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THE FLORIDA SENATE

IN RE: EXECUTIVE ORDER OF SUSPENSION, NO. 19-14
SUSPENSION OF MR. SCOTT ISRAEL, SHERIFF
BROWARD COUNTY, FLORIDA

TRANSCRIPT OF PROCEEDINGS
HEARING FOR REVIEW OF EXECUTIVE ORDER OF SUSPENSION

Volume IV
(Pages 472 through 594)

DATE TAKEN: WEDNESDAY, JUNE 19, 2019
TIME: 1:15 P.M. - 3:57 P.M.
PLACE: FLORIDA STATE CAPITOL
400 SOUTH MONROE STREET,
TALLAHASSEE, FLORIDA 32399
BEFORE: DUDLEY GOODLETTE, SPECIAL MASTER

COPY

Reported by:
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1 A Right.

2 Q It's made up of law enforcement, right?

3 A Yes.

4 Q It's made up of school district staff?

5 A Yes.

6 Q It's made up of mental health personnel?

7 A Yes.

8 Q It's -- by my account, it's actually a
9 bipartisan commission, right?

10 A I don't know that to be true or untrue.

11 Q Well, you know that there are at least
12 certain sheriffs on there that are registered
13 republicans?

14 A I do.

15 Q And there happens to be a state senator on
16 there that's a democrat?

17 A That's correct.

18 Q It's not this is a partisan made up
19 commission; it includes folks from both sides of the
20 aisle?

21 A To be honest with you, sir, I never really
22 concerned myself with commissions, whether they're
23 Republican or Democrat. I just believe on the people
24 on the amendment. It's doesn't concern me how these
25 commissions are made up.

1 Q But the reason why it's important though
2 is because you would agree with me the commission as a
3 whole does not have a vendetta against you?

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

6 Q But the Commission as a whole was not --

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

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

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

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

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

1 question. I don't know how I answer.

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

6 A I don't think that, no.

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

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

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

19 A I don't think that.

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

23 A I don't think that.

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

25 A I think a certain Governor would have

1 looked at it differently.

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

6 A Yes.

7 Q That was their mission?

8 A Yes.

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

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

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

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

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

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

23 BY MR. PRIMROSE

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

25 A That's good, sir.

1 Q Okay. The Marjory Stoneman Douglas Public
2 Safety Commission wrote in their preface that not all
3 school security changes or enhancement have costs and
4 only some require the will of the decision makers to
5 effect change and hold people responsible for
6 implementing best practices.

7 You see that as the first highlighted
8 sentence, right?

9 A I do.

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

13 Do you see that?

14 A Yes.

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

19 A Yes.

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

23 A Yes.

24 Q You think that's a reasonable statement,
25 right?

1 A I do.

2 Q It's reasonable that you would hold the
3 top of an organization accountable?

4 A Yes.

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

8 A Yes.

9 Q Very extensive?

10 A Yes.

11 Q Covers a lot of areas?

12 A Yes.

13 Q Areas unrelated to law enforcement?

14 A Yes.

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

18 A Yes.

19 Q They offer a lot of suggestions?

20 A Yes, a lot of suggestions.

21 Q And that was partially what they were
22 created to do is was find the facts, come up with
23 suggestions and then let the lawmakers decide which
24 ones they wanted to enact, right?

25 A Correct.

1 Q And I believe you said that when you found
2 out that this commission was going to happen, you told
3 Sheriff Gualtieri that you would be fully -- you would
4 fully participate?

5 A Corroborate.

6 Q Corroborate with them?

7 A Yes, I did.

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

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

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

21 A Yes. Yes.

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

1 discipline?

2 A That's correct.

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

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

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

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

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

1 internal affairs investigations.

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

6 A I don't remember the date.

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

9 A I would believe you.

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

13 A Yes.

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

20 A Yes.

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

24 A I did testify to that.

25 Q But school safety was really important to

1 you, right?

2 A Right.

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

8 A Right.

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

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

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

24 A There was a policy in place, still is in
25 place, that deputies are supposed to do complete

1 comprehensive reports. The reports get filtered to
2 their sergeant, and the reports would go as far up the
3 chain as the leader feels they need to go. You're not
4 going to bring everything to a sheriff. I mean, it's
5 really a bizarre question to even think that a
6 deputy's report would go to a sheriff without going
7 through their chain of command.

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

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

25 Q But again, to go back to my question, is

1 this, I understand that you had a policy about
2 deputies will create incident reports, the incidents
3 reports will be reviewed by the superior of the deputy
4 and then they determine how far up the chain of
5 command it goes. But with something so tragic as a
6 school shooting, there was no policy that if the
7 threat is a school shooting event, it has to be
8 documented and immediately sent to the sheriff, to
9 you. There was no policy?

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

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

25 A Yes.

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

8 A Right.

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

11 A Right.

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

17 A We had appropriate policies in place to
18 deal with any type of report that came our way. If
19 there was something that needed my attention or I
20 needed to be advised of, every policy we had in place
21 would have directed that to me. Even though the
22 November report, it would not have changed anything.
23 Again, there were no crimes committed, and there was
24 nothing that could have been done to arrest this
25 person.

1 Q On that note about no crimes committed,
2 you still could have followed up with the information,
3 right? Your deputy could have followed up in November
4 of 2017 when they got a call that the next Columbine
5 might happen?

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

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

24 A Hundreds of thousands.

25 Q Hundreds of thousands. There's not

1 hundreds of thousands to BSO about school shootings?

2 A I wouldn't think so, no.

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

8 A Yes.

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

12 A Right.

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

17 A He violated the policy. And if there was
18 a policy in place for it to go to the sheriff, he
19 still would have violated the policy. So if anybody's
20 going to violate a policy, they're going to violate a
21 policy. The policies were appropriate. They were
22 effective. And any information I needed to know about
23 the policies existed yesterday and today to make me
24 aware of them, so we could have acted accordingly.
25 There was nothing wrong with the policies that

1 existed.

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

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

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

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

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

23 A Yes.

24 Q Okay. So there are in fact things that
25 could have been done within the realm of a law

1 enforcement officer with this information that was
2 known to two deputies in your agency? There are
3 things that could have been done?

