23 and sprawling footprint versus a school that
24 may be very tall, given the different levels of
25 education, whether it's elementary, middle, or

1 high school, or any other type of school that
2 we have, that their needs are going to be
3 different, and that should be included in the
4 formula.

5 So, I thank you all for the work that
6 you're doing. It's really important to the
7 future safety of our kids, and for those
8 parents that are sending their kids to school.
9 And your work is going to be I hope a very big
10 part of making us feel better about going to
11 school. Thanks.

12 CHAIR: Thank you Representative Jacobs.
13 Next Councilman Daniel Sohn.

14 COUNCILMAN SOHN: Good evening, Mr. Chair,
15 Commission Members. Before I begin, Mr. Chair,
16 I'd like to ask the commission's permission to
17 join me in applauding the law enforcement
18 officers and first responders that we had
19 present throughout the day. Thank you.

20 My name is Daniel Sohn, and I serve as a
21 City Councilman from the Town of Haverhill
22 located in Palm Beach County, Florida. And for
23 purposes of public disclosure, the Executive
24 Director of the Safe Schools for Alex
25 Foundation founded and chaired by Commission

1 Member Max Schachter.

2 Most, if all of you, are not aware as a
3 locally elected leader in the state of Florida
4 I am preempted from doing more than I wish to
5 passing or enacting local gun safety
6 legislation. That being said I am here instead
7 to express my willingness to serve my
8 constituents by ensuring that you remain up to
9 date on the progress that this commission
10 intends to make going forward.

11 I also cannot speak for all of the locally
12 elected leaders across the state, and I
13 certainly will not try to do so. However, I
14 will state that there are local leaders like
15 myself who are searching for resources,
16 answers, hope and progress from the work that
17 this commission has set out to do, and to bring
18 back to our citizens and constituents that we
19 represent. In addition, I will be reaching out
20 to this commission to help educate my county,
21 my community on what this commission believes
22 are the next steps to creating safer schools,
23 safer schools for our children, parents,
24 teachers, administrators, vendors, and
25 administrators.

1 This coming August I will be hosting the
2 first annual Safe School Summit in Palm Beach
3 County, and I do hope that several of the
4 commission members would agree to participate.
5 I will be working with this commission's
6 administrators to ensure that you have the
7 opportunity to attend.

8 Lastly, as an employee of the Safe Schools
9 for Alex Foundation I remain ready to work and
10 support this commission's agenda, work
11 alongside you, and the collective goals that
12 both our organizations share in order to
13 identify and create lasting solutions that make
14 our schools and our communities safer. With
15 that I say thank you for the work that you are
16 doing and thank you for your time.

17 CHAIR: Thank you. The next comment card,
18 Joseph Valcarcel. Is he still here?

19 MR. VALCARCEL: Good afternoon, everyone.
20 My name is Joseph Valcarcel, a business owner.
21 The name of my business is Safeway Security
22 Services. I'm a former law enforcement officer
23 from Broward County, approximately ten years
24 ago I decided to come out and open up my own
25 business. I live in Palm Beach County. I have

1 several properties that we provide services to.
2 One is a particular school in Palm Beach
3 County. At the request of the parents they're
4 asking us to have alternatives, and options, so
5 that's why I'm here today.

6 While I respect the job of every law
7 enforcement officer here I understand that we
8 don't have the capability to fill all those
9 spots. If it's not a budget issue it's a
10 manpower issue. I'm here as a third-party
11 option. Under the guardianship program I'm
12 interested in partnering up and seeking other
13 alternatives. We have prior law enforcement,
14 military veterans, that can be hired for these
15 positions, that come with that background,
16 knowledge, training, and education. I'm here
17 as a third option.

18 Up in Palm Beach County one of the
19 requests that came over the media recently was
20 \$7 million budget to cover expenses for
21 resource officers. Is that feasible; I don't
22 know. I can tell you that we can do it at a
23 much better cost.

24 CHAIR: I'm just going to interrupt you
25 for a second, because, you know -- and I

1 appreciate it, but if it's a sales pitch, okay,
2 it's that this isn't the place for it. And let
3 me just say this, is -- the law requires under
4 the guardian program that the guardians have to
5 be employed by the school board, so what you're
6 offering is not an option under the current law
7 because they have to be employed by the school
8 board, so they can't be an employee of a third
9 party, of a contractor, they have to be school
10 board employees.

