APPEARANCES

FOR SCOTT ISRAEL:

BENEDICT P. KUEHNE, ESQUIRE
Law Office of Kuehne Davis Law
Miami Tower, Suite 3550
100 S.E. 2nd Street
Miami, Florida 33131-2154
Telephone: (305) 789-5989
Email: ben.kuehne@kuehnelaw.com

STUART KAPLAN, ESQUIRE
Kaplan & Parker, LLP
3399 PGA Boulevard, Suite 150
Palm Beach Gardens, Florida 33410
Telephone: (561) 296-7900
Email: skaplanparkerlaw.com

FOR GOVERNOR RON DESANTIS:

NICHOLAS PRIMROSE, ESQUIRE
JOHN MACIVER, ESQUIRE
Deputy General Counsel at Executive Office
of Governor Ron DeSantis
The Capitol
Tallahassee, Florida 32399
Telephone: (904) 252-2370
Email: nicholas.primrose@eog.myflorida.com
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SPECIAL MASTER: Mr. Primrose, are you ready? Let's reconvene.

CONTINUED CROSS-EXAMINATION

BY MR. PRIMROSE:

Q I want to move passed the Fort Lauderdale Airport shooting and the reports that happened afterwards and fast forward to the Marjory Stoneman Douglas tragedy.

A Yes, sir.

Q You are aware, you've already testified that an independent commission, the Marjory Stoneman Douglas Public Safety Commission, investigated numerous aspects of the event itself, things that happened prior to the event and a wide range of issues.

A Yes, I did. Yes.

Q And that was a commission that was something that the legislature passed and Governor Scott signed into law, the creation of this commission?

A Yes.

Q And the Commission is made up of folks from all aspects of life?
A Right.
Q It's made up of law enforcement, right?
A Yes.
Q It's made up of school district staff?
A Yes.
Q It's made up of mental health personnel?
A Yes.
Q It's -- by my account, it's actually a bipartisan commission, right?
A I don't know that to be true or untrue.
Q Well, you know that there are at least certain sheriffs on there that are registered republicans?
A I do.
Q And there happens to be a state senator on there that's a democrat?
A That's correct.
Q It's not this is a partisan made up commission; it includes folks from both sides of the aisle?
A To be honest with you, sir, I never really concerned myself with commissions, whether they're Republican or Democrat. I just believe on the people on the amendment. It's doesn't concern me how these commissions are made up.
Q But the reason why it's important though is because you would agree with me the commission as a whole does not have a vendetta against you?

A Well, there were some members of the Commission that -- I disagree with your statement.

Q But the Commission as a whole was not --

A I disagree with your statement. You're not going to change my mind. There were people on there that do have a vendetta, do blame me. There were parents on the Commission, and I'm not going to change my answer.

Q Okay. We -- you don't think, and maybe you do, but you don't think that the Commission is beholden to any special interest group; do you?

A What's the question? I know you're saying what I don't think. What's the question?

Q Do you think that the Marjory Stoneman Douglas High School Public Safety Commission is beholden to any outside special interest group; yes or no?

A It's not a yes or no question. A commission isn't a person. You can't -- I don't know what the Commission is beholden to. That Commission is made of 19 or 20 people. I don't know who they're beholden or they're not. That's a very unfair
question. I don't know how I answer.

Q You don't think the Commission as a whole when they issued their first report on January 2, 2019 was writing their report with a specific political party in mind; do you?

A I don't think that, no.

Q You don't think that the Commission was tailoring their findings based on which Governor might be in office when they issued their final report?

A Again, I'm really not trying to be argumentative, but you're telling me what I don't think instead of asking me a question and letting me answer it. You're already telling me what I don't think. It's not fair.

Q Okay. Do you think that the Marjory Stoneman Douglas High School Public Safety Commission drafted their report on January 2nd, 2019 for a specific Governor that would be in office?

A I don't think that.

Q Okay. Do you think that the Marjory Stoneman Douglas Public Safety Commission wrote their report to appease a certain Governor?

A I don't think that.

Q And correct me if I'm wrong, but --

A I think a certain Governor would have
looked at it differently.

Q Completely understandable that you think that, but do you agree with me that the Public Safety Commission was doing a job to try to make school safer for our students and our teachers?

A Yes.

Q That was their mission?

A Yes.

Q Okay. And I want to turn your attention -- and I'll put it on the screen -- to Governor's Exhibit F, the January 2nd, 2019 Marjory Stoneman Douglas Public Safety Commission initial report.

I want to turn your attention to the preface. I've highlighted for you --

A Could you just, sir, make it a little bigger, please?

Q That's about as big I can make it without it being cut off.

A Special Master, can I get closer to read it, please?

SPECIAL MASTER: Yes, whatever you need to do in order to answer Mr. Primrose's questions.

BY MR. PRIMROSE

Q That's as big as I can make it.

A That's good, sir.
Okay. The Marjory Stoneman Douglas Public Safety Commission wrote in their preface that not all school security changes or enhancement have costs and only some require the will of the decision makers to effect change and hold people responsible for implementing best practices.

You see that as the first highlighted sentence, right?

I do.

And at least the members of the Commission wrote that accountability is paramount for effective change if we expect a different result in the future.

Do you see that?

Yes.

And then the start of the next paragraph the Commission found it appropriate to write, Accountability starts at the top of every organization. Right?

Yes.

And that all leaders have an obligation to ensure not only the law is followed, but effective policies and best practices are implemented.

Yes.

You think that's a reasonable statement, right?
I do.

Q It's reasonable that you would hold the top of an organization accountable?
A Yes.

Q Okay. And Mr. Israel, I'm not going to go page by page on this report with you, but you've read the report, right?
A Yes.

Q Very extensive?
A Yes.

Q Covers a lot of areas?
A Yes.

Q Areas unrelated to law enforcement?
A Yes.

Q Goes into mental health, goes into school hardening measures that would be applicable to the school district, not a law enforcement agency, right?
A Yes.

Q They offer a lot of suggestions?
A Yes, a lot of suggestions.

Q And that was partially what they were created to do is was find the facts, come up with suggestions and then let the lawmakers decide which ones they wanted to enact, right?
A Correct.
Q And I believe you said that when you found out that this commission was going to happen, you told Sheriff Gualtieri that you would be fully -- you would fully participate?

A Corroborate.

Q Corroborate with them?

A Yes, I did.

Q Give them any materials that they needed because you wanted them to have everything, the full wealth of information?

A Yes, and I believe if Sheriff Gualtieri were here today, he would tell you we did just that.

Q Now, before we go into some of the specific recommendations or observations made by the Commission, you were asked on direct examination by your attorney about the two, what have now been highlighted, incidents where Broward Sheriff's Office had interactions or at least information about the shooter prior to the events. Do you remember those questions?

A Yes. Yes.

Q And those two deputies -- kind of working backwards, those two deputies were ultimately part of an internal affairs investigation and were determined to be violating some policies and they received
discipline?

A That's correct.

Q Okay. Now, you would agree with me that those two incidents were, in fact, known by the Broward Sheriff's Office prior to February 14, 2018?

A Known by maybe the deputy and a sergeant, but certainly not known by -- I don't even know if the sergeants knew about it. We didn't take action until -- you don't know what you don't know. We didn't find out about these incidents until way after the Stoneman Douglas incident, so we didn't know about it when it was happening or until after it happened.

Q You'd agree with me that all of your deputies are acting under your authority, right?

A All of my deputies are acting under my authority, and I have the responsibility of the entire agency, which is why I adhere to my responsibility and immediately ordered up an internal affairs investigation on those two deputies when I found out that there might have been an allegation that they didn't do those reports.

My accountability and responsibility starts with making corrections, changing things once you find out about things. So sure, I was responsible for and I lived up to my responsibility by ordering
internal affairs investigations.

Q Okay. The first incident that was brought up occurred in February of 2016, right, that was the interaction or at least the information that was known to Deputy Eason?

A I don't remember the date.

Q If I told you that it happened -- it was February 2016 --

A I would believe you.

Q Okay. So Deputy Eason had information in February of 2016 related to who eventually became the shooter of Marjory Stoneman Douglas?

A Yes.

Q And the information that was relayed to Deputy Eason, the deputy acting under your authority, was there is a social media picture of the gunman, the shooter with a gun in a caption somewhat related to shooting the school when he turns 18 and is going to get that gun, right?

A Yes.

Q You testified that you did not know about that information being known to your deputy until after February 14th, 2018?

A I did testify to that.

Q But school safety was really important to
you, right?

A    Right.

Q    You said on direct examination when you took office you wanted all of your deputies to know and you wanted the community to know that I'm a dad, I've got kids in school, school safety is a top priority of my agency, right?

A    Right.

Q    But you're telling us that you had no policy in your agency in February of 2016 that if there was information known to one of your deputies that had anything to do with shooting a school in Broward County that it needed to come to you as the sheriff to figure out what to do with that information?

A    I know you said -- what's the question?

Q    The question is if school safety was so important to you, why did you not have a policy in February of 2016 that if any of your deputies had credible information regarding shooting a school that it didn't automatically get sent to the top to you to figure out what we're going to do with that information? You didn't have that policy?

A    There was a policy in place, still is in place, that deputies are supposed to do complete
comprehensive reports. The reports get filtered to their sergeant, and the reports would go as far up the chain as the leader feels they need to go. You're not going to bring everything to a sheriff. I mean, it's really a bizarre question to even think that a deputy's report would go to a sheriff without going through their chain of command.

Q Is it really that ridiculous of a policy if it has to do with something that you've testified was so important to your agency, school safety and protecting our schools is so important that you would want to know if there was a threat of a school shooting?

A Of course, you would want to know if there was a threat of a school shooting and I believe that -- you know, we've had one school shooting in Broward County. I believe in the entire State of Florida. And I believe that if it was information -- we've had information of gun on campuses. We've arrested people for bringing guns on campus. And I've known about everyone of those incidents. The deputy didn't complete a report and it wasn't forwarded. I think it was an Instagram type thing that went on and it wasn't documented and he was disciplined accordingly.

Q But again, to go back to my question, is
this, I understand that you had a policy about
deputies will create incident reports, the incidents
reports will be reviewed by the superior of the deputy
and then they determine how far up the chain of
command it goes. But with something so tragic as a
school shooting, there was no policy that if the
threat is a school shooting event, it has to be
documented and immediately sent to the sheriff, to
you. There was no policy?

A There was a policy that all reports would
be documented, police would do reports and if the
reports were necessary, they would get forwarded up.
The fact that, you know, Marjory Stoneman Douglas --
and I've been empirically clear with this, if -- and I
hate if questions -- but if I was advised in February
of 2016 of this report, there would have been no
arrested made. There would have been no prevention of
any crime. There was no crime committed. There was
no gun seen. There was no red flag or risk protection
orders in effect, and it would not have changed
anything, Mr. Primrose. It would not have changed
anything.

Q Okay. The second event that was discussed
was what had happened in November of 2017?

A Yes.
Q And that was where there was a phone call that a family member, a very close adult to the shooter was concerned that the shooter had guns, wanted to kill people, and I believe the Commission, again, this is coming from the Commission's report, something along the lines of this person might be the next Columbine, right?

A Right.

Q Those are some very serious threats that were known to a BSO deputy in November of 2017, right?

A Right.

Q And again, no policy in place in now November of 2017 that if a deputy gets information that the next Columbine might happen, that information needs to go straight to the top for the sheriff to figure out what we should do with it?

A We had appropriate policies in place to deal with any type of report that came our way. If there was something that needed my attention or I needed to be advised of, every policy we had in place would have directed that to me. Even though the November report, it would not have changed anything. Again, there were no crimes committed, and there was nothing that could have been done to arrest this person.
Q On that note about no crimes committed, you still could have followed up with the information, right? Your deputy could have followed up in November of 2017 when they got a call that the next Columbine might happen?