4 A Such as?

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

7 A A shooter.

8 Q The threat.

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

12 Q The individual who had the deputies --

13 A You're asking a question based on what you
14 know in 2019. You're asking in 2016.

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

19 A Yes.

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

25 A Right.

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

7 A Right.

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

16 A Yes.

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

20 A Right.

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

24 A And that's why he received discipline for
25 not documenting the report. That's exactly my point.

1 I'm -- I was responsible for his performance or lack
2 of and he was -- I ordered an investigation and the
3 investigation culminated in his discipline.

4 Q Okay. And you would agree with me then --

5 A You haven't asked a question yet. I don't
6 know if I --

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

10 THE WITNESS: Yes, sir, I apologize.

11 BY MR. PRIMROSE:

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

17 A No.

18 Q No?

19 A No.

20 Q Even knowing now what we know of the
21 interactions your deputies had regarding the shooter?

22 A And your question when you asked your
23 question, you said even knowing now. And at that
24 point, no, we didn't know.

25 Q So Deputy Eason, nor Deputy Treijs had any

1 knowledge prior to February 14, 2018 that a school
2 shooting was a possibility?

3 A You said was about to occur.

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

7 A Not to my knowledge, no.

8 Q To your knowledge?

9 A Right.

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

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

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

15 A I don't.

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

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

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

24 A You did it as a statement.

25 SPECIAL MASTER: Please.

1 THE WITNESS: I'm sorry.

2 BY MR. PRIMROSE:

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

7 A That's such a false statement.

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

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

22 Q Okay. I'm going to turn your attention to
23 EOG Exhibit F. This is now still the Public Safety
24 Commission Report. We'll go to Chapter 4 which
25 discusses the school resource officer. 358.

1 I'm not going to ask you direct quotes
2 from there just yet. But again, you read this report,
3 right?

4 A Which report is this?

5 Q The Marjory Stoneman Douglas Public Safety
6 Commission?

7 A Yes.

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

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

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

15 A I don't remember.

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

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

20 Q Please, go ahead.

21 A I remember one part of the report that
22 they said that I believe it was two deputies -- I'm
23 not sure, but I believe it was two, that two deputies
24 were asked about the training that we provided and
25 they said the two deputies answered that they didn't

1 remember the training. And these actually happen to
2 be two deputies who eventually didn't go in; although,
3 they couldn't have done anything. The shooting was
4 already over, and I think the killer had left the
5 building. But they didn't know that. And I think
6 they were criticized for what they did or what they
7 didn't do. And the Commission said that they didn't
8 remember the training.

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

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

23 A Yes.

24 Q I'm not going to go minute by minute
25 through what they write in their report, but you would

1 agree that based on all evidence when Deputy Peterson
2 arrived at Building 12, gunfire was still happening?

3 A Yes.

4 Q And you would agree that by the time he
5 gets to Building 12, Deputy Peterson, the shooter is
6 still in fact shooting bullets?

7 A Yes.

8 Q We know that Deputy Peterson never went
9 inside the Building 12 while the shooting was still
10 going on?

11 A Correct.

12 Q And we know that the shooter was able to
13 leave not only Building 12, but the Marjory Stoneman
14 Douglas campus without Deputy Peterson ever actually
15 engaging him?

16 A Yes.

17 Q Okay. And on February 14, 2017 seventeen
18 individuals were murdered?

19 A Yes.

20 Q And that included many students?

21 A Yes.

22 Q And very brave teachers?

23 A Yes, and a football coach who is a very
24 special friend of mine.

25 Q And I can't even count, and I don't think

1 the Commission did, how many more people were injured
2 as a result of gunfire.

3 A Yes.

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

10 A Yes.

11 Q And you say you disagreed with their
12 finding?

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

16 Q Okay.

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

1 training that we provided.

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

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

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

12 SPECIAL MASTER: Thank you.

13 BY MR. PRIMROSE:

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

18 A Well, let me clarify that further. I
19 agree with the report and the findings where deputies
20 say they could not remember the training. I'm not
21 necessarily going to agree with the statement that the
22 deputies made to the Marjory Stoneman Douglas
23 Commission. That's what I'm trying to say. Curiously
24 the deputies who couldn't remember the training were
25 the deputies who couldn't go in. And if you read past

1 it it says that the training was -- that the -- states
2 that the deputy said that they may go towards the
3 shooter.

4 I have one advantage over you, sir, and I
5 mean that respectfully, is that I've been a police
6 officer 40 years and I don't know that there is a day
7 in my life I haven't been around police officers and I
8 have never met one, not one, who'd make a decision to
9 not go in or not go in based on may or shall.

10 Deputies and police officers will make decisions to go
11 in based on courage and nothing more, nothing less.

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

20 A I do, sir.

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

24 A No, I know the quality of the people on
25 the Commission. I believe the Commission felt that

1 way. And I've got some experience myself. I come
2 with 40 years of law enforcement experience, and I've
3 been in the fray once or twice myself, and I just
4 disagree with the statement. That's all.

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

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

17 A Yes.

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

21 I'm going to page 201 Bates stamped 471.
22 These are the findings from the Public Safety
23 Commission regarding the active shooter policy. And
24 I'm not going to belabor it with you. We've already
25 done that. But at least the Commission wrote that

1 Sheriff Israel, you, inserted the word may into the
2 policy and it is insufficient and fails to
3 unequivocally convey the expectation that deputies are
4 expected to immediately enter an active assailant
5 scene when gunfire is active. And then if you go to
6 the next page, neutralizing the threat. The use of
7 the word "may" in BSO policy is inconsistent with
8 current and standard law enforcement practices.
9 That's what they found and wrote.

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

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

17 A So what's the question, sir?

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

25 A Everything he was reading you're saying

1 was from the Marjory Stoneman Douglas?

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

11 MR. KUEHNE: Objection to the form.

12 Misstates the Governor's bench memorandum.

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

19 BY MR. PRIMROSE:

20 Q That was the point of my question.

21 A Answer it? Yes, I did not know you were
22 quoting from the Commission report unless you told me
23 you were quoting from them, but it wouldn't change my
24 answer whether you're quoting from the report. If
25 something is right, it's right. And if some thing is

1 inaccurate or I disagree with it, I would say that.

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

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

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

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

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

22 A Yes.

23 Q And then not specific to BSO, but the
24 Commission also says all law enforcement agencies must
25 have proactive active shooter response policy

1 including an immediate responding to and stopping
2 threat.