11 MR. VALCARCEL: Okay. So, that's why we're
12 here, to educate ourselves, right? Because I
13 was explaining that we must become a vendor, or
14 is that separate --

15 CHAIR: No, the law requires that they be
16 employed by the school board, so what you're
17 suggesting under the law is not even an
18 available option.

19 MR. VALCARCEL: It's not feasible?

20 CHAIR: No.

21 MR. VALCARCEL: Okay. All right, well,
22 thank you very much.

23 CHAIR: The next public comment is from
24 Shawn Verne.

25 MR. VERNE: Good afternoon, ladies and

1 gentleman. My name is Shawn Verne. I am an
2 expert in the field of communications
3 technology. I'm also a father of three sons
4 school aged out of Monroe County, so I came
5 down here from the Keys. The main reason I'm
6 here is to quickly go over the FortifyFL app
7 that you all have tried to undertake.

8 Basically, it sets good intentions. The
9 spirit behind it is accurate. I believe that
10 it is going to be the proactive way to find out
11 what the kids know, because the kids seem to
12 have the answers to what's going on inside
13 their schools better than any of us. I mean I
14 know from my sons that they know what's
15 happening. It doesn't matter how little or how
16 big they know what's going on, so if we can
17 learn that ahead of time, and be proactive, I
18 think we have a much better change of never
19 letting the next step happen, which is really
20 what the goal is going to be.

21 The two big problems I see with the
22 FortifyFL app is that (A) it's an app, which
23 means in non-technical terms just that in order
24 for it work to begin with you have to have
25 either (a), Wi-Fi, which is not available to

1 the school students at school because the
2 schools always shut that down; they don't want
3 the kids going YouTube, or, you know, FaceTime,
4 or whatever it is, so that's not available.

5 The second option is they want, they need
6 to have data on their phones in order to, to
7 be, to work at all. Now, I have three sons,
8 and I know that the first thing to go before
9 the end of the month is data, they're all out
10 of data all the time. They're running out of
11 data, they're hot spotting, everything else, so
12 that makes the app ineffective completely from
13 just, from get go. It won't even work.

14 The second thing is it's cumbersome. I
15 saw what it is, and it's just too many steps.
16 This is not a Crime Stoppers type approach
17 where there's a financial gain by giving a tip
18 and they need to select from drop down menus,
19 where you are, what's it related to, and so on.
20 This -- kids like to chat. They like to
21 communicate, so it needs to be something a lot
22 easier than that. So, the intention is great,
23 the goal is great, and it can be effective,
24 just not the way that, that it's set up at this
25 point.

1 And I'm -- like I said I'm, I'm just doing
2 it just as a father of three. I'm an expert in
3 that field, and I know that that's a huge
4 problem, so, you know, I just want you -- at
5 least if you're going to do something, just try
6 to do it so it's very effective. That's all.

7 CHAIR: Okay. The next public comment is
8 from Michael Sirbola.

9 MR. VERNE: Chairman, can I ask you a
10 question?

11 CHAIR: Actually no, because the ITN on
12 the FortifyFL app is out, and while that's
13 pending, we shouldn't engage in any discussion,
14 dialogue, questions on that, because the ITN
15 hasn't been issued, so we would just let that,
16 let that alone.

17 MR. SIRBOLA: Yes, hello, my name is Mike
18 Sirbola, and thank you all for being here.
19 What's happened is implemented of a systemic
20 failure. The tragedy was extreme, but it's a
21 symptom, like canaries in the mines. Broward
22 was suffering complex PTSD from everything from
23 poverty, to Hurricanes, to lynchings, to having
24 the highest number of suspensions and
25 incarcerations, both adult and children,

1 children removed from classrooms in handcuffs.
2 And what this results in is changes in our
3 brains, not just the children's, everyone's.

4 It's called complex PTSD, and when more
5 than one out of four, or one out of five, or
6 one out of six has suffered abuse or neglect,
7 we're the most social creatures on the planet,
8 all of our brains change. Our thinking
9 changes. We see things more in terms of black
10 and white, and we react differently than we
11 would otherwise. We're not aware of it. We
12 make mistakes.