A I believe the call came in from another state and the subject was in Palm Beach County. So I don't know. Followed up on -- you know, reports like this come in 1,000 times a day allover our country. These are -- when detectives or police officers feel there are viable threats, now with risk protection and red flags, which I've always reported, which I've always wanted, now we have a little more teeth in the law. We're able to do more things. But the deputies did not document. They didn't do the documentation they should have. But every other policy was in place, that if it needed my attention, I would have known about it. We could have taken appropriate action.

Q So I want to go back to this because you keep mentioning the thousands of calls everyday across the nation. I think you said thousands of calls come into Broward Sheriff's on a daily basis?

A Hundreds of thousands.

Q Hundreds of thousands. There's not
hundreds of thousands to BSO about school shootings?

A I wouldn't think so, no.

Q Right. And so something so rare as a call of I'm warning you there might be the next Columbine, that is a very, very, very small percentage of calls that Broward Sheriff's Office would get in an entire year, right?

A Yes.

Q And so again, maybe you couldn't have arrested the person, but your deputy knew maybe where he was, might be in Palm Beach County, right?

A Right.

Q Deputy -- I believe this was Deputy Treijs -- didn't call Palm Beach County PD to say I just got this call, it's sending an alarm in my brain, we got to go find this person, right?

A He violated the policy. And if there was a policy in place for it to go to the sheriff, he still would have violated the policy. So if anybody's going to violate a policy, they're going to violate a policy. The policies were appropriate. They were effective. And any information I needed to know about the policies existed yesterday and today to make me aware of them, so we could have acted accordingly.

There was nothing wrong with the policies that
Q Again, you keep saying there was nothing we could have done even with this information, we couldn't arrest the person, we didn't have the laws that we do have now and so nothing would have --

A Nothing would have changed. And that's not only me that keeps saying it, other members of law enforcement and other members of the Marjory Stoneman Commission.

Q But let me ask you this. First of all, this information was known to your deputies who were acting under your control and authority. And if that information was brought to you, you could have --

A I'm not going to answer your supposition questions. If you want to ask me a real question about something that happened, ask me. If it was brought to me about some fictional event -- can you please make it a specific question?

Q Mr. Israel, the thing is you have mechanisms in place as a law enforcement agency to act on information even if a crime has not actually occurred; do you not?

A Yes.

Q Okay. So there are in fact things that could have been done within the realm of a law
enforcement officer with this information that was
known to two deputies in your agency? There are
things that could have been done?

A Such as?

Q Such as going and finding the shooter, you
could have talked to him, you could have posted --

A A shooter.

Q The threat.

A A person put a threat. Where do you come
up with the word shooter? This was two years before
the shooting.

Q The individual who had the deputies --

A You're asking a question based on what you

Q Okay. Let me do it this way. So the
individual who ended up being the shooter was a known
person to BSO. There were multiple interactions with
that individual, right?

A Yes.

Q And that is something, if I remember
correctly, from the Commission report and some of my
other research, if you typed his name into the
computer system of BSO, it's going to list all the
times his name popped up, right?

A Right.
Q So all a deputy has to do when they get a call like in February of -- or excuse me -- February of 2016, you know the information that came in included his name, and the deputy could have looked into the computer and seen how many pings popped up with that individual's name, right?

A Right.

Q And same thing in November of '17, Deputy Treijs, when he got the call, took the information, knew what the individual's name was, because that was told to him, it's this person, he's got guns, he wants to kill people, he's going to be Columbine, Deputy Treijs could have gone into a computer system typed in a name and seen all the interactions that BSO's had with him, right?

A Yes.

Q And so Deputy Treijs could have seen a picture of what the eventual shooter looked like, right?

A Right.

Q And could have at least called Palm Beach County and said this is his name, here's his picture, we need to go find him?

A And that's why he received discipline for not documenting the report. That's exactly my point.
I'm -- I was responsible for his performance or lack of and he was -- I ordered an investigation and the investigation culminated in his discipline.

Q  Okay. And you would agree with me then --
A  You haven't asked a question yet. I don't know if I --

SPECIAL MASTER: Please, let me just ask the witness, if you please let him finish his question.

THE WITNESS: Yes, sir, I apologize.

BY MR. PRIMROSE:

Q  How about this? I'll ask it this way because -- do you agree that at a bare minimum your sheriff's office had information prior to February 14th, 2018 that an active shooter situation at a school could happen?

A  No.

Q  No?
A  No.

Q  Even knowing now what we know of the interactions your deputies had regarding the shooter?
A  And your question when you asked your question, you said even knowing now. And at that point, no, we didn't know.

Q  So Deputy Eason, nor Deputy Treijs had any
knowledge prior to February 14, 2018 that a school shooting was a possibility?

A You said was about to occur.

Q Was a possibility. Did Deputy Treijs and Deputy Eason know prior to February 14, 2018 that a school shooting in Broward County was a possibility?

A Not to my knowledge, no.

Q To your knowledge?

A Right.

Q Because you didn't know that that information existed to Deputy Eason and Deputy Treijs?

A Correct. You're not going to ask me what they know though, right?

Q Well, you don't know what they know.

A I don't.

Q Right. And you did not stress enough to your deputies if you hear the words school shooting, press an alarm button, make sure I know, we take this seriously, we're going to do something about it?

A It sounds like you're just admonishing me rather than asking a question.

Q That's the question. You didn't train your deputies enough?

A You did it as a statement.

SPECIAL MASTER: Please.
THE WITNESS: I'm sorry.

BY MR. PRIMROSE:

Q You did not train your deputies enough that when those two words, school shooting, are known to them it goes straight to the top, to you as the sheriff; you didn't train them to do that?

A That's such a false statement.

Q You said you had a policy in place. But the question is this, you did not train them that if they get information about a school shooting, it should go immediately to the top, not fill out an incident report that then goes to their supervisor and through a list of commands, it is a dead stop right to top?

A I don't know of any agency in the United States of America who has that protocol in place. Yesterday, today and tomorrow we had the appropriate policies in place, and they were trained to do reports. And if those reports were serious enough, they would have went up the chain of command eventually to me if need be.

Q Okay. I'm going to turn your attention to EOG Exhibit F. This is now still the Public Safety Commission Report. We'll go to Chapter 4 which discusses the school resource officer. 358.
I'm not going to ask you direct quotes from there just yet. But again, you read this report, right?

A Which report is this?

Q The Marjory Stoneman Douglas Public Safety Commission?

A Yes.

Q I guess I didn't ask you this at the outset. Do you take some exception with their findings?

A We'd have to go through. I can't recall every finding they made.

Q You don't remember if when you read this you said, I disagree with that, that's not true?

A I don't remember.

Q Okay. On EOG Bates stamp 00357, I've highlighted this for you, and I'll make it bigger.

A I do remember one thing. If you want me to --

Q Please, go ahead.

A I remember one part of the report that they said that I believe it was two deputies -- I'm not sure, but I believe it was two, that two deputies were asked about the training that we provided and they said the two deputies answered that they didn't
remember the training. And these actually happen to
be two deputies who eventually didn't go in; although,
they couldn't have done anything. The shooting was
already over, and I think the killer had left the
building. But they didn't know that. And I think
they were criticized for what they did or what they
didn't do. And the Commission said that they didn't
remember the training.

The part that I disagreed with was why we
weren't -- we had deputies in here yesterday
testifying who did remember the training. And if
you're going to ask two deputies who didn't go in
about the training, why wouldn't you ask 100 or 300 of
the deputies if they remembered the training. The
professional industry standard training we did
provide. So I remember that part.

Q Okay. What I've got on the screen, the
part that says Deputy Peterson was not wearing his
ballistic vest. You agree with that? I think you
discussed that on direct examination. And that he
also had his handgun, but didn't have a readily
accessible rifle. You agree with that finding?

A Yes.

Q I'm not going to go minute by minute
through what they write in their report, but you would
agree that based on all evidence when Deputy Peterson
arrived at Building 12, gunfire was still happening?
A Yes.
Q And you would agree that by the time he
gets to Building 12, Deputy Peterson, the shooter is
still in fact shooting bullets?
A Yes.
Q We know that Deputy Peterson never went
inside the Building 12 while the shooting was still
going on?
A Correct.
Q And we know that the shooter was able to
leave not only Building 12, but the Marjory Stoneman
Douglas campus without Deputy Peterson ever actually
engaging him?
A Yes.
Q Okay. And on February 14, 2017 seventeen
individuals were murdered?
A Yes.
Q And that included many students?
A Yes.
Q And very brave teachers?
A Yes, and a football coach who is a very
special friend of mine.
Q And I can't even count, and I don't think
the Commission did, how many more people were injured as a result of gunfire.

A Yes.

Q Now, you had mentioned in your narrative there about concerns with the report, and I want to draw your attention to it, about the deputies not remembering. The Commission found that some deputies could not remember the last time they attended active shooter training, right, that was what they found?

A Yes.

Q And you say you disagreed with their finding?

A No, I didn't say I disagreed with their findings at all. Please don't put words in my mouth. I never said that.

Q Okay.

A I agree with their findings, and you heard me clearly say that. What I felt that -- where I didn't agree with the fact was I thought that the deputies who stated that they could not even recall the training, I believe were two deputies that never entered into the fray and never went to where they should have gone. What I would have done is I would have asked 20, 30, 40, 100 more deputies throughout the agency if they remembered the industry standard
training that we provided.

MR. PRIMROSE: And for the record, Special
Master, this is Bates stamped 00439.

SPECIAL MASTER: And if you could refer to
it by page number, I have the Commission report
so I'm trying to follow it rather than on the
screen in my report. So if you can refer to
the items that you're highlighting by page
number, that would be --

MR. PRIMROSE: This is page 169 of the
report.

SPECIAL MASTER: Thank you.

BY MR. PRIMROSE:

Q So Mr. Israel, you agree with their
finding that some could not remember and you agree
where it says here some BSO deputies could not even
recall?

A Well, let me clarify that further. I
agree with the report and the findings where deputies
say they could not remember the training. I'm not
necessarily going to agree with the statement that the
deputies made to the Marjory Stoneman Douglas
Commission. That's what I'm trying to say. Curiously
the deputies who couldn't remember the training were
the deputies who couldn't go in. And if you read past
it it says that the training was -- that the -- states
that the deputy said that they may go towards the
shooter.

I have one advantage over you, sir, and I
mean that respectfully, is that I've been a police
officer 40 years and I don't know that there is a day
in my life I haven't been around police officers and I
have never met one, not one, who'd make a decision to
not go in or not go in based on may or shall.
Deputies and police officers will make decisions to go
in based on courage and nothing more, nothing less.

Q I understand that and I can couch all of
these questions in terms of the Commission found and
wrote in their report the following statement. So to
go along further, the Commission found and wrote in
their report that BSO's training was inconsistent at
best and was reflected in their poor response to this
active shooter event. I'm guessing you disagree with
that finding of the Commission?

A I do, sir.

Q Okay. You don't think that the Commission
wrote that sentence just on their own without some
factual basis to come up with that sentence; do you?

A No, I know the quality of the people on
the Commission. I believe the Commission felt that
way. And I've got some experience myself. I come with 40 years of law enforcement experience, and I've been in the fray once or twice myself, and I just disagree with the statement. That's all.

Q Again, I'll couch it in terms of what the Commission wrote and opined. Commission found a significant amount of officers and deputies said that additional training would be beneficial; however, no amount of training could totally prepare you to face such an event.