3 A Yes.

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

11 A Right.

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

15 A I think more like 1,800.

16 Q Okay. 1,800. My apologies.

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

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

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

25 Q But you knew Deputy Peterson?

1 A I did.

2 Q Even before the Marjory Stoneman Douglas
3 event?

4 A Yes.

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

8 A Ultimately it is.

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

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

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

23 Q Again, I wasn't asking if you had any
24 information. Just you could have removed him from
25 that position if you wanted to, you could have

1 assigned him somewhere else?

2 A Yes.

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

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

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

13 A Yes.

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

16 A No, the SWAT team has about 42.

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

18 A Three.

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

22 A Yes.

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

1 accurate?

2 A I'm not sure.

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

7 A No, I would have no reason to disagree.

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

10 A Say that again.

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

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

23 Q And on direct examination you testified
24 that Deputy Peterson -- I wrote this down had
25 "significant active shooting training." Do you

1 remember testifying to that?

2 A I think so, yes.

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

6 A Yes, that's correct.

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

9 A Correct.

10 Q And you say that that is significant
11 active shooter training, two courses in 11 years or
12 8 years?

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

21 Q Let me go to that because the fact that
22 Deputy Peterson was a trainer I think we need to
23 discuss that. Deputy Peterson was not training other
24 deputies or law enforcement officers about how to
25 approach an active shooter situation?

1 A No.

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

5 A That's correct.

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

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

25 Q Right. Deputy Peterson was training to

1 run or hide if a teacher or school administrator heard
2 gunfire?

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

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

13 A Sure.

14 (Whereupon, audio/video was presented.)

15 SPECIAL MASTER: Move the microphone down
16 there.

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

19 (INAUDIBLE.)

20 MS. GUTHRIE: You knew there were
21 gunshots.

22 MR. PETERSON: I thought they were
23 gunshots. I thought they were outside and the
24 first thing I thought was somebody is shooting
25 at us.

1 MS. GUTHRIE: You had your gun out?

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

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

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

11 MS. GUTHRIE: A complete breakdown in
12 radio communication. Frantic students calling
13 911 from the classroom are getting routed to
14 the town next door. Not the Broward Sheriff's
15 Office.

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

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

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

23 MR. PETERSON: No real-time intelligence
24 whatsoever.

25 MS. GUTHRIE: About a shooter inside the

1 building?

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

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

7 MR. PETERSON: No, not one.

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

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

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

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

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

23 MR. PETERSON: Yes, it's a very thick
24 glass. But like I said, those shoots I heard I
25 was like immediately -- I thought they were

1 outside. I didn't know where they were coming
2 from, if they were coming from the 1200
3 building.

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

7 At least three different times you refer
8 to the 1200 building. You say, Shots fired,
9 1200 building.

10 MR. PETERSON: It's over by inside the
11 1200 building.

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

14 MR. PETERSON: Right.

15 MS. GUTHRIE: Inside the 1200 building?

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

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

24 MR. PETERSON: Right.

25 MS. GUTHRIE: If I'm a parent whose child

1 died in that building, you do think there is a
2 shooter inside, why aren't you going inside?

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

5 MS. GUTHRIE: Why not check it out?

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

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

11 (Whereupon, audio/video ceased.)

12 BY MR. PRIMROSE:

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

16 A Completely.

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

20 A In an active shooter situation absolutely
21 I would disagree.

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

24 A Deputy Peterson didn't go in and it had
25 nothing to do with training and it had nothing to do

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

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

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

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

25 A I'm responsible for the entire agency.

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

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

14 A What word did you say?

15 Q Partially.

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

21 A Correct.

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

1 A Yes.

2 (Whereupon, audio/video was presented.)

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

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

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

1 to him, calling the (inaudible)?

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

6 MR. TAPPER: Amazing leadership?

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

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

22 MR. ISRAEL: Jake, on 16 of those cases
23 our deputies did everything right. Our
24 deputies have done amazing things. We've taken
25 this -- in the five years I've been Sheriff

1 we've taken the Broward Sheriff's Office to a
2 new level. I work with some of the bravest
3 people I've ever met. One person -- at this
4 point one person didn't do what he should have
5 done. It's horrific. The victims here, the
6 families, I pray for them every night. It
7 makes me sick to my stomach that we had a
8 deputy who didn't go in. Because I know if I
9 was there, if I was on that wall, I would have
10 been the first one in."

11 (Whereupon, audio/video ceased.)

12 BY MR. PRIMROSE:

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

18 A Yes.

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

21 A Yes, I don't think I conveyed
22 appropriately to the American public about
23 responsibility. Of course, I take responsibility for
24 everything that goes on in the agency. What I was
25 saying when I said I don't take responsibility, what I

1 meant to say, and I didn't do a good job of it, was
2 I'm responsible for everything. I didn't commit the
3 overt acts. And I will make sure that anyone who
4 committed overt acts, committed a crime, did some
5 things wrong, that I will make sure due diligence is
6 met.

7 Q Knowing that at least the evidence shows
8 right now that from the time Deputy Peterson arrived
9 at Building 12 and the active shooting was done --

10 A Could you repeat that please, sir?

11 Q Sure. We know -- can you hear me okay?

12 A Yes, sir.

13 Q We know based on the preliminary evidence
14 right now what was put in the Marjory Stoneman Douglas
15 Public Safety Commission that from the time Deputy
16 Peterson arrived at Building 12 hearing gunfire until
17 the time that the event finished at least six more
18 individuals were murdered. Do you take responsibility
19 for those six more lives that were lost because Deputy
20 Peterson did not enter the building?

21 A Are you saying do I take responsibility
22 for the loss of lives?

23 Q Yes.

24 A The loss of lives -- and you could
25 disagree or agree, but let me make it abundantly

1 clear, the only person, the only person responsible
2 for the loss of lives is a horrific evil killer that
3 did things through sheer evil. The responsibility to
4 take a human life, only the killer did that.

5 Q You don't find any responsibility?

6 A I just answered your question, sir. The
7 killer, an evil killer is responsible for taking
8 lives.

9 Q Yes or no, you do not believe that Deputy
10 Peterson has any responsibility for the lives that
11 were lost from the time that he entered the building
12 and did not go in until the event finished? It was a
13 yes or no question.

14 A What's the question?

15 Q Yes or no, do you believe that Deputy
16 Peterson is responsible for the lives that were lost
17 from the time he got to the building and didn't go
18 inside until the event finished?

