

#81



IN THE SUPREME COURT OF FLORIDA

Case No. SC19-240

SECOND INTERIM REPORT OF THE TWENTIETH STATEWIDE GRAND JURY

The purpose of this Second Interim Report is twofold: First, this Grand Jury has taken evidence regarding a number of issues in need of urgent redress by state and local officials. We chose not to wait until the conclusion of our term to address these matters. Second, this Grand Jury supports the efforts of the Marjory Stoneman Douglas Public Safety Commission (hereinafter the MSDPSC) as it presents its November 1, 2019 Report to the Governor, the Speaker of the House and the Senate President (hereinafter the Second MSDPSC Report) for consideration in its next legislative session.

AREAS OF CONCERN

As this Grand Jury has engaged in the evidence-gathering process, we have watched a number of larger themes develop in the following areas: (1) Radio Communication Failures; (2) Oversight and Sanction Authority; (3) Charter Schools; (4) The Coach Aaron Feis Guardian Program; and (5) School Environmental Safety Incident Reporting (SESIR). Although we intend to continue investigating these areas for the remainder of our term and will probably address them again, we believe these themes touch upon many of the problems identified in the Second MSDPSC Report, which will likely be taken up by the Florida legislature in its next session. Therefore, they are ripe for discussion now.

RADIO COMMUNICATION FAILURES

One of the recurring themes in both the first and second MSDPSC Reports is the failure of various stakeholders to effectively communicate and meaningfully cooperate regarding their emergency communications systems. Large-scale deficiencies between various law enforcement agencies, school officials and rescue personnel have been identified repeatedly in the evidence and testimony we have seen and heard for the past six months. These deficiencies are systemic, and although the specifics tend to be different, the conflicts tend to share many characteristics from jurisdiction to jurisdiction. Squabbling between local and regional stakeholders over land rights, quality of service and the financing of various projects actively and currently hampers those

stakeholders' overall ability to identify and communicate potential threats and to react appropriately in crisis scenarios. As the first and second MSDPSC Reports bear out in disappointing detail, the law enforcement reaction to the tragedy of February 14, 2018 has brought the following into sharp relief: (1) there are serious deficiencies in our state's patchwork system of county and municipal emergency communication systems; (2) those deficiencies are ongoing; and (3) the stakeholders involved have not and do not appear to be willing to take the steps necessary to resolve these deficiencies. A good example of this conflict can be found in Chapter 4 of the Second MSDPSC Report, where the Commission goes into great detail describing the conflicts between the Broward Sheriff's Office and local municipalities as to their respective plans for erecting and operating their own emergency communication systems.

While this Grand Jury recognizes that local municipalities have the best of intentions and are often attempting to provide emergency services above and beyond what has been allotted for their area, evidence has shown that localization of communications is inefficient, and we believe the regional model is superior in terms of overall community benefit. As the tragedy of February 14, 2018 made clear, having a single system is vastly preferable in any crisis scenario.

In addition to the "turf wars" described above, we have also seen evidence of other regions using antiquated equipment and failing to account for radio communications in the construction of new schools. These issues put their constituencies at substantial risk during major incidents which require modern, robust communications infrastructures.

While on the subject of regional communications, this Grand Jury would also like to address the recommendations in Chapter 4 of the Second MSDPSC Report. In Recommendation #4 of that chapter, the MSDPSC suggests that:

BSO and the County should address the operational concerns raised by Regional Communications Center employees in the 2016 and 2019 surveys and ensure that the Broward County 911 centers are fully prepared, trained, equipped and able to handle all emergency situations, including mass casualty events.

We also recommend that the BSO and Broward County ensure that Broward County's 911 centers are properly staffed. Even the best-equipped call centers must still have sufficient numbers of trained employees to ensure they are ready to meet the critical needs of their jurisdictions, and Broward County is no exception.

We have also heard troubling evidence regarding the ineffectiveness of first responder radios in some new schools. School districts have built new school buildings without consideration as to whether first responder communication devices will be functional inside those buildings. This has led to construction cost overruns as those school districts scramble to retrofit these new facilities, sometimes pressing them into service under Temporary Certificates of Occupancy (TCOs) before those retrofits have been completed. Not surprisingly, the misuse of TCOs is not a new issue. In the Final Report of the Nineteenth Statewide Grand Jury, significant attention was given to Broward School District's issuance of TCOs. There was specific discussion of the issuance of TCOs with outstanding safety issues:

We have seen TCOs issued for schools that lacked emergency eyewash stations and sprinkler heads, or had outstanding issues with smoke detectors. These are life safety issues and we find it completely irresponsible to issue a TCO under such circumstances.