13 I've heard -- and by the way, I respect
14 Mr. Runcie, but I've heard him talk about
15 things that just don't make sense, and just
16 like you or I have said can I have some more
17 water please to the waitress and she points
18 right in front of our face, and we didn't see
19 it. It doesn't mean people are bad, or there's
20 some master plan to do evil here. What it is
21 is we need to change ourselves.

22 That's what the children are talking
23 about. So, in order to effect real change
24 Lauren over here is the one you need to be
25 looking to for answers. If you want real

1 change in our schools, real safety so that the
2 children, you've actually changed what a school
3 is so it's the last place anyone ever thinks to
4 go to to do harm, she is the one who you need
5 to speak to.

6 ACE tests were not used in the PROMISE
7 program. The PROMISE program was not
8 implemented properly. And that's not the real
9 issue. The issue is why is it that all of us
10 were going to people and saying, listen, this
11 isn't anything, you're just doing what you were
12 doing before, you're just using PROMISE as an
13 excuse. I spoke to the gentleman who founded
14 it, the judge up in Georgia on how it, how it's
15 being used in all the counties just so that,
16 you know, you can't just come out like Miami
17 did and say, hey, we're going from zero, from
18 50,000 or 75,000 suspensions a year. By the
19 way that's why kids shoot up schools, you're
20 traumatizing them.

21 Seriously, you're wondering about
22 controlling guns and gates in schools when
23 you're still suspending 50 and 100,000 kids,
24 and you're wondering why schools are being are
25 shot up? Are you serious?

1 Anyway, so Miami decides to go from that
2 to zero without any changes. It's like I
3 suddenly decide all of you, you all have to
4 drive stick shifts tomorrow, I don't care, I'm
5 not going to give you any training, just that's
6 it, everyone gets a stick shift car tomorrow,
7 tough luck for you guys. That's not how it
8 works.

9 Talk to Lauren about training all of our
10 teachers. If you're in a hurry, and you
11 actually have a sense of urgency, then by next
12 year every teacher, all 15,000 needs to be
13 trained in trauma instruction. And by the way,
14 not the commoditized instruction that's being
15 provided by SEL providers, collaborative
16 learning, and all these. What they do is they
17 clean it up in order to be able to sell it then
18 to the schools because they know what won't
19 sell. What won't sell is discussing actual
20 changes in discipline, okay.

21 If you want to teach a child that's been
22 traumatized -- by the way, all the children
23 have been traumatized now in Broward
24 officially. I think that that's common sense.
25 So, if you want to instruct them, and you know

1 that they're sensitive to being confronted in
2 certain ways, you have to instruct them
3 differently, not just tell them how to protect
4 themselves from our abuse of them, and how to
5 meditate and deal with us. We need to prevent
6 what we're doing to them, and the way to do
7 that is we need to not punish.

8 That sounds like a strange thing to say.
9 In other words, if a child makes a behavioral
10 or an academic error, that's an opportunity to
11 teach and to learn, not an opportunity to
12 punish, to discipline, or to apply a
13 consequence. I've done it in my classrooms.
14 There are lots of schools across the world that
15 do this just fine. If I can train a golden
16 retriever with a treat, and without raising my
17 voice, do not tell me that you have to raise
18 your voice or threaten physical pain to a child
19 to teach a child. That is nonsense. That's a
20 war type situation that we're applying to
21 education. It's training, it's not education,
22 okay. If you want to teach a kid, you get him
23 to build a connection with you, okay.

24 We know how to do this. We did not do it
25 in the PROMISE program. That does not mean the

1 PROMISE program, the concept didn't work. What
2 it mean is, is we need to stop sending kids out
3 of our classrooms to these programs as another
4 way to treat them like widgets. The teachers
5 need to have shelves in their classrooms with
6 stuff on it, so if a kid finds a bug, he brings
7 it in and he keeps it there. If the kids start
8 throwing stuff off the shelves in the
9 classroom, the teacher needs to know how to
10 discipline the child. That's an opportunity to
11 teach and to learn, okay?