19 A The loss of life was that of the killer,
20 the responsibility for taking lives was that of an
21 evil killer.

22 Q You don't believe as we sit here today
23 that you failed at all in your statutory obligation to
24 be the conservator of peace for Broward County; do
25 you?

1 A No, I don't. And to refer to the Marjory
2 Stoneman Commission report, the head of that, and I do
3 think the report was excellent and profound, and I
4 guess the chairman of that, Sheriff Gualtieri, would
5 agree with me because Sheriff Gualtieri said on
6 national TV that there was no evidence of any kind
7 that would call for my suspension. And he was the
8 Chairman and he said that, so I would agree with what
9 you're saying.

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

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

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

21 A So what's your question, sir?

22 Q Only -- the question is only one person,
23 but the Commission as a whole did not provide an
24 opinion one way or the other as to whether or not you
25 should be suspended from office or removed?

1 A That's true.

2 Q Just a moment.

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

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

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

20 A Those poor people could say whatever they
21 want about me and I'll never hit back. I'm not going
22 to push back on a mom or a dad who lost their child.
23 I can only image the pain and hurt they're going
24 through, and I will never, ever, ever respond to them.
25 They can think whatever they want. I respect them.

1 Q Even though you've said on the record now
2 that you are fully responsible for the actions and
3 response of BSO in both of the events that were
4 discussed throughout this final hearing?

5 A One thing has nothing to do with the
6 other.

7 MR. PRIMROSE: I have no further
8 questions.

9 SPECIAL MASTER: Thank you.

10 Mr. Kuehne, your witness on redirect.

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

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

16 Reconvene at 2:50.

17 (Whereupon, a recess was taken.)

18 SPECIAL MASTER: Before we get started,
19 Mr. Primrose, if I may just ask just for my own
20 notes. And it may be somewhere. I can't
21 access it. I'd like to know the dates of those
22 interviews that you showed with Guthrie and
23 Tapper, just the dates on which the interviews
24 were conducted. I don't know that they were in
25 the record.

1 MR. PRIMROSE: The Jake Tapper interview
2 was an exhibit in the Governor's -- let me just
3 try to find that real quick. The interview
4 with Jake Tapper is EOG Exhibit S. It's a
5 transcript. The video obviously is just for
6 demonstrative purposes.

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

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

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

20 SPECIAL MASTER: Thank you.

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

25 SPECIAL MASTER: Thank you.

1 Please proceed, Mr. Kuehne, with redirect
2 examination of this witness.

3 REDIRECT EXAMINATION

4 BY MR. KUEHNE:

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

10 A Yes.

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

13 A That's correct.

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

16 A No.

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

20 A I believe it was a few days.

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

23 A At that point we didn't have enough time
24 to. And I understand -- certainly understand the
25 timeline that the Commission was under. They were, by

1 the Governor, they had to have the report in by
2 January 1st of the new year, so I understood the
3 timeline and how voluminous and how hard they had
4 worked. But there really wasn't enough time for us to
5 respond as significantly as we wanted to as
6 comprehensively as we wanted to.

7 Q The Commission Chair you've mentioned is
8 Bob Gualtieri?

9 A Yes.

10 Q The sheriff of what county is it?

11 A Pinellas.

12 Q The elected Sheriff of Pinellas County?

13 A Yes.

14 Q Who also is a lawyer and member in good
15 standing of the Florida Bar?

16 A Yes.

17 Q And you had dealings with him during the
18 work of the MSD Public Service Commission?

19 A Yes.

20 Q You had known him certainly well before
21 that time?

22 A Yes.

23 Q As a co-sheriff?

24 A Yes.

25 Q Active in the Florida Sheriff's

1 Association joint activities?

2 A Yes.

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

6 A There was another sheriff.

7 Q Some law enforcement people?

8 A Yes.

9 Q Two sheriffs?

10 A Three sheriffs in total.

11 Q Bob Gualtieri and two other sheriffs?

12 A Yes.

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

17 A Yes.

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

24 A And malfeasance.

25 Q And malfeasance. And there is an exhibit,

1 Exhibit 34. I can show it to you if you'd like. In
2 fact, that is Israel Exhibit 34 and my pages are a
3 little bit unable to be read.

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

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

8 BY MR. KUEHNE:

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

13 A I am, sir.

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

21 "Just because your people are imperfect or
22 in some cases wrong or in some cases negligent or in
23 some cases act improperly or engage in malfeasance or
24 misfeasance like Peterson, that doesn't mean the
25 sheriff did." Gualtieri said referring to former

1 School Resource Deputy Scott Peterson. "Peterson I
2 would say had all the tools, had received the training
3 and that was a situation where no matter what you did
4 or what you gave that guy, he was just a coward who
5 wasn't going to act."

6 You're aware of that statement?

7 A I am.

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

13 A That's correct.

14 Q And that perjury included his statements
15 about his training?

16 A Yes.

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

20 A Correct.

21 Q And apparently the FDLE, from what you've
22 read, and certainly presumption of innocence to Deputy
23 Peterson, but what you've read in Exhibit 37, FDLE
24 said probable cause to believe he committed perjury in
25 that statement about his training?

1 A Yes, they did.

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

6 A Correct.

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

10 A Not one thing.

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

20 Do you hear that?

21 A Yes.

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

25 A Yes.

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

12 A Yes.

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

16 A He is.

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

19 A It is.

20 Q Has rural areas and urban areas?

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

24 Q The same organization that asked you to do
25 a presentation on the Fort Lauderdale Airport shooting

1 responses, a model for other organizations?

2 A Yes.

3 Q And Sheriff Gualtieri is also a sheriff
4 whose then active shooter policy gave his deputies
5 discretion to evaluate the situation prior to entering
6 into an active shooter area?

7 A As well he should.

8 Q But with the imperative that confronting
9 the actual active killer is the priority?

10 A That's exactly what his policy said.

11 Q Does that mirror the BSO policy 4.37 that
12 you were asked about on cross-examination?

13 A It certainly does.

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

17 A Yes.

18 Q And your conclusion is it's the same
19 policy just written in a different way?

20 A Yes.

21 Q And I'm not going to put it up on the
22 scene, but I can show it to you and I've highlighted
23 it. This is Exhibit 3, Israel Exhibit 3, pages Israel
24 7. I want you to take a look at this and I've
25 highlighted the renumbered section 4.37.2.