Almost nine years later, schools in this state are being occupied under TCOs while first responders are unable to use their radios inside the building. It is inexcusable to open a single school building to Florida's children without the proper equipment to allow first responders to communicate via radio. From minor incidents to major crises, radio communications are vital to the ability of emergency personnel to respond effectively.

We find it significantly concerning that this issue was not only investigated by the Nineteenth Statewide Grand Jury, but that two prior Broward County grand juries, going as far back as 1997, have reported on construction issues in schools and the occupancy of incomplete buildings. Because of the longstanding issue of TCO abuse, and because our findings are not unique to one region, we find that state involvement is necessary.

Recommendations

1. It is urgent that the Florida legislature task an appropriate agency to manage the relationships between local and regional stakeholders throughout the state to ensure that emergency communications systems are up-to-date, interoperable, sufficiently funded and properly managed and staffed so as to serve the critical emergency needs of their constituents. Preference should be given to regional emergency communications models over municipal emergency communications models.

2. School Districts should be stripped of their authority to inspect their own construction, issue their own TCOs, and issue final Certificates of Occupancy. Other local agencies are more than capable of performing independent inspections.
3. The Chief Financial Officer of the State of Florida should direct the Florida State Fire Marshal to ensure that life safety final inspections include the operability of radio communication systems.

OVERSIGHT & SANCTION AUTHORITY

The issue of school district noncompliance with state-level laws has been a persistent problem, even with Florida school districts under heavy scrutiny from both the MSDPSC and this Grand Jury. We have seen more than one instance of noncompliance addressed only once officials from the offending district were brought to testify before one of these bodies. Even halfway through our tenure, it is clear to us that, once our terms end and the threat of public shaming or indictment is no longer on the table, compliance will never be satisfactory if the legislature does not take steps to designate an agency to monitor and supervise compliance. The legislature must also provide that agency the resources and sanction authority to enforce the legislature's mandates. Simply put, any law the legislature writes addressing school safety, statistical reporting or harm mitigation is meaningless unless someone is given a mandate to ensure compliance, investigative resources to monitor compliance and the sanctioning tools to deter noncompliance.

A natural fit for this role would be the Florida Department of Education (FDOE). It is already serving as a repository for Florida Safe Schools Assessment Tool (FSSAT) and SESIR data, but the agency currently engages in mostly a passive role as an archive for information. As a practical matter, it lacks the resources to actively police, investigate and ensure compliance with state law. It clearly needs to do so, because from what we have seen, the school districts simply cannot reasonably be expected to self-report all potentially damaging information about their own deficiencies. To meet this mission, the FDOE would need significantly more investigative resources than it currently has at its disposal, but we do believe this would be taxpayer money well-spent.

Another area where the FDOE or any other supervising agency would have to be given additional powers is in the area of sanction authority. The only sanction authority the FDOE currently holds would be to suspend the pay of a school superintendent under limited

circumstances. We strongly urge the legislature to consider providing the supervising agency with a broader panoply of sanctions, which could include the temporary withholding of state funds, fines, censure, referral for criminal charges, up to and including the removal of superintendents, administrators or even school board members under certain circumstances. We believe the mere existence of a state-level, permanent, capable investigatory agency with the power to impose a broad variety of penalties on noncompliant school districts will go a long way towards fixing the compliance issues that exist today.

Recommendations

1. The Florida legislature should formally task the FDOE with the mission to ensure school district compliance with state-level laws regarding the following: Compliance with Senate Bills 7026 & 7030, SESIR Reporting, FSSAT, and the proper reporting of Behavioral Threat Assessments (BTAs). The FDOE should not just be a repository for this information, but should be responsible for ensuring its quality, accuracy and veracity.
2. The FDOE should be given sufficient staff and investigative resources to provide meaningful oversight, feedback, information and guidance to the school districts as to their compliance with these state laws.
3. The FDOE should have at its disposal sanctioning authority sufficient to coerce school districts to comply with these state laws where necessary, which may include withholding state funds, fines, censure, referral for criminal charges, and/or the removal of recalcitrant school officials.