12 It takes more time, yes. We'll have to
13 not have thirty or forty kids to a teacher.
14 We'll have to adjust the classroom rate to
15 parent based on their ACE score, which is an
16 Adverse Childhood Experience score. So, if
17 I've got thirty kids with high ACE scores,
18 that's not the same as thirty kids who have a
19 low ACE score, okay. We need to become adults
20 and start applying neuroscience and our best
21 practice --

22 CHAIR: Sir, if you -- sir, if you could
23 just --

24 MR. SIRBOLA: -- and stop just using the
25 words.

1 CHAIR: If you would, you're over five
2 minutes, so I --

3 MR. SIRBOLA: I know I'm way over. Thank
4 you very much.

5 CHAIR: Okay.

6 MR. SIRBOLA: And if you would reach out,
7 or reach out to Lauren, she has the same
8 answers. Thank you.

9 CHAIR: Thank you. The last comment card
10 is Kristina Braziel.

11 MS. BRAZIEL: Good afternoon. Good
12 afternoon, everyone. I'm so sorry that this is
13 the reason that we have to come together today
14 in this community, but I am thankful that we
15 are together today for this. My heart goes out
16 to all the families that have been devastated
17 and lost loved ones.

18 I'm going to start with my start in
19 Broward County Public Schools in kindergarten
20 with my children. And so, they're in school.
21 I'm volunteering, and I have to find out how
22 everything works, and how I can be a support at
23 the school.

24 So, one of the things that you learn is
25 that we have an advisory process, and we have

1 PTA, and we have principals that have security
2 plans that can't share all the details with us.
3 But they can share very important information
4 that we need our kids to be comfortable with,
5 and that our parents in our community need to
6 be comfortable with, such as if there is a code
7 red called don't go to the school, parents.

8 Now, I know that I have heard, and I don't
9 know how factual, that actually some parents
10 did go, and they were able to save their
11 children and pick them up, so, you know, it
12 makes you think, well, maybe that is something
13 we should really look at. But then I also
14 heard of stories of congestion issues, and
15 people being traumatized, and being in the way
16 of preventing services to get to our children
17 in this trauma. And then in the trauma,
18 everyone was frozen on the ground because
19 nobody really knew what to do, because we
20 didn't really clearly continue to talk about it
21 with each other.

22 So, in my experience I learned some
23 things, in being a parent, and a room parent in
24 elementary school, that if a tragedy happened,
25 or a code red was called, and it could just be

1 they just locked everything down, nobody is
2 supposed to move, everyone stays in the
3 classroom and get secured. Even if I knocked
4 on the door, right, where it likes a game, you
5 don't let me in, okay. And so that's the kind
6 of conversation that we could have. We aren't
7 going to tell people when we're going to go
8 ahead and do these drills with the kids.

9 So, then we get to elementary and middle
10 school, and I'm going to go ahead and then talk
11 about your PROMISE program, okay. And now I'm
12 going to disclose that at the time that the
13 PROMISE program came out, and the sheriff and
14 Robin Bartleman, and Dr. Blackburn was there at
15 the time I believe around when all that was
16 going, I was the Chair of Central Area
17 Advisory, and we had the responsibility in that
18 role to help the district bring out to the
19 community -- again these learning things, how
20 we teach each other, what we're supposed to do,
21 or how the process is supposed to work -- and I
22 sat on a committee with Dr. Blackburn for a
23 number of years actually, and then he left us,
24 and I tried to continue to serve. But I had to
25 stop because nobody was following any

1 procedures. It was different. It was
2 inconsistent throughout the -- from south area
3 to central area, to north area. We had a new
4 superintendent that came in, but he didn't
5 really know what eye zone was, you know,
6 technically on the ground. He knew of course
7 what his staff explained to him was happening
8 in these meetings.

9 So, I may be going way out of the realm of
10 what this committee is here for right now, but
11 as a parent, my baby graduated yesterday, so I
12 had two beautiful girls that went through
13 Broward County public schools, one of them
14 actually left Broward County public schools at
15 middle school and went to American Heritage,
16 and, you know, the difference in the experience
17 was unbelievable for them. My -- my younger
18 one who stayed in Plantation, and just
19 graduated from Plantation High School -- we
20 learned a lot. And there was a lot of
21 disrespect in the process, and things were not
22 handled personally with us in a way that I
23 would want for my worst enemy. But I -- and I
24 don't want anything for an enemy because I
25 don't like enemies, I like people. I like us

1 to grow and to love each other, and to learn,
2 and be creative, and take care of children.