1 A Thank you.

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

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

10 Q And then read those.

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

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

22 A Very standard, yes.

23 Q And does it require a deputy to assess the
24 situation and as the absolute priority confront the
25 shooter?

1 A Yes.

2 Q Is that what the old policy did?

3 A Yes.

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

8 THE WITNESS: I missed that.

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

12 BY MR. KUEHNE:

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

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

19 Stop the active assailant or assailants.

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

25 A I do.

1 Q And you disagree with that?

2 A Absolutely.

3 Q Does the report cite anything at all as
4 support for that conclusion?

5 A No.

6 Q Did the report make any findings of fact
7 to identify where that conclusion came from?

8 A No.

9 Q Does the report have a bibliography or a
10 set of reference materials saying, these are the
11 standards that are applicable?

12 A It doesn't, sir.

13 Q Is there any discussion of the standards
14 applicable for in the State of Florida, the Nation or
15 law enforcement as to active shooter policies?

16 A No standard.

17 Q Did they even, as far as that report
18 reflects, compare their conclusion to the Pinellas
19 County's Sheriff's Office policy as far as you know?

20 A Not as far as I know.

21 Q Or any policy in the State of Florida?

22 A Not as far as I know.

23 Q The MSD Public Safety Commission is not a
24 law enforcement agency?

25 A No.

1 Q Has no certification in the law
2 enforcement capacity?

3 A Does not.

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

7 A Yes.

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

11 A I remember that question.

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

14 A No, sir.

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

17 A No, not at all.

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

20 A Yes.

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

23 A It does.

24 Q And standards and protocols used by the
25 major law enforcement organizations in the United

1 States of America?

2 A Yes.

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

5 A No.

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

8 A Yes.

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

14 A Yes, absolutely.

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

17 A Kind of like the gold seal of approval.

18 Q Gold seal of approval.

19 You know much about lawyers?

20 A Not much.

21 Q How about doctors, you know about doctors?

22 A Yes.

23 Q There's Board Certified doctors?

24 A Yes.

25 Q Now, you're not a doctor?

1 A No.

2 Q But doctors can practice medicine being
3 licensed?

4 A Yes.

5 Q And doctors can be Board Certified in
6 certain areas?

7 A Yes.

8 Q Is in a law enforcement circle with law
9 enforcement agencies is CALEA certification sort of
10 like that, the higher standard of excellence and
11 competence?

12 A Great analogy, yes.

13 Q And how about the Florida certification
14 known as CFLE, Commission on Florida Law Enforcement
15 Accreditation; is that a similar set of higher
16 professionalism?

17 A Yes. To achieve their degrees or their
18 certification you kind of have to set the bar higher
19 at the agency.

20 Q So the questions about certification by
21 CALEA -- certification, by the way, BSO has had a
22 history of being certified?

23 A Yes.

24 Q It takes a lot of work of a lot of people
25 at BSO to obtain, keep and maintain those

1 certifications; doesn't it?

2 A It sure does.

3 Q And don't certifications have to be
4 renewed?

5 A Continually.

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

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

14 Q And it includes access to information?

15 A You open up all the locked doors to them.

16 Q Access to policies?

17 A Yes.

18 Q Access to training records?

19 A Yes.

20 Q Access to disciplinary records?

21 A Yes.

22 Q This is all confidential within CALEA,
23 right?

24 A Yes.

25 Q And does CALEA meet with, work with

1 consult with from, let's say, the entry level law
2 enforcement up to the brass, the top command?

3 A Yes.

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

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

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

15 A Absolutely. Training.

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

21 A Yes.

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

25 A No.

1 Q In fact, what was quoted -- and I just
2 want to make sure this is clear. This is BOG 439,
3 Page 169 of the Marjory Stoneman Douglas report,
4 Governor's Exhibit F. And I'm quoting now.

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

15 That's what it says?

16 A Yes.

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

19 A No.

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

23 A Not to my knowledge.

24 Q Do they ever say, We never had active
25 shooter training?

1 A No.

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

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

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

9 A Completely.

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

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

19 Q Now, I already asked you about the
20 standard. But the BSO report states on page 201 that
21 Sheriff Israel inserted the word "may" in the BSO
22 policy and it is insufficient and fails to
23 unequivocally convey the expectation that deputies are
24 expected to immediately in active assailant scene
25 where gunfire is active and to neutralize the threat.

1 The use of the word "may" in BSO policy is consistent
2 with current and standard law enforcement practices?

3 A It's just not accurate.

4 Q Is there any support for that?

5 A Hundreds and hundreds of polices around
6 the country.

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

11 A No, sir.

12 Q Three sheriffs were on this Commission,
13 right?

14 A Yes, sir.

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

18 A No.

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

24 A I do.

25 Q Now, one of the consistencies that BSO

1 does is that training is continually updated, right?

2 A Correct.

3 Q So if you look at Governor's Exhibit X,
4 not shown to you during your cross, but X is the
5 updated training from the Exhibit W that was shown to
6 you. I'm going to hand it to you, Governor's Exhibit
7 X. In the top right it shows date?

8 A Yes, it shows a series of dates.

9 Q Series of dates. And each time there is a
10 date that means there is an update, a change, an
11 improvement or augmentation to the lesson plan?

12 A It does. That's exactly what it means.

13 Q And that exhibit, Exhibit X, shows that
14 Lessons Learned, that Active Shooter Training Course
15 Plan was updated numerous times after Exhibit W,
16 right?

17 A It was.

18 Q And post Marjory Stoneman Douglas tragedy,
19 BSO updated its lesson plan yet again?

20 A Yes, four times since the massacre at
21 Marjory Stoneman Douglas.

22 Q And is that something that is in keeping
23 with law enforcement standards for training protocols?

24 A Absolutely, it's -- yes.

25 Q Now, you were also asked in the

1 questioning about the Commission report that Marjory
2 Stoneman Douglas Commission recommended that all
3 agencies should have active shooter response policies.
4 Remember that?

5 A I do.

6 Q And you agree with that?

7 A I agree with that.

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

11 A That's right.

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

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

22 Q So if there is no requirement for active
23 shooter policies and no use of active shooter policies
24 by all the sheriff's associations in Florida, is
25 having an active shooter policy like BSO does

1 neglecting your duties as sheriff?

2 A No.

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

8 A Yes.

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

13 A Not to my knowledge.

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

16 A Right.

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

20 A Right.

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

25 A Not to my knowledge.

1 Q Or to pass a bill that says let's make all
2 the sheriffs offices follow the practice of Broward
3 Sheriff's Office to implement active shooter policies
4 and training?