CHARTER SCHOOLS

Over the course of our tenure, compliance problems with Senate Bills 7026 & 7030 have persistently arisen in the area of charter schools. Based on what we have heard, it appears many school districts have taken the position that charter schools are somehow outside their governance. Therefore, we want to make the following clear: *Charter schools are public schools*. They are funded with taxpayer money, and oversight of those schools' safety plans is the responsibility of the school districts. If the charter schools are noncompliant with state law, it is up to their school districts to get them into compliance or revoke their charters.

We are writing to address this issue primarily because a number of Florida school districts have failed to timely ensure that, at a minimum, at least one Safe School Officer (SSO) would be present on every public school campus—including all charter schools—while school is in session

for the 2019-20 school year, as is required by Florida law. Charter schools complained that because of their lower enrollment and concomitant lower budgets, they lacked sufficient resources to hire certified law enforcement officers as SSOs. Notably, however, neither these charter schools nor the districts responsible for them made timely arrangements to train existing personnel as SSOs through the Coach Aaron Feis Guardian Program. This could have been accomplished by local law enforcement at no cost to the districts or the charter schools, thereby ensuring these schools would be in compliance by the beginning of the school year. The districts' failure to plan caused unnecessary chaos. By way of example, the MSDPSC describes the last-second scramble that commenced only when the MSDPSC asked how the Broward School District intended to bring itself into compliance for the upcoming school year:

The Commission's discussion on this matter resulted in some of these 29 charter schools providing the Commission with contracts showing that they made arrangements for an SSO on their campus. But, again, some of these contracts were not even signed and some of those that were signed had been signed within the preceding two days, meaning they had been signed the same week that school was starting and the Commission was meeting. Further, some of the contracts only indicated that an SSO would be on campus for a period of 13 days; there was nothing in place to ensure that an SSO would be present on campus for the remaining 150 plus days of the school year.

The law mandating at least one SSO in every school took effect in March of 2018, and it was further clarified to specifically apply to charter schools in early 2019. There is no conceivable set of circumstances whereby any public school in the State of Florida—charter or otherwise—should be unprepared to comply with it by the beginning of the 2019-20 school year. This Grand Jury is a diverse body composed of members from all walks of life, but not one of us can fathom how school districts with tens of thousands of employees cannot find a way to plan for at least one SSO on every school campus over six months after the second law requiring them has taken effect.

Furthermore, many of the last second "plans" submitted by the districts appear to be temporary fixes held together with nothing more than chewing gum, duct tape and hope. They have arranged for the legal bare minimum, but any minor change in circumstances could easily cause them to fall into noncompliance. What if one of the SSOs calls in sick or goes on vacation? What if one of the designated law enforcement officers is tasked to respond to an off-campus emergency or is called to a court hearing? There is no explanation of what will happen when those circumstances arise. If this is what the districts are offering now, under the scrutiny of the

MSDPSC and this Grand Jury, how much effort at compliance can we reasonably expect once these bodies disband, as they must eventually do?

While the blame for these failures to plan does land squarely upon the shoulders of the charter schools and the districts, we do sympathize with them in the area of security funding. Our understanding is that because of their small student bodies, many charter schools and even some district-run schools in smaller jurisdictions receive only the state minimum of \$11,000.00 for security funding, which is not even close to enough to reasonably cover the cost of the single SSO required by state law. We believe the legislature should set up a grant program so that any public schools lacking sufficient resources to comply with the security requirements of Senate Bills 7026 and 7030 may apply for and receive funding sufficient to discharge their legal obligations.

One remaining area this Grand Jury invites the legislature to address is the question of school district law enforcement jurisdiction in charter schools. Because most charter schools operate on property not owned by the school districts, law enforcement agencies for those school districts do not currently have jurisdiction on these campuses. This needs to be addressed. As we noted at the top of this section: *Charter schools are public schools*. They use taxpayer funds. They are overseen by the school districts. This means that school district law enforcement entities should have jurisdiction to enter charter campuses as needed to discharge their duties. Charter schools that take issue with the presence of school district law enforcement on their campuses always have the option of not taking state money and simply becoming private schools.