3 School is a place where children come to
4 be safe, that they can talk about what they're
5 thinking, and they can learn. And they know
6 that the grown-ups are doing all of the things
7 that they need to do to learn, and to educate,
8 and to use top quality resources. We have the
9 resources. We know how to implement and what
10 to do. But, it has to be implemented, and
11 Broward County public schools, there's a lot of
12 people that I love in it, they need help.

13 There's SIU -- I could go into the whole
14 thing with the disconnect between law
15 enforcement and SIU, and the municipalities,
16 and what we have as far as jurisdiction down
17 here, and I think it's throughout the state, in
18 issues. We cannot continue to grow and
19 prosper, and educate, and love each other with
20 the infrastructure --

21 CHAIR: Okay, ma'am. You're over five
22 minutes, so if you would please conclude? Thank
23 you.

24 MS. BRAZIEL: Thank you.

25 CHAIR: All right, unless any of the

1 commissioners have anything else, we're going
2 to adjourn. Does anybody have anything? Okay.
3 So, we're going to adjourn for this afternoon.
4 Please --

5 SHER. JUDD: Chairman.

6 CHAIR: Yes, Sheriff Judd.

7 SHER. JUDD: I might have missed this, but
8 I would like to put on the record that we need
9 to dig deep into this PROMISE program before --
10 we don't need the discussion today, but just --
11 we can't discuss it outside of the meeting, but
12 we need to dig into the PROMISE program, I
13 think.

14 CHAIR: So, the plan is, my thought on
15 that is, is that we're going to get as much as
16 we can as far as reports and data, information,
17 and then ask them to come back and have a
18 further discussion about it. So, we'll
19 allocate time to bring them back after we've
20 had a chance to get all of the demographic
21 information. I think Secretary Carroll asked
22 for a number of statistical reports. A number
23 of you did. So, we're not done with the
24 PROMISE program.

25 MS. POWERS: Mr. Chair, can I just -- can

1 we have some sort of mechanism as a commission
2 to submit the requests that, the data that we
3 want, just so that when these people come back
4 that they don't come back, again, so maybe it's
5 through e-mail through staff that we say, so
6 they're prepared when they come back with the
7 information that the commission wants to hear.

8 CHAIR: Sure. If any of you have any
9 thoughts on anything, and I think we've said
10 this before, and I'll say it again, if any of
11 you -- and this kind of led to where we are
12 today, is that everything we've heard today is
13 in response to the feedback that you all
14 provided at the first meeting, and others have
15 provided some individually. Is that if
16 anything that is not being covered that you
17 want covered let us know. You can do that
18 tomorrow if you want. If anybody has any
19 specifics from today, I'll take some time
20 tomorrow where we can talk about it, and that
21 way everybody is on the same page, and make you
22 ask as to what you're looking for specifically.

23 If there are any topics that haven't been
24 covered that are not already on the agenda to
25 be covered tell us. If there is any topic that

1 has been covered that hasn't been adequately
2 covered in your view, and you want more, or you
3 want different, let us know. So, one of the
4 ways to do that certainly is, is that we can do
5 that tomorrow. We'll allow a few minutes.
6 We'll take notes on it, and get what you want,
7 and that way it would reduce, or mitigate
8 redundancy, and everybody would be on the same
9 page. But you are welcome at any time to
10 contact the commission staff and let us know
11 what your desires are with anything. And that
12 goes for anybody on the entire commission.
13 Senator.

14 SEN. BOOK: Mr. Chair, thank you so much.
15 I wanted to ask a question of Mr. Sternberg
16 when he came up, but in echoing the Sheriff's
17 comments I'm deeply troubled by some of Mr.
18 Sternberg's comments that Ms. Pope was not
19 being necessarily truthful in testimony that
20 she was giving today, and so echo the Sheriff's
21 comments of wanting to continue to delve into
22 the PROMISE program, but deeply, deeply
23 troubled, and want to make that very much
24 clear, very clear.