5 A No.

6 Q Did the executive branch issue any
7 regulations as far as you know?

8 A No.

9 Q The Governor didn't issue regulations
10 under his authority as executive branch head to follow
11 the MSD Commission report recommendation as simple as
12 all agencies should have active shooter response
13 policies?

14 A No.

15 Q Did the Criminal Justice Standard Training
16 Commission issue a new requirement since they received
17 the recommendation of the Marjory Stoneman Douglas
18 Commission to implement active shooter policies?

19 A No.

20 Q And as far as you know how that process
21 works, the Governor could make that happen if the
22 Governor was serious about implementing reasonable
23 Marjory Stoneman Douglas Commission policies?

24 A Yes.

25 Q But Broward Sheriff's Office had already

1 implemented a policy that met and exceeded any of the
2 national standards or practices on active shooter?

3 A That's true.

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

7 A Yes.

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

12 A Yes.

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

17 A Yes.

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

20 A Yes.

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

25 A Yes.

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

9 A You could not.

10 Q Just could not be done?

11 A Could not be done.

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

16 A No, not to any knowledge.

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

21 A Not to my knowledge.

22 Q How about once every two years?

23 A Not to my knowledge, no.

24 Q So no Florida sheriff's office does it?

25 A I don't know. I don't know how often they

1 do it or what their rotation is.

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

5 A As far as I know, no.

6 Q And your mandate was once every three
7 years?

8 A That's correct.

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

11 A Yes.

12 Q Twice in five and a half years?

13 A Yes.

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

17 A Yes.

18 Q You've been through it?

19 A Yes.

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

22 A It certainly does.

23 Q It does?

24 A It does.

25 Q And when you mentioned training -- I think

1 on cross you said the training is not -- I don't
2 remember the word. It's not something that you need
3 to relearn. You just need to go through it again to
4 refresh?

5 A I think I said it's not perishable.

6 Q That's the word. Perishable.

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

11 A Yes.

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

14 A Yes.

15 Q Does that also incorporate aspects of
16 active shooter training?

17 A It certainly does.

18 Q Is that and others part of what you
19 understood to be part of his extensive shooter
20 training?

21 A Yes.

22 Q In addition to, you were questioned about
23 the training, the teachers?

24 A Yes.

25 Q That's a different aspect of active

1 shooter, right?

2 A It's a different aspect, yes.

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

7 A And having the knowledge of it.

8 Q And having the knowledge of it?

9 A Yes.

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

13 A Yes.

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

17 A Yes.

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

21 A Right.

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

25 A Absolutely. Actually, I participated in

1 some of the civilian trainings as well.

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

4 A I was.

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

7 A Completely.

8 Q Was yours a small city?

9 A Very small.

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

15 A That's true.

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

19 A That's true.

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

23 A Right.

24 Q Some maybe different for urban or
25 primarily urban law enforcement agencies?

1 A Right.

2 Q And you called BSO an urban law
3 enforcement agency?

4 A I would.

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

9 A Predominantly, yes.

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

12 A Yes.

13 Q North Bay Village?

14 A Yes.

15 Q Miami-Dade County?

16 A Yes.

17 Q Urban area?

18 A Yes.

19 Q And you had a small agency?

20 A Yes.

21 Q 50?

22 A 50.

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

1 Village?

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

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

14 A Yes.

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

17 A Yes.

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

22 A Yes. I think that -- if you want to serve
23 your community well, I think one of the key qualities
24 a leader can have is to see around corners and
25 anticipate. You can't anticipate everything.

1 Certainly couldn't predict these incredible,
2 incredible tragedies. But you want to be as proactive
3 as you can and you want to do things you can do to see
4 around corners and predict.

5 Q During cross you were shown various
6 sections of the MSD Commission report. Is there any
7 part of the Commission report that finds you acted
8 incompetently in your role as sheriff?

9 A Not one part.

10 Q Is there any part of the Commission report
11 that finds you neglected your duties as sheriff?

12 A Nowhere in the report.

13 Q Is there any part of the report that says
14 you didn't fulfill your duties as sheriff?

15 A No.

16 Q And the chairman of the report has made
17 very clear that he finds no basis to say you neglected
18 your duty or were incompetent or even committed
19 malfeasance?

20 A He does say that.

21 Q You were asked some questions about the
22 decision making process at BSO, decisions being made
23 and a lot of hypotheticals about couldn't you order a
24 policy that says if the two words active shooter show
25 up immediately you get a message to you. Remember

1 that?

2 A Yes, I do.

3 Q Fair to say that the sheriff makes a lot
4 of decisions during the course of a day, week, month,
5 tenure?

6 A Very fair to say.

7 Q Lots?

8 A Lots.

9 Q You're a governmental public servant?

10 A Yes.

11 Q Big agency?

12 A Yes.

13 Q Buck stops with you?

14 A Yes.

15 Q And in order to effectively and fairly
16 perform your job as elected sheriff isn't expected and
17 isn't the standard for sheriffs around the state that
18 you'll have a level of hierarchy?

19 A Yes.

20 Q You don't do everything yourself?

21 A It's impossible.

22 Q There is no sheriff's office that does
23 everything by the sheriff?

24 A None.

25 Q And is it part of your duties as sheriff

1 and your obligation to the public as a public servant
2 to make your agency into one that does have a proper
3 hierarchy?

4 A Yes.

5 Q And does have appropriate training?

6 A It does.

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

9 A Yes.

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

12 A Yes.

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

17 A I do.

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

21 A No.

22 Q And isn't that because when BSO took over
23 law enforcement responsibilities for municipalities
24 that BSO inherited the sworn law enforcement officers
25 of those municipalities?

1 A Absolutely.

2 Q Required?

3 A Required.

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

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

10 A That's correct.

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

14 A Yes.

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

17 A Yes.

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

21 A Yes.

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

24 A I did not hire him.

25 Q You inherited Scott Peterson?

1 A I inherited him.

2 Q And as far as everything you know, and you
3 had some interaction with Scott Peterson, never the
4 slightest squeamish feeling about his ability to fully
5 and fairly execute his duties?