Recommendations

1. The legislature should require the school districts to sign off on complete safety plans for all public schools that include full-year contracts with all SSO personnel necessary to comply with Senate Bills 7026 & 7030, including contingency plans for any necessary backup personnel during times where primary personnel are unavailable.
2. Safety plans should be submitted by charter schools as part of the initial charter school application process and updated as part of the charter schools' renewal process.
3. The legislature should spearhead a grant process that will provide supplemental security resources for public schools, charter or otherwise, that find themselves unable to comply with Senate Bills 7026 & 7030 due to their lower enrollment.
4. The legislature should clarify existing law to expand the jurisdiction of school district law enforcement agencies to include all public school property, including charter school campuses.

COACH AARON FEIS GUARDIAN PROGRAM

Over the course of its tenure, this Grand Jury has taken a great deal of evidence regarding the Coach Aaron Feis Guardian Program (hereinafter the “Guardian Program”) laid out in Senate Bills 7026 & 7030. We believe that this program, which is often described by detractors and the uninformed as an effort to simply “arm the teachers”, is widely misunderstood by the general public, law enforcement and school officials alike. For its part, this Grand Jury, which consists of individuals of different political persuasions and diverse backgrounds, completely supports the Guardian Program. We believe the legislature has set in place a thorough vetting process for potential guardians and adopted a rigorous, ongoing training process that insures high safety standards. While no program of this kind is foolproof, we are satisfied that the potential life-saving benefits of the Guardian Program greatly outweigh the risks.

Unfortunately, it is clear to us that this misleading “arm the teachers” narrative has negatively affected support and implementation of the Guardian Program. School officials have proudly testified to this Grand Jury that they have chosen not to offer or recommend guardian training to their employees because they have addressed their compliance requirement by having *one* sworn law enforcement officer in every school. We believe this posture of minimal compliance not only creates issues when unforeseen circumstances arise—such as when a law enforcement officer is out sick or has been tasked to respond to an off-campus emergency—it also vitiates the spirit of the Guardian Program, which is not just to save districts money staffing their security details with non-law enforcement officers, but to act as a force multiplier in crisis scenarios.

We can understand why the MSDPSC and legislature chose “one” as its minimum standard. It is an easy number for school districts to understand and comply with. But in our view, “one” simply does not adequately account for multitude of campus sizes and the varying compositions of student bodies in the State of Florida. As we have seen time and again, a determined active shooter can injure or kill a large number of people in a matter of minutes or even seconds. These incidents tend to end quickly. On many larger campuses around the state, even when the system works, it may be impractical to expect a single SSO to timely respond to one of these incidents.

Another area where we wish to add our own voice to the MSDPSC’s recommendations has to do with the vetting of potential guardians. Recommendation #4 reads as follows:

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

In addition, Recommendation #5 states that:

Current Florida law requires that psychological evaluations of guardians be conducted by “FDLE-designated” professionals. FDLE [Florida Department of Law Enforcement] does not and has never designated anyone to perform these evaluations, and this requirement should be deleted from the statute.

We believe the “licensed professional” conducting these psychological examinations should be a third party with no fiduciary ties with either the school districts or local law enforcement.

Furthermore, we have heard testimony that school district designees have been allowed to participate in and even graduate from the sheriff-administered SSO programs, only to later be told they cannot actually perform the duties of an SSO due to defects in their backgrounds, psychological evaluations or due to their failure in some other aspect of the vetting process. Not only does this waste taxpayer resources, it compromises the plans of school officials who believe they are making sufficient efforts towards compliance only to later find out that their intended designees are not eligible to serve. Administering SSO training to persons who cannot possibly ever serve as SSOs is a completely avoidable waste of resources.

Recommendations

1. We recommend the FDOE develop a formal education program for school districts, law enforcement and the general public on exactly what the Guardian Program entails, as well as what is required and expected of Guardian Program graduates.
2. The legislature should task the FDOE’s Office of Safe Schools with creating a SSO formula that accounts for the size of a school’s campus, its location and the composition of its student body in arriving at a minimum SSO requirement. Campuses with larger student bodies, older students, more acreage and a greater number of SESIR incidents should be required to provide more security.
3. Psychological examinations of potential SSO trainees should be conducted by third parties without fiduciary relationships to school districts or other stakeholders in the staffing of SSO programs.