You would agree at least that the Commission had some factual basis to write that the deputies, presumably deputies of BSO, actually thought that more training would be beneficial to them, even though doesn't matter how much, it wouldn't totally prepare them for it?

A Yes.

Q I'm going to jump down, Special Master. If we go -- this is page 199 of the report, but it's Bates stamped 469.

I'm going to page 201 Bates stamped 471. These are the findings from the Public Safety Commission regarding the active shooter policy. And I'm not going to belabor it with you. We've already done that. But at least the Commission wrote that
Sheriff Israel, you, inserted the word may into the policy and it is insufficient and fails to unequivocally convey the expectation that deputies are expected to immediately enter an active assailant scene when gunfire is active. And then if you go to the next page, neutralizing the threat. The use of the word "may" in BSO policy is inconsistent with current and standard law enforcement practices. That's what they found and wrote.

A   It's totally inaccurate. How could they say it's inconsistent with current standards and practices when hundreds and hundreds, if not, thousands of policies across our nation use the word may? How could they say it's inconsistent?

Q   My question is really limited to what the Commission found.

A   So what's the question, sir?

Q   Well, I think this needs to be kind of parsed out for you. When your attorney was asking you questions on direct examination and you kept saying, well, Governor's office says this, were you apprised that the highlighted parts he was reading from were actually direct quotes from the Marjory Stoneman Douglas Public Safety Commission?

A   Everything he was reading you're saying
was from the Marjory Stoneman Douglas?

Q    Well, when he says the Governor's office
said the use of the word may is inconsistent with
current standard law enforcement practices, it's not
the Governor's office saying that. It's a direct
quote from the Marjory Stoneman Douglas Public Safety
Commission. I'm asking if you understand that when I
say these things, this specific phrase, it's not
Governor saying it. This is an independent commission
that wrote that finding.

MR. KUEHNE: Objection to the form.

Misstates the Governor's bench memorandum.

SPECIAL MASTER: I think the witness can
answer that question, just whether the source
of his knowledge when that is quoted whether
that was from the Executive Office of the
Governor or whether that was from the
Commission report. I think that's the point.

BY MR. PRIMROSE:

Q    That was the point of my question.

A    Answer it? Yes, I did not know you were
quoting from the Commission report unless you told me
you were quoting from them, but it wouldn't change my
answer whether you're quoting from the report. If
something is right, it's right. And if some thing is
inaccurate or I disagree with it, I would say that.

    Q    And you have full right to disagree with
anything that was in the Governor's bench memorandum,
but the point I just wanted to make, so we're all
clear, is there are certain questions that you were
asked that had direct quotes from the Marjory Stoneman
Douglas Public Safety Commission including the one
about the policy being inconsistent was the Commission
saying that and us re quoting it?

    A    I didn't know that, but it wouldn't change
my answer.

    Q    The Commission also recommends that BSO
should revise the policy. And this is on the next
page, Special Master, page 203 or EOG 473.

The Commission recommended that BSO should
increase the frequency of its active assailant
training because of the number of deputies who
couldn't recall the training or the last time they
attended.

    And let me make it a little bit bigger for
you. You see that right there?

    A    Yes.

    Q    And then not specific to BSO, but the
Commission also says all law enforcement agencies must
have proactive active shooter response policy
including an immediate responding to and stopping threat.

A Yes.

Q So the Commission's at least acknowledging, A, BSO needs to increase its frequency; and then B, legislature or CJSTC, you should consider a single officer response that has to do with active assailant training. So again, it's not targeting you. It's a full circle recommendation of how to make things better, right?

A Right.

Q Okay. I want to go back to Deputy Peterson real quick. I think you said on direct examination there is some 2,800 deputies within BSO?

A I think more like 1,800.

Q Okay. 1,800. My apologies.

A And I'm not exactly sure of that number. Please don't hold me to it. I think it's approximate.

Q And safe to say you couldn't identify every single deputy that you appointed or employed in your agency?

A Most of them were -- predated me. I would say that 90, 95% of the deputies were there before I got there.

Q But you knew Deputy Peterson?
A I did.

Q Even before the Marjory Stoneman Douglas event?

A Yes.

Q I think we already went through this, but it's ultimately your decision to allow Deputy Peterson to be an SRO?

A Ultimately it is.

Q And you could have decided maybe he needs to get another assignment?

A There was no intelligence, there was no reason, there was nothing other than Monday morning quarterback and looking at it from now that anybody, any leader, any sheriff, anybody would have removed Deputy Peterson from his post. He was doing a good job. The parents, the teachers, the principals, the students spoke very, very highly of him.

I was a football coach at Stoneman Douglas, so I would see Deputy Peterson often. And the football players would come over and say how good a person he was. There was absolutely no logical, ethical reason to remove him.

Q Again, I wasn't asking if you had any information. Just you could have removed him from that position if you wanted to, you could have
assigned him somewhere else?

  A  Yes.

  Q  You could have demanded that not only
      Deputy Peterson, but all school resource officers have
      more rigorous requirements and trainings?

  A  No. Their training requirements and what
      they did was very, very appropriate, so I wouldn't
      have done that.

  Q  So there was some testimony provided
      regarding some of the training. I want to make sure I
      understand this correctly. SWAT officers in BSO do
      weekly trainings?

  A  Yes.

  Q  It's a team of three and they do like a
      rotating weekly training?

  A  No, the SWAT team has about 42.

  Q  No. I'm sorry. How many SWAT units?

  A  Three.

  Q  Right. So there is three units, there is
      multiple members in the SWAT unit, and they undergo a
      weekly training that rotates?

  A  Yes.

  Q  We heard some testimony that's in the
      record from some of the witnesses that motorcycle
      deputies actually undergo monthly trainings; is that
accurate?

A I'm not sure.

Q If somebody previously testified and it's in the record that as a motorcycle cop their assignment required monthly trainings, would you have a reason to disagree with that?

A No, I would have no reason to disagree.

Q So you could have put an SRO and do a monthly training like a motorcycle cop, right?

A Say that again.

Q You could have required school resource officers to do monthly training similar to motorcycle cops?

A Not really. It wouldn't have been a prudent thing to do because, as we talked about earlier this morning, school resource officers, their primary goal is it to keep the school safe. And I believe that we needed to have a deputy. Unless there was some unforeseen circumstance I wasn't going to take deputies away from schools. They trained on whatever training days they had, they trained in the summer, and they trained as often was necessary.

Q And on direct examination you testified that Deputy Peterson -- I wrote this down had "significant active shooting training." Do you
remember testifying to that?

A    I think so, yes.

Q    Okay. The last time Deputy Peterson underwent the active shooter training provided by BSO was April 19, 2016?

A    Yes, that's correct.

Q    And before that the last time he underwent active shooter training was August 16 of 2012?

A    Correct.

Q    And you say that that is significant active shooter training, two courses in 11 years or 8 years?

A    Well, the last one was at the time of the Marjory Stoneman Douglas massacre. It was -- his training had been two years prior. And also, in fact, I was with Deputy Peterson at the time he was teaching at Stoneman Douglas the teachers, and he taught teachers and staff how to respond to active shooters. So yes, the training that he received was significant. I stand by that, yes.

Q    Let me go to that because the fact that Deputy Peterson was a trainer I think we need to discuss that. Deputy Peterson was not training other deputies or law enforcement officers about how to approach an active shooter situation?
A No.

Q He was in a training called Active Killer Trainer that was specifically for Broward County School District employees?

A That's correct.

Q And my understanding -- tell me if I'm wrong. My understanding is that training was a wholly different objective than what a deputy would get in responding to an active shooter situation?

A Well, the training, of course, was geared towards teacher and school people, so the training was different. But Scott Peterson understood what law enforcement's job was in his training and he would convey what law enforcement was going to be doing so staff would know what they would be doing. He would paint them a picture of what would be going on. There's no exact way. You can't predict what a killer is going to do. But he would let them know what law enforcement's responsibilities were and what they would do. He taught run, fight, hide. I remember teaching that. So it was training that -- if you're training in one area, you could still have a takeaway or learn something that helps you in another area. And that's what he was doing.

Q Right. Deputy Peterson was training to
run or hide if a teacher or school administrator heard gunfire?

A No, that's not what I said. I told you he was teaching teachers to run, hide, fight. He was teaching them that while at the same time we were teaching him, and as he said on his interview on national TV, he knew what to do. He was trained. He just doesn't know why he didn't do what he was supposed to do. And I know you've heard that video before, too.

Q I have and I want to talk about that video if we can.

A Sure.

(Whereupon, audio/video was presented.)

SPECIAL MASTER: Move the microphone down there.

"MR. PETERSON: I never would have sat there and let the kids get slaughtered. Never."

(INAUDIBLE.)

MS. GUTHRIE: You knew there were gunshots.

MR. PETERSON: I thought they were gunshots. I thought they were outside and the first thing I thought was somebody is shooting at us.
MS. GUTHRIE: You had your gun out?

MR. PETERSON: Yes, of course, the whole time.

MS. GUTHRIE: Did it ever occur to you maybe the shots were coming from inside the building?

MR. PETERSON: I remember in my mind thinking of the Las Vegas shooting. I thought to myself there is someone shooting out from the Windows.

MS. GUTHRIE: A complete breakdown in radio communication. Frantic students calling 911 from the classroom are getting routed to the town next door. Not the Broward Sheriff's Office.

So there were students inside building 112 and you called 911 from your cell phone. It went to Coral Springs Department?

MR. PETERSON: That's what I found out at the scene, yes.

MS. GUTHRIE: So you're dispatcher, nobody's giving you any information?

MR. PETERSON: No real-time intelligence whatsoever.

MS. GUTHRIE: About a shooter inside the
building?

MR. PETERSON: Inside the building or in the school.

MS. GUTHRIE: Coral Springs officers come onto the scene. Did any of them tell you, hey, we're here, there is an active shooter inside.

MR. PETERSON: No, not one.

MS. GUTHRIE: Peterson also (inaudible) conflicting reports on his own (inaudible).

MR. PETERSON: The football field is far away. And I remember in my mind going, oh, my God, the shooter is at the football field.

MS. GUTHRIE: If you hear two minutes of gunfire, why wouldn't you have been able to identify where it's coming from?

MR. PETERSON: To me when you're outside there in that building it's a three-story, it's a hurricane proof building. You can't -- it's hard to even hear.

MS. GUTHRIE: Would it have been difficult for the sound to travel outside because of the hurricane proof glass?

MR. PETERSON: Yes, it's a very thick glass. But like I said, those shoots I heard I was like immediately -- I thought they were
outside. I didn't know where they were coming from, if they were coming from the 1200 building.

MS. GUTHRIE: But what about his radio dispatch where he clearly references the 1200 building?

At least three different times you refer to the 1200 building. You say, Shots fired, 1200 building.

MR. PETERSON: It's over by inside the 1200 building.

MS. GUTHRIE: It's by near inside the 1200 building?

MR. PETERSON: Right.

MS. GUTHRIE: Inside the 1200 building?

MR. PETERSON: Because I believed there was a sniper, so in my mind I'm thinking to myself there's possibly maybe somebody up in there shooting out. But I didn't think they were shooting at the kids. I thought they were shooting out at the building.

MS. GUTHRIE: I guess that's the hard part.

MR. PETERSON: Right.

MS. GUTHRIE: If I'm a parent whose child
died in that building, you do think there is a shooter inside, why aren't you going inside?

MR. PETERSON: I didn't know if it was inside. I didn't know if it was outside.

MS. GUTHRIE: Why not check it out?

MR. PETERSON: What I was trained is you contain the area.

MS. GUTHRIE: Released a month later this surveillance video showing Peterson apparently --"

(Whereupon, audio/video ceased.)