6 A Never.

7 Q And he seemed to love the kids?

8 A Yes, he did.

9 Q A natural SRO?

10 A Yes.

11 Q Did you ever see him act more like a
12 friend to the students as opposed to a police officer
13 who was friendly?

14 A I did.

15 Q And was he always in the appearance of
16 being a police officer?

17 A Yes.

18 Q So you were asked some questions about the
19 sheriff requiring additional training if the sheriff
20 believes additional training is needed?

21 A Yes.

22 Q Did you require additional training if you
23 believed it was needed?

24 A Absolutely.

25 Q And is that consistent with your duties as

1 sheriff?

2 A Yes.

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

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

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

13 A Not to my knowledge, no.

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

16 A No.

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

20 A No, sir.

21 Q You've made due?

22 A We made due.

23 Q By the way, are you able to set your
24 budget? Can you tell the taxpayers I need this amount
25 of money?

1 A No.

2 Q How does that happen?

3 A I go before a county commission and ask
4 for the money of the county commission. I always ask
5 for "X" and I get "X" minus something.

6 Q And that's part of your statutory duty as
7 sheriff, to obtain the funds to run an agency?

8 A Yes.

9 Q Just like every other sheriff?

10 A Yes.

11 Q You don't have taxing authority?

12 A No.

13 Q And the legislature as far as you know has
14 never given extra bonus money to sheriff's offices to
15 encourage them to implement active shooter training?

16 A Correct.

17 Q You were asked a number of questions on
18 cross and about the -- I think the questions were
19 increasing amount of school shootings throughout
20 America. Do you remember those series of questions?

21 A I do.

22 Q You had some trouble answering it because
23 each time there is a school shooting that increases
24 the number of school shootings?

25 A That was my point.

1 Q Prior to Marjory Stoneman Douglas had
2 there ever been a school shooting in Broward County?

3 A No.

4 Q Had there ever been one of these active
5 killer situations in Miami-Dade County schools as far
6 as you know?

7 A Not as far as I know.

8 Q How about in Long Beach County, an active
9 killer in the schools prior to MSD?

10 A No, I never heard of one.

11 Q As far as Florida goes you're not an
12 expert -- strike that.

13 You're not knowledgeable about all the
14 activity in crime in Florida; are you?

15 A No, I'm not.

16 Q But as far as you knew up to MSD, Marjory
17 Stoneman Douglas High School tragedy, had there been
18 an active shooter event in a Florida school?

19 A Not to my knowledge.

20 Q Did the MSD Commission report reflect this
21 increasing trend of Florida high school, elementary
22 school, secondary school mass active shootings --

23 A No.

24 Q -- leading up to MSD?

25 A Never.

1 Q In fact, it's silent on that?

2 A Yes.

3 Q A recognition, it hadn't happened, right?

4 A Right.

5 Q Yet before any of this was reality, you

6 implemented an onsite on scene large scale

7 participation by numerous agencies and officers,

8 Pompano High School active shooter training?

9 A Yes, we did.

10 Q As soon as you took office?

11 A Yes, very shortly thereafter.

12 Q And then you were questioned about, well,

13 you didn't do it in 2014, right?

14 A Right.

15 Q And you didn't do in 2015, right?

16 A Right.

17 Q But did BSO regularly do active shooter

18 large scale scenarios?

19 A Yes.

20 Q And is that, as sheriff, what's important

21 as opposed to the place it's done?

22 A So much more important.

23 Q Are there lessons learned from the Fort

24 Lauderdale Airport/Seaport large scale training that

25 are equally applicable to an active shooter in school?

1 A Yes.

2 Q Or active shooter at an airport?

3 A Most definitely.

4 Q By the way, I want to make sure that the
5 record is clear on this. There is a concept known as
6 soft targets.

7 A Yes.

8 Q And on cross-examination you were given
9 some definition of soft targets?

10 A Yes.

11 Q A soft target is not an airport that has
12 numerous, in fact, probably the most security anybody
13 has ever seen in anyplace they go?

14 A No, it's not considered.

15 Q A school might be?

16 A Yes.

17 Q But it might not be?

18 A But it might not be.

19 Q Depending on the nature of security?

20 A Right.

21 Q A mall might be, but it might not be?

22 A Right.

23 Q So the idea that every school is a soft
24 target is really a misunderstanding of what that
25 concept means?

1 A Right. You'd have to look at each
2 building separately and independently.

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

5 A As high as it gets.

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

9 A Never.

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

15 A Why didn't I do it once a week?

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

21 A Yes.

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

24 A Not at all.

25 Q How do you make those decisions, how often

1 do we need to train, what resources do we need to use,
2 should training be 100 people or 1,000 people?

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

14 Q And do you look at what others are doing?

15 A Yes.

16 Q And do you look at failures of others?

17 A Absolutely.

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

23 A No.

24 Q Does a crime occurring mean that a sheriff
25 has neglected his duties?

1 A Absolutely not.

2 Q So we in this room -- strike that.

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

5 A Yes.

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

8 A Yes.

9 Q That's not accurate; is it?

10 A No, that's not accurate at all.

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

13 A The training unit was headed up by Major
14 Kevin Shults. I think the most important thing I'd
15 like to impart is before I became sheriff I think that
16 our attendance rate of trainings was about 48, 47
17 percent. And since Major Shults took over and talked
18 about the importance of training, I think the
19 attendance rate went up to about 94%. He had full
20 time trainers available to him. He had a cadre of
21 trainers who would work full time at their normal
22 jobs, whether it be detective, law enforcement,
23 fugitive, SWAT. And when their training was needed,
24 they would be pulled off the road and they were
25 trained. So we had plenty of trainers.

1 But as I said today, the important part is
2 the time, the ability to pull people off the road and
3 pull them from the cities because we have contractual
4 agreements with, I believe, 15 or 16 cities to supply
5 law enforcement services to them. And you can't give
6 them, nor would you ever want to give them, less men
7 and women on the street than the contract requires.
8 So you have contractual obligations to live up to.

9 Q And these trainers, the ones who were
10 full-time trainers, that's their assignment, right?

11 A Yes.

12 Q But they're deputies?

13 A Yes.

14 Q If the need arises, boom, move from that
15 training classroom and you're on the street, you're
16 going to Marjory Stoneman Douglas?

17 A Yes.

18 Q You're going to Fort Lauderdale Airport?

19 A Yes.

20 Q Or the Seaport?

21 A Yes.

22 Q These trainers are trained as well?

23 A Yes.

24 Q So is that method of having a training
25 unit staffed by full-time police law enforcement

1 officers and assisted by a cadre of experienced
2 officers consistent with the standards applicable for
3 large sized sheriff's offices?