4. The legislature should amend the law to clarify that, absent some special dispensation, a person may only participate in sheriff-administered SSO training after he or she has successfully completed the vetting process.

SESIR REPORTING

In Chapter 9 of the Second MSDPSC Report, the commission addresses widespread errors in the reporting of disciplinary incidents to the FDOE pursuant to Florida's SESIR tool, concluding that:

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

While we agree that all those factors play some role in SESIR reporting errors, there is substantial evidence of an additional major factor that the MSDPSC did not address: School Districts are intentionally not reporting SESIR incidents. One does not have to be overly astute to see how the incentives are aligned for school officials to underreport. After all, the SESIR data is public, and the people ultimately in charge of the school districts directly benefit from maintaining—if not improving—an impression of safety and order in their school districts. One would expect the public nature of this data would incentivize those in charge of the school districts to adopt innovative disciplinary measures to reduce the number of SESIR incidents in their schools. Instead, it appears that they have merely become experts at data manipulation, which is happening on the ground in the schools, and at the district level.

For an example of data manipulation at the school level, one needs look no further than the Broward Teacher's Union School Safety and Discipline Survey of 2019, where a number of teachers describe reporting SESIR-eligible incidents perpetrated by students in their classrooms to administrators, only to later have those same students returned to their classes without being disciplined at all, or in some cases, after some sort of "conference". Even more troubling are the instances where teachers claim to have referred students for discipline, only to be told by administrators to modify their own conduct to curtail the student's behavior, or worse, to be told that the perpetrator cannot be disciplined because of a disability, and thus, is allowed to remain in

class without consequence and continue disrupting the learning environment of the other students.¹ Administrators may be concerned about the future consequences of reporting criminal behavior for delinquent students, but this Grand Jury is more concerned about the safety and quality of education provided to the vast majority of other students who are not engaged in criminal or disruptive conduct. Because of their nature, hard statistical evidence of unreported SESIR incidents will not generally exist, but it strains credulity to imagine a scenario where a student was not disciplined or an incident of SESIR-eligible behavior was waved away with a “conference”, but the incident was still reported to the FDOE.

Data manipulation can also occur at the district level. A recent example comes to us from the Miami-Dade School District. In the 2014-15 school year, more than 5,000 fights were reported in Miami-Dade schools, but by the 2015-16 school year, that number went down to 311. What innovative program did the district adopt to resolve this issue? Counseling? Group therapy? Improved disciplinary measures for students involved in physical altercations? No. The district instead chose to modify its own interpretation of what kinds of physical altercations qualified as “fighting” for the purposes of SESIR reporting, which reads as follows:

(mutual combat, mutual altercation) When two or more persons mutually participate in use of force or physical violence that requires either 1) physical restraint or 2) results in injury requiring first aid or medical attention. (Do not report to SESIR lower level fights such as pushing, shoving, or altercations that stop upon verbal command. Use local codes.)

The district, faced with an unflatteringly high number of fights in 2014-15, bifurcated the 2015-16 fights into two categories: “major” fights and “minor” fights, and then simply stopped reporting the latter as SESIR incidents altogether, resulting in a dramatic drop. This example underscores the fact that the institutional incentives to find every way possible to underreport and manipulate this data appear to be irresistible.

With that in mind, we caution school officials and remind law enforcement that attempts by anyone to obstruct the reporting of criminal activity—done with the intent to impair a current or even an imminent law enforcement investigation—is a crime and should be treated as such. This Grand Jury will not hesitate to indict school officials for evidence tampering or obstruction

¹ According to the First MSDPSC Report, at least one student recalled being told to “Google ‘autism’” when that student reported Nikolas Cruz’ disruptive and delinquent conduct to a school administrator in the months leading up to February 14, 2018. The survey data suggests that citing a disability is a common method used by administrators to avoid applying the Broward School District’s Discipline Matrix to certain students.

based on their efforts to quash law enforcement investigations of SESIR incidents if sufficient evidence of this conduct is placed before us.