BY MR. PRIMROSE:

Q I want to talk about that real quick. Deputy Peterson says, I was trained to contain the area. Do you disagree with that?

A Completely.

Q He later goes on to say in that interview I was trained to get a position of cover and then scan the area. You would disagree with that also?

A In an active shooter situation absolutely I would disagree.

Q But isn't that what Peterson said he believed and remembered his training was?

A Deputy Peterson didn't go in and it had nothing to do with training and it had nothing to do
with policies. Deputy Peterson didn't go in because
he was afraid. You can see the fear even talking
about it on that video. It was nothing but fear. And
you're not going to get any -- I don't believe you get
any member of the Broward Sheriff's Office or anybody
else to say anything other than that. He was afraid
to go in.

Q And so as you sit here today you believe
that Deputy Peterson comments are false and a lie?

A Well, I believe what the woman reporter
said, he should have done something and that's what I
said all along and that's why I suspended him, that's
why I ordered an internal affairs investigation and
the chips would have fallen where they may. He
decided to retire hours after he was advised he was
going to be suspended with pay, and you can't stop a
person from retiring. So I was responsible for his
inactions that day. And as soon as I saw that video,
being a tactical officer myself, I suspended him,
ordered an internal affairs investigation and was
ready to wait for the results and take action.

Q Did I hear you correctly in saying you are
in fact responsible for his actions or inactions that
day?

A I'm responsible for the entire agency.
Every sheriff. I'm responsible for all the actions and inactions of every member of the agency. And as I said, being responsible we're doing things differently now. We've made changes. We've suspended people that needed to be suspended. And being responsible doesn't mean that I'm going to vacate my oath to the people of Broward County to continue to serve them, serve them honestly with honor and fulfill my term.

Q Okay. I want to now turn attention -- you had talked on direct examination about your interview with Jake Tapper. And let me just make sure that I understand exactly why partially why you went on that interview --

A What word did you say?

Q Partially.

That you did that interview because you wanted to instill some sense of -- the community understanding that your agency was ready regardless of what they were hearing in the news about the response to Marjory Stoneman Douglas?

A Correct.

Q Part of your conservator of the peace duty is to install a sense of pride in the agency, build up moral and make sure the community will trust your agency moving forward?
A  Yes.

(whereupon, audio/video was presented.)

"MR. TAPPER: -- office. I'm not making this up.

MR. ISRAEL: No. And that's what -- the officer who handled that is on restrictive duty, and that's an active internal investigation and we are looking into it. I can't tell you -- I can't predict on how an investigation is going -- but I've exercised my due diligence. I've lead this county proudly as I've always have. We have restricted that deputy as we look into it. You know, deputies make mistakes. Police officers make mistakes. We all make mistakes. But it's not the responsibility of the General or the President if you have a deserter. You look into this. We're looking into this aggressively. And we'll take care of it and justice will be served.

MR. TAPPER: Are you really not taking any responsibility for the multiple red flags that were brought to the attention of the Broward's Sheriff's Office about this shooter before the incident whether it was people near him, close
to him, calling the (inaudible)?

MR. ISRAEL: Jake, I can only take responsibility for what I knew about. I exercised my due diligence. I've given amazing leadership to this agency.

MR. TAPPER: Amazing leadership?

MR. ISRAEL: Yes, Jake. There is a lot of things we've done throughout. This is a -- you don't measure a person's leadership by a deputy not going into a -- these deputies received the training they needed.

MR. TAPPER: You measure somebody's leadership by whether or not they protect the community. In this case you've listed 23 incidents before the shooting involving the shooter and still nothing was done to keep guns out of his hands, to make sure that the school was protected, to make sure you were keeping an eye on him. Your deputy failed. I don't understand how you can sit there and claim amazing leadership.

MR. ISRAEL: Jake, on 16 of those cases our deputies did everything right. Our deputies have done amazing things. We've taken this -- in the five years I've been Sheriff
we've taken the Broward Sheriff's Office to a new level. I work with some of the bravest people I've ever met. One person -- at this point one person didn't do what he should have done. It's horrific. The victims here, the families, I pray for them every night. It makes me sick to my stomach that we had a deputy who didn't go in. Because I know if I was there, if I was on that wall, I would have been the first one in."

(Whereupon, audio/video ceased.)

BY MR. PRIMROSE:

Q On direct examination when you were asked about that very clear question, would you do anything differently and you said, I wouldn't have said amazing leadership because it's not just about me. It's about my agency. Right?

A Yes.

Q Any of the other statements that you just heard just now that you would also change?

A Yes, I don't think I conveyed appropriately to the American public about responsibility. Of course, I take responsibility for everything that goes on in the agency. What I was saying when I said I don't take responsibility, what
meant to say, and I didn't do a good job of it, was
I'm responsible for everything. I didn't commit the
overt acts. And I will make sure that anyone who
committed overt acts, committed a crime, did some
things wrong, that I will make sure due diligence is
met.

Q Knowing that at least the evidence shows
right now that from the time Deputy Peterson arrived
at Building 12 and the active shooting was done --
A Could you repeat that please, sir?
Q Sure. We know -- can you hear me okay?
A Yes, sir.
Q We know based on the preliminary evidence
right now what was put in the Marjory Stoneman Douglas
Public Safety Commission that from the time Deputy
Peterson arrived at Building 12 hearing gunfire until
the time that the event finished at least six more
individuals were murdered. Do you take responsibility
for those six more lives that were lost because Deputy
Peterson did not enter the building?
A Are you saying do I take responsibility
for the loss of lives?
Q Yes.
A The loss of lives -- and you could
disagree or agree, but let me make it abundantly
clear, the only person, the only person responsible for the loss of lives is a horrific evil killer that did things through sheer evil. The responsibility to take a human life, only the killer did that.

Q You don't find any responsibility?
A I just answered your question, sir. The killer, an evil killer is responsible for taking lives.

Q Yes or no, you do not believe that Deputy Peterson has any responsibility for the lives that were lost from the time that he entered the building and did not go in until the event finished? It was a yes or no question.
A What's the question?
Q Yes or no, do you believe that Deputy Peterson is responsible for the lives that were lost from the time he got to the building and didn't go inside until the event finished?
A The loss of life was that of the killer, the responsibility for taking lives was that of an evil killer.
Q You don't believe as we sit here today that you failed at all in your statutory obligation to be the conservator of peace for Broward County; do you?
No, I don't. And to refer to the Marjory Stoneman Commission report, the head of that, and I do think the report was excellent and profound, and I guess the chairman of that, Sheriff Gualtieri, would agree with me because Sheriff Gualtieri said on national TV that there was no evidence of any kind that would call for my suspension. And he was the Chairman and he said that, so I would agree with what you're saying.

Q The chairman said it, but you're not sitting here saying that the Commission as a whole doesn't think that some action should be taken against you? You're not saying that; are you? You're saying one member of the Commission?

A I've never seen a report by the Commission -- in the report I don't think --

Q It doesn't say one way or the other. It doesn't say Sheriff Israel should be suspended, and it does not say Sheriff Israel should not be suspended. It's completely silent on the issue.

A So what's your question, sir?

Q Only -- the question is only one person, but the Commission as a whole did not provide an opinion one way or the other as to whether or not you should be suspended from office or removed?
That's true.

Just a moment.

Mr. Israel, I have one more question for you and it's this. Sitting here today reading the reports that you've read, the Public Safety Commission, you do not believe at all that you neglected your duty or were incompetent?

A The answer to that question is not only do I not believe it, I have not met one person other than Governor DeSantis that does believe that. Not one other person I've ever spoken to has said that. Governor Scott didn't feel that way. Never conveyed it to me. The only singular person I ever heard say that is your boss, Governor DeSantis. I've heard no one else say that, sir.

Q Do you know if the mothers and fathers and brother and sisters of the families of the victims that were murdered at the Marjory Stoneman Douglas believe you neglected your duty or were incompetent?

A Those poor people could say whatever they want about me and I'll never hit back. I'm not going to push back on a mom or a dad who lost their child. I can only image the pain and hurt they're going through, and I will never, ever, ever respond to them. They can think whatever they want. I respect them.
Q Even though you've said on the record now
that you are fully responsible for the actions and
response of BSO in both of the events that were
discussed throughout this final hearing?

A One thing has nothing to do with the
other.

MR. PRIMROSE: I have no further
questions.

SPECIAL MASTER: Thank you.

Mr. Kuehne, your witness on redirect.

MR. KUEHNE: Thank you. I would only ask
for a brief personal break so I could use the
facilities.

SPECIAL MASTER: You may. We'll take a
five-minute break. Thank you.

Reconvene at 2:50.

(Whereupon, a recess was taken.)

SPECIAL MASTER: Before we get started,
Mr. Primrose, if I may just ask just for my own
notes. And it may be somewhere. I can't
access it. I'd like to know the dates of those
interviews that you showed with Guthrie and
Tapper, just the dates on which the interviews
were conducted. I don't know that they were in
the record.
MR. PRIMROSE: The Jake Tapper interview was an exhibit in the Governor's -- let me just try to find that real quick. The interview with Jake Tapper is EOG Exhibit S. It's a transcript. The video obviously is just for demonstrative purposes.

The interview with Deputy Peterson I believe it was Israel Exhibit S. Her interview date -- the date of Jake Tapper was February 25th 2018, and that's listed in Exhibit S for us. The interview with Ms. Guthrie I believe that was a late added exhibit. Exhibit Israel Exhibit 27.

SPECIAL MASTER: I don't need to delay things. I just like to have that for my own notes really.

MR. PRIMROSE: They were both listed as exhibits. The videos themselves were for demonstrative purposes only.

SPECIAL MASTER: Thank you.

MR. KUEHNE: I'll look through my materials and get you the date for Exhibit 27, which was that second interview, The Today Show interview.

SPECIAL MASTER: Thank you.
Please proceed, Mr. Kuehne, with redirect examination of this witness.

REDIRECT EXAMINATION

BY MR. KUEHNE:

Q  Thank you, Sheriff. Let my start with the MSD, Marjory Stoneman Douglas Public Safety Commission, area of questions. There are a lot of questions about the Marjory Stoneman Douglas Commission report?

A  Yes.

Q  That was authored and sent to the BSO in an earlier version for input?

A  That's correct.

Q  And did BSO have an opportunity to put its own position into the report to be published?

A  No.

Q  You were given an earlier version, you, BSO, given an earlier version of the report. Was it a few days to look at it and respond?

A  I believe it was a few days.

Q  And did BSO make significant comment on various portions of the report?

A  At that point we didn't have enough time to. And I understand -- certainly understand the timeline that the Commission was under. They were, by
the Governor, they had to have the report in by January 1st of the new year, so I understood the timeline and how voluminous and how hard they had worked. But there really wasn't enough time for us to respond as significantly as we wanted to as comprehensively as we wanted to.

Q The Commission Chair you've mentioned is Bob Gualtieri?
A Yes.

Q The sheriff of what county is it?
A Pinellas.

Q The elected Sheriff of Pinellas County?
A Yes.

Q Who also is a lawyer and member in good standing of the Florida Bar?
A Yes.

Q And you had dealings with him during the work of the MSD Public Service Commission?
A Yes.

Q You had known him certainly well before that time?
A Yes.

Q As a co-sheriff?
A Yes.

Q Active in the Florida Sheriff's
Association joint activities?

A Yes.

Q And you mentioned the position of the Chair, Sheriff Gualtieri -- and by the way, there were some law enforcement officers on the MSD Commission?

A There was another sheriff.

Q Some law enforcement people?

A Yes.

Q Two sheriffs?

A Three sheriffs in total.

Q Bob Gualtieri and two other sheriffs?

A Yes.