25 CHAIR: Okay. And we'll look into it.

1 You know, I'd say this. It's a long day.
2 We've covered a lot of ground today, and a lot
3 of material today. We'd absolutely need to get
4 into it, but I would also say, and just suggest
5 that we have to keep it in perspective, in
6 that, you know, what we're charged with doing
7 is looking at how the PROMISE program may or
8 may not have had an effect on what Nicholas
9 Cruz did, and we don't have the answer to that.

10 And -- and a lot of it is going to be
11 driven by is we just got this week when we
12 served the subpoena on Broward County Schools
13 and got the response to that, we just got
14 voluminous documents and information from the
15 school board, so the investigators have not had
16 time to go through that yet. There was
17 original information that he wasn't
18 participating, or hadn't participated in
19 PROMISE, and then there was information he had.
20 My questions are the same as yours, what was
21 his level of involved, what were the offenses,
22 or the incidents, how many where there, because
23 it's going to make a difference. If it's one
24 time that's a big difference than multiple
25 times, and it depends upon what it was for, and

1 how does that all play in.

2 So, those are all great unanswered
3 questions that we need to probe, and a lot of
4 it will be driven by what we find out that are
5 in those records regarding his involvement.
6 But we will -- but I assure you we're not don't
7 with the PROMISE program, so.

8 Anybody have anything else? So, I'll
9 carve out some time if you all have some time
10 tonight, or first thing in the morning, and
11 we'll do it at some point tomorrow where if you
12 have specific requests, if you can make a list,
13 make notes, and we'll give everybody an
14 opportunity so that -- I think I have an
15 understanding, but I want to make sure we do,
16 and we'll -- if anybody has anything we'll give
17 them an opportunity tomorrow to tell us with
18 the specifics of what you're looking for.

19 MR. SCHACHTER: Chairman, I just -- I just
20 want to mention, or just say it's very
21 overwhelming to get here and receive this book
22 in front of me for the first time. I would
23 love to be able to review this prior to our
24 meetings if that's possible.

25 CHAIR: Well, me too, but in the perfect

1 world we don't live in, and most of these
2 presentations were only completed. And in
3 fact, for our presentations for tomorrow, I
4 still don't have all the presentations tomorrow
5 that we're waiting on tonight -- so everybody
6 is working hard on these, and I hear you, and
7 if we could we'd send some of them out with
8 some read ahead material, but people are
9 working hard on these, and a lot of them aren't
10 being finished until the last minute is the
11 reality of it.

12 So, there would be some value to that, and
13 as we move forward anything that we can push
14 out to you ahead of time -- we do have a
15 commission website that's set up that is, you
16 should have already received the link to it,
17 that's password protected, and anything we can
18 share ahead of time, because it will make it
19 much more efficient, and that way you can craft
20 your thoughts and your questions, et cetera, so
21 we'll try and do that the best we can, but
22 that's our only reason why you didn't get a lot
23 of it ahead of time is, is that they are work
24 in progress right up until the last minute.

25 So, please remember that tomorrow morning

1 we're going to start promptly at 8:00. Not
2 8:30 tomorrow morning, we're going to start at
3 8:00 tomorrow morning. We're going to make
4 some adjustments. There were three
5 presentations we did not get to today, and I'll
6 look at the schedule now and we'll make some
7 adjustments, but I plan, because I want to be
8 respectful of your time, especially those that
9 have to travel, it is a Friday, but we'll
10 figure out a way to keep it on schedule and get
11 you out of here according to the agenda at 3:30
12 tomorrow.

13 We may have to push some of the things
14 that were on the agenda for tomorrow, push them
15 up to July, but that's okay. We'll take a look
16 at it, but we'll make sure that we're
17 respectful of everybody's time and get you out
18 of here at the time we have in the agenda. But
19 we'll begin at 8:00 in the morning, and we'll
20 see you tomorrow. Thank you.

21 (Thereupon, the above meeting adjourned.)
22
23
24
25

C E R T I F I C A T E

(STATE OF FLORIDA)

(COUNTY OF BROWARD)

I, NIDELIS GONZALEZ, Reporter, certify
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Commission Number: FF188630

Expires: 01/11/2019

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