Recommendations

1. All SESIR incidents that have analogs in Florida’s criminal code should be rewritten to contain elements that match the definitions of their corresponding crimes.
2. SESIR incidents that have analogs in Florida’s Criminal Code are crimes. Therefore they should be treated like crimes and reported to law enforcement. School districts should not ever be in a position to tinker with phrases like “may” and “expected to” and “may not need” when it comes to informing law enforcement agencies of criminal activity.
3. Reporting SESIR incidents to the FDOE should happen in real-time electronic form, not three times per year, as it currently does. This, too, will require resources to build infrastructure, but it will greatly enhance the transparency of the reporting process.
4. If teachers, students or parents are concerned about SESIR noncompliance, there should be a mechanism for informing the FDOE of SESIR incidents they believe to have gone unreported, and the FDOE should have the investigative resources to follow up on these reports. The reporting format, whether it be an app, an anonymous tipline or text line, along with whatever whistleblower protections may be appropriate for school district employees who inform the FDOE of underreporting, are items that should be considered by the legislature.
5. We would underscore the specific language changes proposed by the Second MSDPSC Report as to what constitutes a SESIR-eligible incident with the general principle that school districts should never be in a position to interpret vague language in SESIR definitions on their own. That said, the FDOE will likely have to make itself available, either via hotline or some other prompt means, to answer any remaining interpretational issues faced by the school districts.

THE SECOND MSDPSC REPORT

As we mentioned at the top of this Second Interim Report, we wish to offer our support—where appropriate—to the Second MSDPSC Report, which was made public on November 1, 2019. Each chapter of this report contains findings and specific recommendations for legislative action aimed at improving the safety of students, teachers, and administrators in schools throughout the State of Florida. Because this Grand Jury’s mission dovetails with that body, much of the evidence we have received has bearing on the MSDPSC’s recommendations, and while we

agree wholeheartedly with most of the recommendations in the Second MSDPSC Report, there are a number of areas—in addition to the larger themes we discussed above—where we wish to augment that body’s conclusions and recommendations with our own findings.

We did not address every chapter of the MSDPSC’s Second Report by design, but our silence on these chapters does not indicate our disagreement with them or lack of support for the MSDPSC’s mission or its recommendations. In some cases, we did not address a given issue simply because we had nothing of substance to add; and in other cases, it is our intention to address the issues in a more comprehensive fashion later in our term.

CHAPTER 5: ACTIVE ASSAILANT POLICIES AND PROCEDURES

We generally agree with the MSDPSC’s recommendations as to this chapter, but we write to emphasize the importance of MSDPSC’s Recommendation #9, which reads as follows:

The timeliest way to communicate an on-campus emergency is direct reporting from a school staff member to everyone on campus and the 911 center simultaneously.

Even halfway through our tenure, we have heard a great deal of testimony regarding the reticence of teachers, students and other school employees to report everything from simple incidents of delinquency to dangerous criminal conduct, either because of fear of reprisal, discouragement from school administrators, or because of a simple lack of knowledge as to the reporting requirements and procedures. While the testimony of the school employees in the First MSDPSC Report certainly shows this to be a significant problem in Broward County, we have heard evidence indicating there is a much larger problem throughout the state.

Our recommendation to educators and law enforcement in this regard is simple: If you see something, say something. Teachers, students, parents and other school officials should be encouraged to report disciplinary incidents and potential crimes alike without any fear of reprisal, and—should they deem it necessary—contact law enforcement directly with respect to such crimes. School administrators should never serve as a buffer between any crime reporter and law enforcement. To law enforcement, we stress again that this kind of obstructive conduct, done with the intent to impair a current or even an imminent law enforcement investigation, is a crime and should be treated as such.

CHAPTER 7: FLORIDA SAFE SCHOOLS ASSESSMENT AND SCHOOL HARDENING

We generally agree with the MSDPSC's recommendations as to this chapter, but we write to supplement its findings and recommendations with our own in the following area.