Q And then numerous people from, let's say, multiple aspects of life including, and probably the hardest thing they've ever done, some family representatives?

A Yes.

Q But Bob Gualtieri as Chairman was specifically asked about his view as a sheriff and his view as the Chairman of the MSD, gathering all of the information that the MSD did whether you, Sheriff Israel, had engaged in neglectful duty and were incompetent, right?

A And malfeasance.

Q And malfeasance. And there is an exhibit,
Exhibit 34. I can show it to you if you'd like. In fact, that is Israel Exhibit 34 and my pages are a little bit unable to be read.

MR. KUEHNE: Special Master, I can't find the page number on that.

SPECIAL MASTER: That's fine. Please proceed. I'll find it.

BY MR. KUEHNE:

Q So I'm putting up Exhibit 34 on the screen, and it's an article that says, MSD Commission Chairman speaks on future of Broward Sheriff Scott Israel. Are you familiar with this Exhibit 34?

A I am, sir.

Q And let me go down to the bottom of the first page and this is a quote from Sheriff Gualtieri. In an hour long interview with NBC 6 last week at his headquarters in Largo, Pinellas County Sheriff Bob Gualtieri said Israel was responsible for what happened under his watch. Just as Gualtieri is in his county. He continues and this is a quote.

"Just because your people are imperfect or in some cases wrong or in some cases negligent or in some cases act improperly or engage in malfeasance or misfeasance like Peterson, that doesn't mean the sheriff did." Gualtieri said referring to former
School Resource Deputy Scott Peterson. "Peterson I would say had all the tools, had received the training and that was a situation where no matter what you did or what you gave that guy, he was just a coward who wasn't going to act."

You're aware of that statement?

A I am.

Q And you're also aware that because of Peterson's testimony, statements under oath that were representative of the statements he made during his television interview that was shown here, Exhibit 27, the FDLE charged him or had him arrested for perjury?

A That's correct.

Q And that perjury included his statements about his training?

A Yes.

Q Training that you have asserted on questions on cross was not what he claimed in his interview, televised interview?

A Correct.

Q And apparently the FDLE, from what you've read, and certainly presumption of innocence to Deputy Peterson, but what you've read in Exhibit 37, FDLE said probable cause to believe he committed perjury in that statement about his training?
A  Yes, they did.

Q  And there's nothing that Peterson ever said as far as you know that the policy as written gave him the ability not to immediately confront the active shooter?

A  Correct.

Q  Nothing he said in any of the statements that you're aware of that the "may" word in the policy in anyway affected his decision making?

A  Not one thing.

Q  Going back to Exhibit 34, Sheriff Gualtieri said, and I'm quoting again, this is starting on the second page of the exhibit right above the picture. "The Sheriff who is also an attorney was appointed Chairman by Governor Rick Scott, who also assigned the Florida Department of Law Enforcement to do a parallel investigation of the February 14th attack. Scott or his successor, Ron DeSantis, could use FDLE conclusions to order Israel suspended."

A  Do you hear that?

A  Yes.

Q  Was that your understandings from Governor Scott that no decision would be made until FDLE made conclusions?

A  Yes.
Q And then Gualtieri, the report continues, But Gualtieri said if it were up to him to recommend an action to the Governor, it would not be removal from office for misfeasance, incompetence or neglect of duty. And then there is a quote. "One of the things that is a given about those incidents is it is absolute chaos. The question is how much of it is going to be organized chaos. So there are some things certainly everybody can learn from, but I don't see anything that rises to that level or even close to that level." Gualtieri said.

A Yes.

Q And this is coming from a multiple term experienced sheriff who's also a lawyer and a sheriff of a fairly large county?

A He is.

Q Pinellas is one of the larger counties in the State of Florida?

A It is.

Q Has rural areas and urban areas?

A And he's a member of the Major County Sheriff's Associations, so I'm sure it has to be a substantial size.

Q The same organization that asked you to do a presentation on the Fort Lauderdale Airport shooting
responses, a model for other organizations?

A  Yes.

Q  And Sheriff Gualtieri is also a sheriff

whose then active shooter policy gave his deputies
discretion to evaluate the situation prior to entering
into an active shooter area?

A  As well he should.

Q  But with the imperative that confronting

the actual active killer is the priority?

A  That's exactly what his policy said.

Q  Does that mirror the BSO policy 4.37 that

you were asked about on cross-examination?

A  It certainly does.

Q  Let me -- you were asked about the changes
to 4.37 policy that were made at the suggestion of
Sheriff Gualtieri.

A  Yes.

Q  And your conclusion is it's the same

policy just written in a different way?

A  Yes.

Q  And I'm not going to put it up on the

scene, but I can show it to you and I've highlighted
it. This is Exhibit 3, Israel Exhibit 3, pages Israel

7. I want you to take a look at this and I've

highlighted the renumbered section 4.37.2.
A Thank you.

Q So read it and read for us the first paragraph of that subsection.

A Deputies responding to active threat incidents shall attempt to protect the life of innocent persons through immediate tactical intervention to eliminate the threat. In such scenarios the prioritization of activities in importance will be.

Q And then read those.

A Rescue the victims, victims are first, medical assistance first, arrest suspects and preserve the crime scene next. While deputies are expected to tactically intervene there may be very limited extenuating circumstances when entering by a solo deputy must be delayed until the situation changes or additional deputies or resources are present.

Q And is that policy as rewritten at the suggestion of Sheriff Gualtieri a policy that is consistent with the standards applicable to the law enforcement community?

A Very standard, yes.

Q And does it require a deputy to assess the situation and as the absolute priority confront the shooter?
A  Yes.

Q  Is that what the old policy did?

A  Yes.

SPECIAL MASTER: I know the exhibit will speak for itself, but I think when the sheriff read that he skipped No. 1, which was to stop the active assailant.

THE WITNESS: I missed that.

SPECIAL MASTER: Thank you. I just want the record to reflect that, but the exhibit will speak for itself.

BY MR. KUEHNE:

Q  Sheriff Israel, why don't you make clear that when you went through the numbers you apparently missed the first one at the bottom of the page?

A  Special Master, I apologize. No. 1 is at the bottom of the page and I just went to -- but let me read No. 1.

Stop the active assailant or assailants.

Q  The MSD report, and I recognize that there are some areas of disagreement that you have, one of them you were asked on cross-examination. Is the MSD report that says the Policy 4.37 is inconsistent with standards. Do you remember that section?

A  I do.
Q And you disagree with that?
A Absolutely.
Q Does the report cite anything at all as support for that conclusion?
A No.
Q Did the report make any findings of fact to identify where that conclusion came from?
A No.
Q Does the report have a bibliography or a set of reference materials saying, these are the standards that are applicable?
A It doesn't, sir.
Q Is there any discussion of the standards applicable for in the State of Florida, the Nation or law enforcement as to active shooter policies?
A No standard.
Q Did they even, as far as that report reflects, compare their conclusion to the Pinellas County's Sheriff's Office policy as far as you know?
A Not as far as I know.
Q Or any policy in the State of Florida?
A Not as far as I know.
Q The MSD Public Safety Commission is not a law enforcement agency?
A No.
Q Has no certification in the law enforcement capacity?

A Does not.

Q And you were asked some questions about CALEA, the National Law Enforcement Accreditation Agency?

A Yes.

Q And asked some questions that were in the nature of isn't that a pay to play organization. Do you understand those questions?

A I remember that question.

Q That you don't get certified because you pay for a certification?

A No, sir.

Q It's not a get certification on the back of a matchbook?

A No, not at all.

Q Organizations pay for the services that they can obtain through CALEA; is that right?

A Yes.

Q Does that include access to the treasure trove of CALEA research information?

A It does.

Q And standards and protocols used by the major law enforcement organizations in the United
States of America?

A  Yes.

Q  And is there any part of paying for a CALEA certification that gets you certification?

A  No.

Q  Are the CALEA standards in law enforcement circles viewed as highly desirable?

A  Yes.

Q  Are the CALEA standards kind of like the difference between the requirements needed to be a law enforcement officer and the additional work that you could get to be a specialized officer like SWAT training or some specialized training?

A  Yes, absolutely.

Q  CALEA standards that you were asked about is a higher level of professionalism?

A  Kind of like the gold seal of approval.

Q  Gold seal of approval.

You know much about lawyers?

A  Not much.

Q  How about doctors, you know about doctors?

A  Yes.

Q  There's Board Certified doctors?

A  Yes.

Q  Now, you're not a doctor?
A No.
Q But doctors can practice medicine being
licensed?
A Yes.
Q And doctors can be Board Certified in
certain areas?
A Yes.
Q Is in a law enforcement circle with law
enforcement agencies is CALEA certification sort of
like that, the higher standard of excellence and
competence?
A Great analogy, yes.
Q And how about the Florida certification
known as CFLE, Commission on Florida Law Enforcement
Accreditation; is that a similar set of higher
professionalism?
A Yes. To achieve their degrees or their
certification you kind of have to set the bar higher
at the agency.
Q So the questions about certification by
CALEA -- certification, by the way, BSO has had a
history of being certified?
A Yes.
Q It takes a lot of work of a lot of people
at BSO to obtain, keep and maintain those
certifications; doesn't it?

A    It sure does.

Q    And don't certifications have to be renewed?

A    Continually.

Q    And don't those renewals include people coming who are experienced in all aspects of law enforcement and evaluating, essentially investigating?

A    They do not only do investigations, they do onsite investigations. And the evaluation starts with the interview of the sheriff and concludes with a conversation with the sheriff about what they garnered in an exchange of information.

Q    And it includes access to information?

A    You open up all the locked doors to them.

Q    Access to policies?

A    Yes.

Q    Access to training records?

A    Yes.

Q    Access to disciplinary records?

A    Yes.

Q    This is all confidential within CALEA, right?

A    Yes.

Q    And does CALEA meet with, work with
consult with from, let's say, the entry level law enforcement up to the brass, the top command?

A  Yes.

Q  And on any occasion while you've been sheriff has CALEA said, Sorry, Sheriff Israel, you guys just don't muster up?

A  Just the opposite. CALEA has been, after their review and evaluation, they've been extremely complimentary to the Broward Sheriff's Office in where the agency stands.

Q  As a result of the CALEA certification is BSO sought of out by other law enforcement agencies for input, discussion, review, can you help me with something?

A  Absolutely. Training.

Q  Training. The Public Safety Commission report, and you were asked about this, on page 169, it's Governor's Bates No. 439, I'm just going to ask you about it. You were asked about some deputies could not remember when they last took the training?

A  Yes.

Q  The MSD report did not find or conclude that deputies did not remember their active shooter training; did they?

A  No.
Q In fact, what was quoted -- and I just want to make sure this is clear. This is BOG 439, Page 169 of the Marjory Stoneman Douglas report, Governor's Exhibit F. And I'm quoting now.

"On the other hand, Broward Sheriff's Office Deputies remembered they attended training in the past few years, but could not remember the last time they attended active shooter training. Some BSO deputies could not even recall the type of training they received. Several were specific in referencing that their policy states that deputies may go toward the shooter. BSO's training was inconsistent at best and was reflected in their poor response to this active shooter event."

That's what it says?

A Yes.

Q Does the Marjory Stoneman Douglas report identify who these deputies are?

A No.

Q Do any of the deputies that they paraphrase say, We don't remember our active shooter training?

A Not to my knowledge.

Q Do they ever say, We never had active shooter training?
A No.

Q Did they ever say we never understood the active shooter training?

A No, just that they didn't remember it.

Q And the conclusion, BSO training was inconsistent at best and was reflected in their poor response to this active shooter event. You disagree with that?

A Completely.

Q Did they provide any supportive documentation for that conclusion that training was inconsistent?