4 A Yes.

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

10 A Yes.

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

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

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

20 A No.

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

23 A Yes.

24 Q People who are committed to represent the
25 interest of the people?

1 A Yes.

2 Q Sometimes elected, sometimes appointed?

3 A Yes.

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

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

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

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

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

1 A Absolutely.

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

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

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

10 A Yes.

11 Q So no less law enforcement attention to a
12 municipality?

13 A No.

14 Q Or to the airport or seaport?

15 A No.

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

20 A I do.

21 Q And then it was changed in the contractual
22 agreement?

23 A Yes.

24 Q And you made very clear that law
25 enforcement resources sometimes are not necessary to

1 have a sworn law enforcement officer?

2 A That's correct.

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

5 A Community Service Aides.

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

9 A I felt we did, yes.

10 Q Including at the airport?

11 A Including at the airport.

12 Q Including at the seaport?

13 A Including at the seaport.

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

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

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

23 A No, not one time. And during my
24 administration I worked with two different airport
25 directors and both the relationships with both airport

1 directors was very positive, very productive. And we
2 give them the deputies and the officers they wanted,
3 that they paid for and we were on the same page.

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

8 A I do.

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

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

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

18 A Yes.

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

21 A Not as far as I know.

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

24 A Yes.

25 Q Were you able to find the people necessary

1 to get that done?

2 A Yes.

3 Q And convince them to get it done?

4 A Yes.

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

7 A Yes.

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

11 A Right.

12 Q The airport director obviously -- strike
13 that.

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

18 A I really do feel that way.

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

22 A Absolutely.

23 Q Not just active shooter crimes?

24 A All crimes.

25 Q Stealing luggage crimes, stealing cars

1 from the garage, right?

2 A Right.

3 Q And those are all real life circumstances?

4 A Sure.

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

9 A Never.

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

15 A I did.

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

19 A None at all.

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

24 A Same as any other agency exactly.

25 Q And you mentioned that you didn't drill

1 down and read the first draft report, the second draft
2 report, right?

3 A Right.

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

6 A I was.

7 Q Was it an important matter?

8 A Yes.

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

13 A Yes.

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

16 A Yes.

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

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

22 Q The Fort Lauderdale shooting, when you
23 asked about the after action report, was a big deal
24 because of the extent of involvement by law
25 enforcement and numerous other reporting agencies,

1 right?

2 A Yes.

3 Q And was there any expectation within the
4 BSO hierarchy that this was going to be a one draft,
5 get it done after action report for you to signoff?

6 A There was never the expectation.

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

10 A No.

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

15 A Yes.

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

20 A Yes.

21 Q That's normal?

22 A Normal.

23 Q Even for an investigative report?

24 A Of course.

25 Q And you do respect the work done by Major

1 Cedenno?

2 A I do.

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

6 A Not at all.

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

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

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

19 A Correct.

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

23 A Never.

24 Q Did you use that interview as an
25 opportunity to let the public know if you could, that

1 we're here to protect you?

2 A Yes.

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

6 A Right, yes.

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

8 A Yes.

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

13 A No.

14 Q Or the aftermath?

15 A No.

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

18 A Yes.

19 Q Is it something that you carry with you
20 everyday?

21 A Yes.

22 Q Is there any bright moment from that
23 tragedy?

24 A No.

25 Q Has BSO become a better agency under your

1 tenure post MSD shooting?

2 A Yes.

3 Q In what respect?

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

19 We brought over a -- created an app on the
20 cell phone called Safer Watch, which allows people,
21 students, citizens to call in and let us know
22 information that's not 911. We're very clear it's not
23 in place of the 911 system. But now crimes about
24 bullying, things like that, can be put into the Safer
25 Watch app and we'll continue to follow-up on it. I

1 don't know the statistics on it. But when I left, it
2 was getting a lot of attention from the community.

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

6 A I do.

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

11 A They know I did.

12 Q Were you neglectful in anyway of those
13 duties?

14 A Never.

15 Q Did you act incompetently?

16 A Never.

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

19 A I know what I'm supposed to do.

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

23 A You bet we did.

24 Q How about just your sense of doing the
25 right thing for the community?

1 doesn't know me. He's never sat across the table from
2 me. And I'm not incompetent, and I'm not negligent.

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

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

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

19 A I did.

20 Q Will you continue to do so?

21 A I will.

22 MR. KUEHNE: Nothing further, Special

23 Master.

24 SPECIAL MASTER: Thank you.

25 Mr. Primrose, anything further?

1 MR. PRIMROSE: Just one moment.

2 SPECIAL MASTER: Mr. Kuehne, anything
3 further?

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

6 SPECIAL MASTER: Mr. Primrose.

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

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

15 I want to make it very clear that at no
16 time does Sheriff Israel intend to or did we
17 intend to impune the integrity or the
18 professionalism of Counsel. In looking over my
19 notes it may have appeared that there was some
20 effort on our part, which was not any effort.
21 The Governor's counsel, especially
22 Mr. Primrose, has been 100% professional, as I
23 think you know, throughout this. We have an
24 excellent spirited relationship in this. And
25 nothing we said was intended to suggest that

1 the Governor's counsel in anyway acted
2 inappropriately, said anything. If he had, I
3 would have made objections promptly in the
4 record.

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

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

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

20 I would like to first excuse the witness.
21 And also, come back to what we talked about
22 earlier this morning in terms of defining the
23 facts, conclusions of law, staggering those by
24 about a week, whether or not you and Mr. Kuehne
25 have been able to agree upon the time frame.

1 If not, I will move forward and set aside some
2 time frames.

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

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

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

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

1 Mr. Kuehne.

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

8 SPECIAL MASTER: That will be August
9 the 16th?

10 MR. PRIMROSE: The 19th.

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

14 Anything further?

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

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

24 SPECIAL MASTER: That's a good question.
25 The court reporter can tell us that. But I

1 would expect it to be a couple of weeks at a
2 minimum.

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

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

8 SPECIAL MASTER: Yes, indeed.

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

11 MR. ISRAEL: Thank you, Special Master.

12 (Whereupon, proceedings concluded at 3:57
13 p.m.)

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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



DOREEN M. MANNINO
Commlsion # GG 270563
Expires November 28, 2022
Bonded Thru Budget Notary Services

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