The MSDPSC reports that a School Hardening and Harm Mitigation Workgroup (SHHMW) has been convened and is expected to report its findings by August 1, 2020. We support the work of that group, and we suggest that in addition to what would ordinarily be considered "school hardening" initiatives, the SHHMW address awareness-based educational initiatives for students, teachers, parents and school officials. As the First MSDPSC report makes starkly clear, many of Nikolas Cruz's fellow students and teachers knew he had serious behavioral problems and an abiding interest in firearms, and they were not at all surprised he turned out to be the perpetrator of the tragedy at Marjory Stoneman Douglas High School. Those who have personal contact with potential school shooters will always be in the best position to know things about them. As a society, we are more or less aware that fairly consistent behavioral patterns presage these deadly incidents, but coupling our anecdotal knowledge with some form of professionally-vetted instrument—even something as simple as a poster or flyer—may inspire some student, teacher or even a parent with the confidence they need to report a behavior they may otherwise have let go by the wayside.

This awareness-based educational initiative should also extend to address the means of reporting known information. For example, it would be obvious for students and teachers to report suspicious behavior to their administrators. Once again, the First MSDPSC Report is replete with incidents where Nikolas Cruz came into contact with school officials who administered varying degrees of discipline, or none at all, based on the reports of fellow teachers and students. Potential reporters, however, may not be aware of initiatives like the Fortify Florida App, which provides a means to bypass school administrators and report suspicious behavior directly to law enforcement. The app itself is well-intentioned, but it can only be useful if people know it exists and know when to use it.

We believe an awareness-based educational initiative is among the highest cost/benefit solutions for preventing future mass shooting incidents. There is simply no substitute for human intelligence. The SHHMW should carefully consider rendering the available psychological research and reporting mechanisms into informational tools that are easy for students, parents and

teachers to understand, and ensure these tools are properly disseminated. The SHHMW should also consider what to require of school districts in terms of properly displaying and distributing these informational tools, and it should require school districts to publicize reporting instruments like the Fortify Florida App where appropriate.

CHAPTER 8: BEHAVIORAL THREAT ASSESSMENTS

We fully support the recommendations of the MSDPSC in this chapter, but we write to add our own suggestions for improving the practical utility of BTA instruments in both the Broward School District and other districts statewide. Many of these improvements focus on improving the awareness of potential reporters as to a student's status as the subject of a BTA. This Grand Jury believes that teachers and administrators should be aware of all pending or prior BTAs involving students in their classes. Many of a student's potentially dangerous behaviors may seem innocuous when isolated, and therefore go unreported by teachers who are unable to contextualize that behavior as part of a larger, more troubling pattern. We have heard extensive evidence of how minor behaviors can provide clues as to future, major problems from students, but if teachers or administrators do not report these minor behaviors, either because they are not aware of other similar behaviors, or worse, because school officials have somehow discouraged reporting by not properly acting on information provided to them, that context will be missing, undermining the purpose of the BTA instrument.

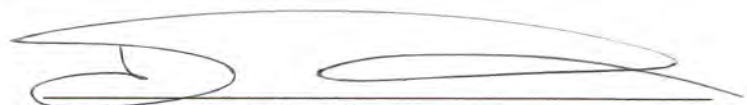
As the Second MSDPSC Report makes clear, the Broward School District has made significant strides to improve its BTA instruments since February 14, 2018. This is unsurprising, considering Nikolas Cruz's own BTA appears to have been grossly mishandled by school administrators just sixteen months before he shot seventeen people to death on the very same campus that had identified him as a "Level 2 Threat". The lack of urgency in completing Cruz's BTA does bring up another issue that the MSDPSC does not address: the overall timing of the administration of BTA instruments. We recommend that timeframes be adopted for every step in the BTA process. All of the notification and data collection procedures and safeguards anyone can think of are useless if the BTA simply remains unfinished, either for want of spare time or lack of administrative will. To be effective, the instrument must be completed and updated within certain, defined periods after the incident giving rise to the need for the BTA occurred.

As we noted above, this Grand Jury agrees with all the MSDPSC's current recommendations regarding the improvement of BTAs. Overall, however, we are concerned about the integrity of the process if it remains solely in the hands of the school districts. We simply cannot escape the conclusion that the entire BTA process could be dramatically improved if—like FSSAT and SESIR—the requirements for BTAs were mandated statewide by the legislature and compliance was monitored and enforced by the FDOE. We do recognize that an electronic, form-based, standardized system synthesizing what the MSDPSC refers to as the “the information-rich local databases” would require a significant resource investment, but it would be vastly superior to the district-by-district hodgepodge that exists now. This system of reporting would be much more easily subject to audit and review; parties-in-interest could be notified pursuant to existing law; and the FDOE—sufficiently empowered—could administer appropriate consequences to schools who failed to perform as required. Senate Bill 7030 required the Office of Safe Schools to establish a Threat Assessment Database Workgroup, which is due to provide a report to the legislature by December 31, 2019. It is clear to us that were such a database to be put in place, it would be preferable to any local system. But once again, this solution will require resources, legislative will and good stewardship at both the local and state level to be effective.