A No. And I looked to see if they would speak with other agencies at the size of the Broward Sheriff's Office and put kind of a flow chart together to compare it, and they would have seen that our training was well in line, if not, surpassing other agencies of our size and how regularly we do train.

Q Now, I already asked you about the standard. But the BSO report states on page 201 that Sheriff Israel inserted the word "may" in the BSO policy and it is insufficient and fails to unequivocally convey the expectation that deputies are expected to immediately in active assailant scene where gunfire is active and to neutralize the threat.
The use of the word "may" in BSO policy is consistent with current and standard law enforcement practices?

A  It's just not accurate.

Q  Is there any support for that?

A  Hundreds and hundreds of polices around the country.

Q  Let me rephrase the question. Is there any support for the MSD Commission statement that it's inconsistent with current and standard law enforcement practices?

A  No, sir.

Q  Three sheriffs were on this Commission, right?

A  Yes, sir.

Q  Is there any citations to sheriff's policies or practices at all anywhere in the report as far as you know?

A  No.

Q  And training at BSO, you were asked about on direct and shown Exhibit W, that is Governor's Exhibit W, which is the Broward Sheriff's Office lesson plan for response to active shooter. Do you remember those questions?

A  I do.

Q  Now, one of the consistencies that BSO
does is that training is continually updated, right?
   A  Correct.
   Q  So if you look at Governor's Exhibit X, not shown to you during your cross, but X is the updated training from the Exhibit W that was shown to you. I'm going to hand it to you, Governor's Exhibit X. In the top right it shows date?
   A  Yes, it shows a series of dates.
   Q  Series of dates. And each time there is a date that means there is an update, a change, an improvement or augmentation to the lesson plan?
   A  It does. That's exactly what it means.
   Q  And that exhibit, Exhibit X, shows that Lessons Learned, that Active Shooter Training Course Plan was updated numerous times after Exhibit W, right?
   A  It was.
   Q  And post Marjory Stoneman Douglas tragedy, BSO updated its lesson plan yet again?
   A  Yes, four times since the massacre at Marjory Stoneman Douglas.
   Q  And is that something that is in keeping with law enforcement standards for training protocols?
   A  Absolutely, it's -- yes.
   Q  Now, you were also asked in the
questioning about the Commission report that Marjory Stoneman Douglas Commission recommended that all agencies should have active shooter response policies. Remember that?

A I do.

Q And you agree with that?

A I agree with that.

Q And that's plainly a recognition that agencies aren't required to have active shooter response policies?

A That's right.

Q It's plainly a recognition that the standard for law enforcement practices do not include active shooter response policies?

A No, they don't. And I think that's when Mr. Primrose eloquently put it today that policies are at the discretion of the sheriff. I think as you look at our policies you'll see we continually went above and beyond and created policies because as Sheriff of Broward County I knew that these things were important as a conservator of the peace.

Q So if there is no requirement for active shooter policies and no use of active shooter policies by all the sheriff's associations in Florida, is having an active shooter policy like BSO does
neglecting your duties as sheriff?

A  No.

Q  And you were asked questions about this recommendation and the question was, MSD Commission is recommending to the legislature or maybe the CJSTC to incorporate such active shooter response policies. Do you remember that?

A  Yes.

Q  To this day has the legislature post Marjory Stoneman Douglas issuance of the report implemented a statute that requires agencies to have active shooter response policies?

A  Not to my knowledge.

Q  Now, you were suspended by the Governor after issuance of this report, right?

A  Right.

Q  And after this report gets issued, January 2, 2019, the legislature started meeting almost immediately thereafter, right?

A  Right.

Q  In this whole legislative session did the legislature follow the Marjory Stoneman Douglas recommendation to say let's require all sheriffs offices to have active shooter policies?

A  Not to my knowledge.
Q Or to pass a bill that says let's make all
the sheriffs offices follow the practice of Broward
Sheriff's Office to implement active shooter policies
and training?
A No.
Q Did the executive branch issue any
regulations as far as you know?
A No.
Q The Governor didn't issue regulations
under his authority as executive branch head to follow
the MSD Commission report recommendation as simple as
all agencies should have active shooter response
policies?
A No.
Q Did the Criminal Justice Standard Training
Commission issue a new requirement since they received
the recommendation of the Marjory Stoneman Douglas
Commission to implement active shooter policies?
A No.
Q And as far as you know how that process
works, the Governor could make that happen if the
Governor was serious about implementing reasonable
Marjory Stoneman Douglas Commission policies?
A Yes.
Q But Broward Sheriff's Office had already
implemented a policy that met and exceeded any of the national standards or practices on active shooter?

A That's true.

Q Now, you were asked some questions about Deputy Peterson, SRO Peterson's active shooter training.

A Yes.

Q And is it accurate that active shooter training includes both the subject matter active shooter, but principles of active shooter are incorporated into many other trainings?

A Yes.

Q So with Deputy Peterson -- and I can show it to you, but you were shown this before. Deputy Peterson had an actual Active Shooter Training August 16, 2012?

A Yes.

Q And then an Active Shooter Training April 19, 2016?

A Yes.

Q And then unfortunately, Marjory Stoneman Douglas occurred February of 2018. So that's a six-year period, really five and a half years and he had two active shooter trainings?

A Yes.
Q You were asked a lot of questions about, well, couldn't you mandate active shooter training, was it every five minutes or once a year? Couldn't you do that, and you said, practically speaking, No, you can't. And what's the reason as sheriff as elected by the people of Broward County to be sheriff you couldn't have active shooter training for all of your 1,600 deputies every year?

A You could not.

Q Just could not be done?

A Could not be done.

Q Is there any law enforcement sheriff's office in Florida that mandates, at the time let's say, active shooter training once a year for all of its deputies?

A No, not to any knowledge.

Q Is there any sheriff's office, large scale office in the United States of America that you know that mandates active shooter training for all of its deputies once a year?

A Not to my knowledge.

Q How about once every two years?

A Not to my knowledge, no.

Q So no Florida sheriff's office does it?

A I don't know. I don't know how often they
do it or what their rotation is.

Q  But as far as you understand no sheriff's office mandates once a year for active shooter training?

A  As far as I know, no.

Q  And your mandate was once every three years?

A  That's correct.

Q  In the case of Deputy Peterson you said he had extensive active shooter training?

A  Yes.

Q  Twice in five and a half years?

A  Yes.

Q  But also he attended a training called Building Tactics on October 10, 2016. Do you know about that training?

A  Yes.

Q  You've been through it?

A  Yes.

Q  Does that incorporate some of the principles of active shooter training?

A  It certainly does.

Q  It does?

A  It does.

Q  And when you mentioned training -- I think
on cross you said the training is not -- I don't
remember the word. It's not something that you need
to relearn. You just need to go through it again to
refresh?

A I think I said it's not perishable.
Q That's the word. Perishable.

And is the active shooter training, when
you were asked about the experience Deputy Peterson
had, incorporating other aspects of active shooter
work just in part of that refreshing?

A Yes.
Q And you knew that on August 16, 2017 he
attended the BSO School Resource Shooting Boot Camp?

A Yes.
Q Does that also incorporate aspects of
active shooter training?

A It certainly does.
Q Is that and others part of what you
understood to be part of his extensive shooter
training?

A Yes.
Q In addition to, you were questioned about
the training, the teachers?

A Yes.
Q That's a different aspect of active
shooter, right?

Q  But essential to that, the active shooter for, let's say civilians, essential to being able to teach that is knowing what active shooter training is for law enforcement?

A  And having the knowledge of it.

Q  And having the knowledge of it?

A  Yes.

Q  Because what was your comment, when people are in trouble they call 911, when police are in trouble they call SWAT?

A  Yes.

Q  Because part of the training of civilians for active shooter is get 911 on the phone ASAP, first thing you can do, right?

A  Yes.

Q  And then the civilians go through their active shooter protocol knowing maybe in a different context, but the calvary is on the way?

A  Right.

Q  Is that part of your view, as having deputies work on these kind of civilian trainings, part of your view as being sheriff?

A  Absolutely. Actually, I participated in
some of the civilian trainings as well.

Q Now, you were Chief of Police of a municipality?

A I was.

Q Different law enforcement responsibilities than a sheriff of a whole county?

A Completely.

Q Was yours a small city?

A Very small.

Q You were asked some questions about the sheriff has the responsibility that's different from a sheriff in a small rural area, and you said, I've never been a sheriff in a small rural area, so I really can't evaluate that?

A That's true.

Q But fair to say that there are standards and protocols that apply to all law enforcement agencies?

A That's true.

Q Some standards may be different or expectations different for big law enforcement agencies?

A Right.

Q Some maybe different for urban or primarily urban law enforcement agencies?
Right.

Q And you called BSO an urban law enforcement agency?

A I would.

Q Even though Broward County has some agriculture, has lots of water areas that are not cities, but it's basically considered an urban law enforcement agency?

A Predominantly, yes.

Q And you were chief of police in a small municipality?

A Yes.

Q North Bay Village?

A Yes.

Q Miami-Dade County?

A Yes.

Q Urban area?

A Yes.

Q And you had a small agency?

A Yes.

Q 50?

A 50.

Q 50 people. And even with that agency as sheriff you incorporated principles of active shooter into the whole lexicon and protocol in North Bay
Village?

A Yes. Actually, myself and one of our lieutenants we walked -- Channel 7 has their headquarters down there and there is one school on Treasure Island and we walked through the school and we looked at what ingress, egress and how we would respond and table topped how we -- what we would do. Obviously, we'd call Dade County because we need help. But, how we'd initially handle it and the first response. We talked about it and actually walked the campuses.

Q And that's for a 50-person municipal police department?

A Yes.

Q That has never had an active shooter as far as you knew up to that time?

A Yes.

Q And is that because you as a law enforcement officer see and understand that active shooter is something that law enforcement needs to be aware of?

A Yes. I think that -- if you want to serve your community well, I think one of the key qualities a leader can have is to see around corners and anticipate. You can't anticipate everything.
Certainly couldn't predict these incredible, incredible tragedies. But you want to be as proactive as you can and you want to do things you can do to see around corners and predict.

Q During cross you were shown various sections of the MSD Commission report. Is there any part of the Commission report that finds you acted incompetently in your role as sheriff?
A Not one part.

Q Is there any part of the Commission report that finds you neglected your duties as sheriff?
A Nowhere in the report.

Q Is there any part of the report that says you didn't fulfill your duties as sheriff?
A No.

Q And the chairman of the report has made very clear that he finds no basis to say you neglected your duty or were incompetent or even committed malfeasance?
A He does say that.

Q You were asked some questions about the decision making process at BSO, decisions being made and a lot of hypotheticals about couldn't you order a policy that says if the two words active shooter show up immediately you get a message to you. Remember
that?
A Yes, I do.
Q Fair to say that the sheriff makes a lot of decisions during the course of a day, week, month, tenure?
A Very fair to say.
Q Lots?
A Lots.
Q You're a governmental public servant?
A Yes.
Q Big agency?
A Yes.
Q Buck stops with you?
A Yes.
Q And in order to effectively and fairly perform your job as elected sheriff isn't expected and isn't the standard for sheriffs around the state that you'll have a level of hierarchy?
A Yes.
Q You don't do everything yourself?
A It's impossible.
Q There is no sheriff's office that does everything by the sheriff?
A None.
Q And is it part of your duties as sheriff
and your obligation to the public as a public servant
to make your agency into one that does have a proper
hierarchy?

A  Yes.

Q  And does have appropriate training?

A  It does.

Q  And test people to make sure that they're
competent for their job?

A  Yes.

Q  And trying to negotiate what's best for
the community in all circumstances?

A  Yes.

Q  And you were asked some questions about
you hired every -- as sheriff you're responsible for
hiring every deputy under your command. Do you
remember those questions?

A  I do.

Q  Now, the sheriff's office really didn't
hire every deputy under your command before you,
during you, after you; did it?

A  No.

Q  And isn't that because when BSO took over
law enforcement responsibilities for municipalities
that BSO inherited the sworn law enforcement officers
of those municipalities?
Absolutely.

Q Required?

A Required.

Q And in fact, it's not just required.

Florida law says that when a law enforcement officer is working as a law enforcement officer, they can't just be terminated or lose their law enforcement if that service is taken over by another law enforcement agency?

A That's correct.

Q And that's part of a legislative process that is incorporated into the Law Enforcement Officers Bill of Rights?

A Yes.

Q And you have as part of your exhibits Israel Exhibit 16 starting at Bates Page 577?

A Yes.

Q That's a series of contracts that BSO entered into with a number of different municipalities in Broward County?

A Yes.

Q And fair to say that Scott Peterson was not somebody you hired?

A I did not hire him.

Q You inherited Scott Peterson?
A I inherited him.
Q And as far as everything you know, and you had some interaction with Scott Peterson, never the slightest squeamish feeling about his ability to fully and fairly execute his duties?
A Never.
Q And he seemed to love the kids?
A Yes, he did.
Q A natural SRO?
A Yes.
Q Did you ever see him act more like a friend to the students as opposed to a police officer who was friendly?
A I did.
Q And was he always in the appearance of being a police officer?
A Yes.
Q So you were asked some questions about the sheriff requiring additional training if the sheriff believes additional training is needed?
A Yes.
Q Did you require additional training if you believed it was needed?
A Absolutely.
Q And is that consistent with your duties as
sheriff?

A Yes.

Q Did you ever not require additional training if you thought it was needed?

A Anytime I was advised that we needed to train in a certain area, I felt we needed to train in a certain area or enhance it, we did.

Q And at no time pre Marjory Stoneman Douglas tragedy, post Marjory Stoneman Douglas tragedy has the legislature ever authorized additional funding to give you and any other sheriff the resources to do more training than you think is necessary?

A Not to my knowledge, no.

Q Have you ever done less training than you thought was necessary as BSO?

A No.

Q Even if it's hard, even if it's a money issue, have you ever scrimped on training because you just don't have the budget for it?

A No, sir.

Q You've made due?

A We made due.

Q By the way, are you able to set your budget? Can you tell the taxpayers I need this amount of money?
Q: How does that happen?
A: I go before a county commission and ask for the money of the county commission. I always ask for "X" and I get "X" minus something.
Q: And that's part of your statutory duty as sheriff, to obtain the funds to run an agency?
A: Yes.
Q: Just like every other sheriff?
A: Yes.
Q: You don't have taxing authority?
A: No.
Q: And the legislature as far as you know has never given extra bonus money to sheriff's offices to encourage them to implement active shooter training?
A: Correct.
Q: You were asked a number of questions on cross and about the -- I think the questions were increasing amount of school shootings throughout America. Do you remember those series of questions?
A: I do.
Q: You had some trouble answering it because each time there is a school shooting that increases the number of school shootings?
A: That was my point.
Q Prior to Marjory Stoneman Douglas had there ever been a school shooting in Broward County?
A No.
Q Had there ever been one of these active killer situations in Miami-Dade County schools as far as you know?
A Not as far as I know.
Q How about in Long Beach County, an active killer in the schools prior to MSD?
A No, I never heard of one.
Q As far as Florida goes you're not an expert -- strike that.
You're not knowledgeable about all the activity in crime in Florida; are you?
A No, I'm not.
Q But as far as you knew up to MSD, Marjory Stoneman Douglas High School tragedy, had there been an active shooter event in a Florida school?
A Not to my knowledge.
Q Did the MSD Commission report reflect this increasing trend of Florida high school, elementary school, secondary school mass active shootings --
A No.
Q -- leading up to MSD?
A Never.
In fact, it's silent on that?
Yes.
A recognition, it hadn't happened, right?
Right.
Yet before any of this was reality, you implemented an onsite on scene large scale participation by numerous agencies and officers, Pompano High School active shooter training?
Yes, we did.
As soon as you took office?
Yes, very shortly thereafter.
And then you were questioned about, well, you didn't do it in 2014, right?
Right.
And you didn't do in 2015, right?
Right.
But did BSO regularly do active shooter large scale scenarios?
Yes.
And is that, as sheriff, what's important as opposed to the place it's done?
So much more important.
Are there lessons learned from the Fort Lauderdale Airport/Seaport large scale training that are equally applicable to an active shooter in school?
A Yes.
Q Or active shooter at an airport?
A Most definitely.
Q By the way, I want to make sure that the record is clear on this. There is a concept known as soft targets.
A Yes.
Q And on cross-examination you were given some definition of soft targets?
A Yes.
Q A soft target is not an airport that has numerous, in fact, probably the most security anybody has ever seen in anyplace they go?
A No, it's not considered.
Q A school might be?
A Yes.
Q But it might not be?
A But it might not be.
Q Depending on the nature of security?
A Right.
Q A mall might be, but it might not be?
A Right.
Q So the idea that every school is a soft target is really a misunderstanding of what that concept means?
Right. You'd have to look at each building separately and independently.

Nonetheless, an active shooter in any situation is a high priority matter?

As high as it gets.

And is there any aspect of your leadership of BSO where active shooter of any type was not a high priority?

Never.

And so you were asked questions that were to this nature, if you remember them, Well, since you were so interested in safety of children in schools, why didn't you do active shooter training at schools every year. Remember those questions?

Why didn't I do it once a week?

Well, I'm asking the question as you're not. So is there a methodology as you understand the duties of sheriff in trying to figure out balancing training against all the other needs of the community that the sheriff has to fulfill?

Yes.

And do you make those decisions just off the top of your head?

Not at all.

How do you make those decisions, how often
do we need to train, what resources do we need to use, should training be 100 people or 1,000 people?

A Well, certainly in consultation with staff, but as importantly, consultation with the community. I'm in the community quite a bit, and I'm always talking to special groups, neighborhoods, communities, what they see as problems in the area. Sometimes I will ask that traffic stops that we train a little bit more in traffic stops so that we're less likely to have a negative contact with the citizens. Whatever I think we need or whatever staff thinks we need, we talk about and we discuss it and move forward.

Q And do you look at what others are doing?

A Yes.

Q And do you look at failures of others?

A Absolutely.

Q By the way, when you as sheriff see that there is a crime that's committed, whether in Broward or elsewhere, in the parlance of sheriffs, law enforcement leaders, does a crime occurring mean the sheriff is incompetent?

A No.

Q Does a crime occurring mean that a sheriff has neglected his duties?
Absolutely not.

So we in this room -- strike that.

So you were asked some questions about the training cadre at BSO?

Yes.

And I think the question was, you have 12 trainers at BSO?

Yes.

That's not accurate; is it?

No, that's not accurate at all.

Since you were asked, tell us about the training functioning or training unit at BSO.

The training unit was headed up by Major Kevin Shults. I think the most important thing I'd like to impart is before I became sheriff I think that our attendance rate of trainings was about 48, 47 percent. And since Major Shults took over and talked about the importance of training, I think the attendance rate went up to about 94%. He had full time trainers available to him. He had a cadre of trainers who would work full time at their normal jobs, whether it be detective, law enforcement, fugitive, SWAT. And when their training was needed, they would be pulled off the road and they were trained. So we had plenty of trainers.
But as I said today, the important part is the time, the ability to pull people off the road and pull them from the cities because we have contractual agreements with, I believe, 15 or 16 cities to supply law enforcement services to them. And you can't give them, nor would you ever want to give them, less men and women on the street than the contract requires. So you have contractual obligations to live up to.

Q And these trainers, the ones who were full-time trainers, that's their assignment, right?
A Yes.
Q But they're deputies?
A Yes.
Q If the need arises, boom, move from that training classroom and you're on the street, you're going to Marjory Stoneman Douglas?
A Yes.
Q You're going to Fort Lauderdale Airport?
A Yes.
Q Or the Seaport?
A Yes.
Q These trainers are trained as well?
A Yes.
Q So is that method of having a training unit staffed by full-time police law enforcement
officers and assisted by a cadre of experienced officers consistent with the standards applicable for large sized sheriff's offices?

A Yes.

Q You were asked some questions about municipal agreements, the questions about a municipality wanting or willing to pay less than what the need is. Do you remember those kinds of questions?

A Yes.

Q And your response was you'd need to have some specifics, you can't answer a hypothetical?

A Yes, only because they were kind of unrealistic questions because we've never really had that.

Q Let me ask you this. Have you or BSO during any of the time you've been sheriff had a municipality at the bargaining table who had really outlandish unrealistic demands?

A No.

Q When these negotiations happen are you dealing with public servants?

A Yes.

Q People who are committed to represent the interest of the people?
Yes.

Q Sometimes elected, sometimes appointed?

A Yes.

Q And when you've participated in negotiations or have been aware of them did it appear to you that everybody in the negotiations, everybody is acting in good faith?

A You know what, that's a great question. And I've always felt that the other cities I've dealt with when I've been there personally, the city managers, commissioners, I've felt they have always acted in good faith.

Q And is that what you've done and what you have instructed your department, your unit to do when you have negotiations?

A Yes. As a matter of fact, my folks will tell you one of the terms I use in developing these contracts is revenue neutral contracts. And I'm always explaining to my folks and the other cities that, look, we're not looking to make money, but we have a finite budget, too, and we can't afford to lose money. So I'm always pushing revenue neutral contracts.

Q And is that what you believe is part of the fulfillment of your job as sheriff?
Absolutely.

And your sheriff for not just the unincorporated part of Broward County; are you?

Unincorporated, the Seaport, the courts, the jails, the airport and any other city that contracts with us for fire and/or police services.

Does BSO perform the same function for all of those portions as it does for just unincorporated Broward County?

Yes.

So no less law enforcement attention to a municipality?

No.

Or to the airport or seaport?

No.

And you were asked some questions about the budgeted positions, remember that, that before you became sheriff there were a certain amount of budgeted positions?

I do.

And then it was changed in the contractual agreement?

Yes.

And you made very clear that law enforcement resources sometimes are not necessary to
have a sworn law enforcement officer?

A  That's correct.

Q  Certain functions are ably and
appropriately done by -- what is it called the CSAs?

A  Community Service Aides.

Q  Community Service Aides. And did you as
BSO Sheriff make effective use of public community
service aides?

A  I felt we did, yes.

Q  Including at the airport?

A  Including at the airport.

Q  Including at the seaport?

A  Including at the seaport.

Q  Including doing jobs that might previously
have been done by sworn law enforcement officers?

A  If that's what the municipality wanted to
pay for and we felt it was logical and safe, yes.

Q  So you were asked the questions about that
differential, that higher number of budgeted positions
at the airport and then the budgeted position were
reduced. Was there anytime that you were sheriff that
the staff at the airport was reduced?

A  No, not one time. And during my
administration I worked with two different airport
directors and both the relationships with both airport
directors was very positive, very productive. And we give them the deputies and the officers they wanted, that they paid for and we were on the same page.

Q You were asked some questions about work with BCAD and the Fort Lauderdale Airport. One of the questions was that you don't know how to shut down the Fort Lauderdale Airport. You remember that?

A I do.

Q Do you know who to call to see about shutting down the Fort Lauderdale Airport?

A Well, it's not my responsibility to shut it down. But if I need to know anything about the airport, I'd call the Airport Director and Mark Gale and speak to him.

Q And has there been only one time in your career that a decision was being made or a request being made to seek the total shut down of the airport?