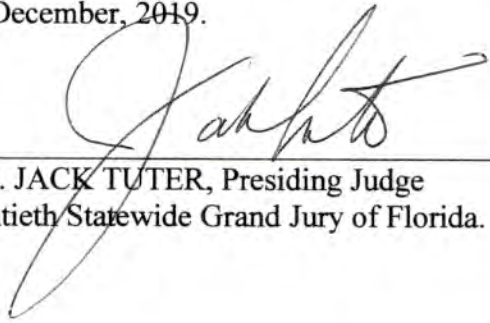
CONCLUSION

This Second Interim Report addresses only a small sample of the broader issues about which this Grand Jury has taken evidence. As we noted above, there are a number of items we did not discuss in this report specifically because it is our intention to develop further evidence before addressing them later in a more comprehensive fashion. That said, we will continue to discharge our responsibility for the remainder of our tenure, but this Second Interim Report constitutes our effort to provide our findings to the legislature for its consideration ahead of its next term.

Respectfully submitted to the Honorable Jack Tuter, Presiding Judge, this 11 day of December, 2019.

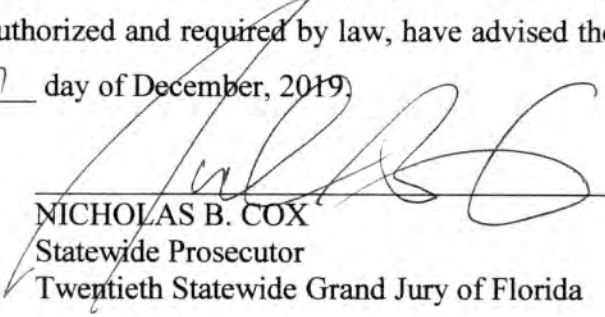

Foreperson, Juror # 7,
Twentieth Statewide Grand Jury of Florida.

THE FOREGOING Second Interim Report of the Twentieth Statewide Grand Jury was returned to me in open court this 11 day of December, 2019.

A handwritten signature in black ink, appearing to read "Jack Tutter", is written over a horizontal line.

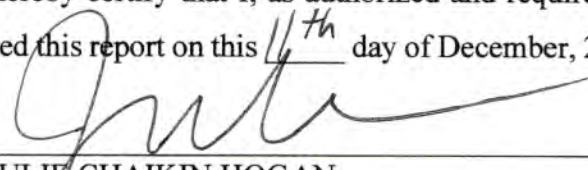
HON. JACK TUTTER, Presiding Judge
Twentieth Statewide Grand Jury of Florida.

I, Nicholas B. Cox, Statewide Prosecutor and Legal Advisor, Twentieth Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this report on this 17 day of December, 2019.




NICHOLAS B. COX
Statewide Prosecutor
Twentieth Statewide Grand Jury of Florida

I, Julie Chaikin Hogan, Deputy Statewide Prosecutor and Assistant Legal Advisor, Twentieth Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this report on this 14th day of December, 2019.



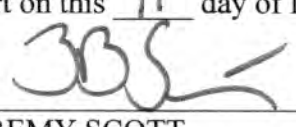
JULIE CHAIKIN HOGAN
Deputy Statewide Prosecutor
Twentieth Statewide Grand Jury of Florida

I, Joseph Spataro, Deputy Chief Assistant Statewide Prosecutor and Assistant Legal Advisor, Twentieth Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this report on this 11 day of December, 2019.



JOSEPH SPATARO
Deputy Chief Assistant Statewide Prosecutor
Twentieth Statewide Grand Jury of Florida

I, Jeremy B. Scott, Assistant Statewide Prosecutor and Assistant Legal Advisor, Twentieth Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this report on this 11 day of December, 2019.



JEREMY SCOTT
Assistant Statewide Prosecutor
Twentieth Statewide Grand Jury of Florida