A Yes.

Q Has that happened, as far as you know, any other time in the airport's history?

A Not as far as I know.

Q When that request was made, was that a joint request, team up with the FBI?

A Yes.

Q Were you able to find the people necessary
to get that done?

A  Yes.

Q  And convince them to get it done?

A  Yes.

Q  And is that kind of the way law enforcement works?

A  Yes.

Q  You sometimes as sheriff have a different interest that you're serving the public than another public servant, right?

A  Right.

Q  The airport director obviously -- strike that.

Do you find from your dealings with the airport people when you're involved in it that they have an interest in the safety of the airport and the passengers and the workers and everybody else?

A  I really do feel that way.

Q  And they, as far as your dealings go, they totally focused on we can't let this be a place where crimes take place?

A  Absolutely.

Q  Not just active shooter crimes?

A  All crimes.

Q  Stealing luggage crimes, stealing cars
from the garage, right?

A    Right.

Q    And those are all real life circumstances?

A    Sure.

Q    And has there been anytime that BSO under your leadership in working with BCAD where the two interests are so opposed that you can't find an agreeable ground?

A    Never.

Q    Now, you were asked a number of questions about the initial draft report. That's Governor's Exhibit C. And I won't go through all the aspects of the report with you, but did you understand that that was the initial draft?

A    I did.

Q    And we have the draft. We don't have any evidence in this record of what was in Major Cedeno's mind in putting that together?

A    None at all.

Q    But is it fair to say that the BSO institution had a process that was utilized that is impartial in trying to get the most appropriate critical incident report?

A    Same as any other agency exactly.

Q    And you mentioned that you didn't drill
down and read the first draft report, the second draft report, right?

A  Right.

Q  Were you kept in the loop when this after action investigation was being done?

A  I was.

Q  Was it an important matter?

A  Yes.

Q  Now, you were asked some questions about the airport shooting being such a tremendously consequential active shooter situation. Do you remember those questions?

A  Yes.

Q  As a law enforcement officer are all killings a big deal?

A  Yes.

Q  A breaking and entering that leads to a murder, a felony murder; is that a big deal in Broward County?

A  All you'd have to do is talk to the victim's family and you know it's a very big deal.

Q  The Fort Lauderdale shooting, when you asked about the after action report, was a big deal because of the extent of involvement by law enforcement and numerous other reporting agencies,
And was there any expectation within the BSO hierarchy that this was going to be a one draft, get it done after action report for you to signoff?

There was never the expectation.

As Broward Sheriff have there been any significant reports that you know of that get signed off on first draft?

No.

How about in the record is Detective Curcio's report and supplemental report from the Marjory Stoneman Douglas shooting, do you remember that?

Yes.

In normal practice and protocol before he gets his investigative report or supplemental investigative report it's reviewed, it's checked over before it actually gets printed out; doesn't it?

Yes.

That's normal?

Normal.

Even for an investigative report?

Of course.

And you do respect the work done by Major
Cedeno?

A I do.

Q Does the slimming down of his voluminous initial draft in anyway in the institution disrespect the work that he did?

A Not at all.

Q And are there numerous areas where that report, his draft is just not sustainable?

A Of course not. And Mr. Kuehne, we do these reports to become a better agency, to learn. And the more eyes and ears we have contributing to the report, the better the report is going to be, the more comprehensive it's going to be. It was never going to be a one person. It was always going to be a team effort. That's the way these reports should be.

Q The Governor's office played portions of your Jake Tapper interview, and you've explained that some parts of it you certainly would not repeat?

A Correct.

Q Is there any part of that interview where you denied or in anyway abandoned your responsibility as sheriff?

A Never.

Q Did you use that interview as an opportunity to let the public know if you could, that
we're here to protect you?

A Yes.

Q Was there some importance to that interview to let your BSO colleagues know that you've got their back?

A Right, yes.

Q And do you think you were able to do that?

A Yes.

Q And is there any part of that interview, looking at it now all this time later, that you believe should be interpreted as you not caring about the problems that lead to the MSD shooting?

A No.

Q Or the aftermath?

A No.

Q Is it something that you -- the shooting something that you learned from?

A Yes.

Q Is it something that you carry with you everyday?

A Yes.

Q Is there any bright moment from that tragedy?

A No.

Q Has BSO become a better agency under your
tenure post MSD shooting?

   A  Yes.
   Q  In what respect?
   A  We were able to work very hard, and I personally got involved with our school superintendent on being able to take over cameras so that if, as I said today, an intruder, if a killer were to enter onto a campus, we could see real-time what's going on, so there would be no mistakes made. I brought down a retired New York City Major to create a real-time intelligence center. I don't know where it stands now. We were in the process of just getting formulated when I was suspended. But the real-time crime center will have cameras that will be able to monitor actual events, actual things that are happening. I believe it's going to have the capability of even picking up gunfire, it will pick up the sound of gunfire.

   We brought over a -- created an app on the cell phone called Safer Watch, which allows people, students, citizens to call in and let us know information that's not 911. We're very clear it's not in place of the 911 system. But now crimes about bullying, things like that, can be put into the Safer Watch app and we'll continue to follow-up on it. I
don't know the statistics on it. But when I left, it
was getting a lot of attention from the community.

Q The cross-examination closed with some
questions about neglected duty and incompetence. Do
you remember those questions?

A I do.

Q As an experienced law enforcement officer
and as an experienced sheriff are you able to tell the
people of Broward County that you fairly and properly
discharged your duties as sheriff?

A They know I did.

Q Were you neglectful in anyway of those
duties?

A Never.

Q Did you act incompetently?

A Never.

Q Do you not know what you're supposed to do
as Sheriff?

A I know what I'm supposed to do.

Q Have you not implemented training policy
resources that are necessary to fully carry out your
statutory responsibilities?

A You bet we did.

Q How about just your sense of doing the
right thing for the community?
Yes.

Q And we started off today with a comment by co-counsel pointing out a statement by the Governor just last night after the first day of trial. Do you remember that?

A I do.

Q To the Governor, and really appropriate to the cross-examination, why are you challenging the Governor's decision to suspend you?

A Well, it's the wrong decision. I'm committed to fulfilling my term and not vacating my responsibility to the people in Broward County, to the community that I serve and fell in love with. It's the wrong decision. It's unjust. And as Dr. King said, An injustice anywhere is an injustice everywhere.

The Governor's did this purely for political reasons. Regardless of how this investigation played out nobody could possibly know in March and April how this investigation was going to play out. Yet he boldly said he was going to suspend me when another Governor who was in a different party from me was in place and could have done everything he wanted.

It's the wrong thing. The Governor
doesn't know me. He's never sat across the table from me. And I'm not incompetent, and I'm not negligent.

Q Is the injustice you're talking about an injustice to the people of Broward County?

A It is. Obviously, it's hurt my family and me and the agency. But it's also hurt the voters. I think we got over 700,000 votes in the general election. And I think since we've been running for office we've received over 2.5 million votes between primaries and general elections from the Broward County residents. And it's an injustice to them. If you're not happy with decisions an elected official made, there is a process in place to get rid of an elected official. It's called the first Tuesday in November. It's called election day.

Q Did you during this term of office fulfill your duties and responsibilities as sheriff for which you were elected?

A I did.

Q Will you continue to do so?

A I will.

MR. KUEHNE: Nothing further, Special Master.

SPECIAL MASTER: Thank you.

Mr. Primrose, anything further?
MR. PRIMROSE: Just one moment.

SPECIAL MASTER: Mr. Kuehne, anything further?

MR. KUEHNE: Sheriff has no further evidence or witnesses to present.

SPECIAL MASTER: Mr. Primrose.

MR. PRIMROSE: Yes, Special Master, you had asked us earlier today to discuss proposed recommended order.

MR. KUEHNE: Before we get to scheduling, Special Master, I want to make what I believe is an important clarification to the extent our reference to the Governor's statement last night was misconstrued.

I want to make it very clear that at no time does Sheriff Israel intend to or did we intend to impune the integrity or the professionalism of Counsel. In looking over my notes it may have appeared that there was some effort on our part, which was not any effort. The Governor's counsel, especially Mr. Primrose, has been 100% professional, as I think you know, throughout this. We have an excellent spirited relationship in this. And nothing we said was intended to suggest that
the Governor's counsel in anyway acted
inappropriately, said anything. If he had, I
would have made objections promptly in the
record.

Our point was to raise the issue of the
Governor's comments. And the Special Master's
already made your statement about that, that we
view it as in the nature of an extrajudicial
comment and nothing impacting Counsel.

And I know that the Special Master is a
strong demander of professionalism, I think
that we are and certainly the Governor's
counsel is. So I want to make that 100% clear
on this record to the extent anybody considered
otherwise, that Mr. Primrose and his colleagues
have been 100% professional in every aspect of
the case.

SPECIAL MASTER: I very much appreciate
your making that part of the record.

I would like to first excuse the witness.
And also, come back to what we talked about
earlier this morning in terms of defining the
facts, conclusions of law, staggering those by
about a week, whether or not you and Mr. Kuehne
have been able to agree upon the time frame.
If not, I will move forward and set aside some
time frames.

MR. PRIMROSE: We briefly discussed just
now and it was suggested to Mr. Kuehne that in
the other suspension case it was roughly 45
days from the date of receiving the transcript.
Just on some math of where I think it gets us.
The other case there was a date of August 1st.

Just to give me some time -- we're a
couple weeks behind schedule on that one -- I
had proposed Monday, August 12th for the
Governor and a Friday, August 16th. So we
would do ours on Monday. Theirs would be due
on that Friday, or the following Monday, which
would be either the 16th or 19th.

It seemed to Mr. Kuehne that that was
somewhat agreeable since he's got a busy
summer. And I think that would probably work
with your schedule wanting a couple of weeks to
review before the Senate coming back for
committee meeting, if that's okay.

SPECIAL MASTER: Indeed I'll try to make
that work. If that's the dates that you and
Mr. Kuehne can agree upon, I'm sure we can work
that out.
Mr. Kuehne.

MR. KUEHNE: Special Master, the only adjustment I'd ask for, if it's not troublesome to the calendars, is to have that Monday or the weekend is a good day for me to get everything freshened up to get it in a good form to send it to you.

SPECIAL MASTER: That will be August the 16th?

MR. PRIMROSE: The 19th.

SPECIAL MASTER: August 19th. We'll check calendars to confirm, but we'll try to arrange. But it should not be a problem.

Anything further?

Again, thank you for conducting these hearings in a very civil way. I agree with you they've been somewhat contentious on occasion, but I've appreciated the opportunity to be the Special Master, and I look forward to issuing a final report. Thank you.

MR. KUEHNE: I do have just one question. Do you have a sense of when the transcript is likely to be prepared?

SPECIAL MASTER: That's a good question. The court reporter can tell us that. But I
would expect it to be a couple of weeks at a minimum.

Yes, she's nodding her head. So I would say 14 to 18 days would be a reasonable expectation time frame.

MR. KUEHNE: That's fine. And we'll get an electronic copy sent?

SPECIAL MASTER: Yes, indeed.

MR. KUEHNE: Great. Thank you, Special Master.

MR. ISRAEL: Thank you, Special Master.

(Whereupon, proceedings concluded at 3:57 p.m.)
CERTIFICATE OF REPORTER

STATE OF FLORIDA  
COUNTY OF LEON  

I, Doreen Mannino, Court Reporter, do hereby certify that I was authorized to and did report in stenotypy and electronically the foregoing proceedings, and that the foregoing pages constitute a true and correct transcription of my recording thereof.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 8th day of July 2019 at Tallahassee, Leon County, Florida.

Doreen M. Mannino