

**THE FLORIDA SENATE**

In re: Executive Order of Suspension, Number 19-14  
Suspension of Mr. Scott Israel, Sheriff  
Broward County, Florida

**RECOMMENDED ORDER**

A final hearing was conducted in this case pursuant to Article IV, section 7(b) of the Florida Constitution and sections 112.43 and 112.47, Florida Statutes, before Dudley Goodlette, Special Master, of the Florida Senate, on June 18 through 19, 2019 in Tallahassee, Leon County, Florida.

**APPEARANCES**

For Governor: Nicholas A. Primrose  
John MacIver  
Deputy General Counsel  
Executive Office of Governor Ron DeSantis  
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For Suspended Official: Benedict Kuehne  
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## **STATEMENT OF THE ISSUE**

The sole issue presented to the Florida Senate is whether Scott Israel (“Israel”) should be removed from his office as Broward County Sheriff for neglect of duty and/or incompetence in the discharge of his duties, including, but not limited to, failing his paramount statutory duty to be the “conservator of the peace”, in violation of section 30.15(1)(e), Florida Statutes, and be responsible for the neglect of his deputies under section 30.07, Florida Statutes.

## **CONCLUSION**

Scott Israel has violated his oath of office under Article II, section 5 of the Florida Constitution because he has failed to faithfully perform the duties of his office which demands the Florida Senate remove him for neglect of duty and/or incompetence.

## **PRELIMINARY STATEMENT**

On January 11, 2019, Governor Ron DeSantis issued Executive Order 19-14 suspending Scott Israel from his office as Broward County Sheriff after his failed leadership resulted in multiple deaths from two mass shooting incidents. Scott Israel, as the Sheriff, was the entire Broward County Sheriff’s Office. All hiring, firing, promoting, demoting, development of policies, training requirements and exercises were under his ultimate control and discretion. The facts and evidence show that Scott Israel failed to provide appropriate department policies for responding to an active shooter situation, he failed to adequately and frequently train his deputies to respond to an active shooter situation, and he failed in his paramount statutory duty to be the conservator of the peace in Broward County. These are the grounds for his suspension. *See also* Executive Order 19-14; Governor DeSantis’ Bill of Particulars. Pursuant to Article IV, section

7(a) of the Florida Constitution, Governor DeSantis suspended Scott Israel on the grounds of neglect of duty and incompetence.

On January 29, 2019, Israel requested a formal hearing in the Florida Senate pursuant to Article IV, section 7(b) of the Florida Constitution. At a preliminary case management conference, Israel requested a Bill of Particulars pursuant to Florida Senate Rule 12.9(3). On February 25, 2019, the Executive Office of Governor Ron DeSantis (“EOG”) filed its Bill of Particulars and its Witness and Exhibit List. On March 7, 2019, Israel filed a Petition for Writ of Quo Warranto in the Seventeenth Judicial Circuit in and for Broward County, Florida challenging Executive Order 19-14. Israel also invoked Florida Senate Rule 12.9(2), requesting the matter in the Senate be abated during the pendency of the litigation. EOG objected to the abeyance given the frivolous nature and delay tactics of Israel.

On April 4, 2019, the Seventeenth Circuit denied Israel’s Petition and granted EOG’s Motion to Dismiss. The Seventeenth Circuit found Executive Order 19-14 met the constitutional requirements and jurisdictional authority. Israel appealed this order to the Fourth District Court of Appeal. EOG requested “pass-through” jurisdiction due to the great public importance of an immediate answer on the Governor’s actions. Israel objected to that request. On April 9, 2019, the Fourth District Court of Appeal certified the case as one of great public importance and the Florida Supreme Court accepted jurisdiction on an expediated basis. On April 23, 2019, the Florida Supreme Court, in a unanimous decision, affirmed the Circuit Court’s order denying Israel’s Petition. Upon the opinion, EOG immediately requested the Senate proceedings continue.

On May 2, 2019, the Special Master set this case for a prehearing conference on June 5, 2019, with a final hearing beginning on June 18, 2019. As part of that notice, the Special Master required both parties to exchange all exhibits and submit bench memorandums by June 3, 2019.

The final hearing was held on June 18 and 19, 2019, as scheduled. Israel presented live testimony of Jack Dale, John Curcio, Robert Pusins, and Scott Israel. Israel's Exhibits 1 through 37, except for 28, were admitted into evidence without objection. Israel Exhibit 28 was excluded because a copy was not furnished to the Governor's legal counsel prior to the hearing. EOG did not present any witness testimonies. EOG Exhibits A through X were admitted into evidence without objection. Additional witness testimony was submitted in the form of deposition transcripts.

At the close of the evidentiary portion of the final hearing, the parties advised that a transcript of the final hearing would be ordered. The four-volume final hearing transcript was filed on July 9, 2019, making the proposed recommended order of EOG due on August 12, 2019, and Israel on August 19, 2019.

References to the Final Hearing will be cited as "EOS19-14 vol. \_\_. Page \_\_\_\_, Line(s) \_\_\_\_." References to EOG Exhibits will be cited to the bates stamped identifier as "EOG-\_\_\_\_." References to Israel Exhibits will be cited to the bates stamped identifier "Israel\_\_\_\_." References to deposition testimony will be cited as "Depo \_\_\_\_, Pg. \_\_\_\_, Line(s) \_\_\_\_."

## FINDINGS OF FACT

### I. The Parties

1. Governor: The Executive Office of Governor Ron DeSantis (“EOG”), by and through Deputy Counsel, Nicholas Primrose and John MacIver, files this Proposed Recommended Order.

2. Suspended Official (Scott Israel): Scott Israel (“Israel”) is a publicly elected official, serving as the Sheriff of Broward County. As an elected public official Scott Israel made an oath to fulfill his duties to the public and that he will “well and duly-perform the duties” of Sheriff. Art. II, § 5(b), Fla. Const. Scott Israel testified that when he was elected to hold sheriff within Broward County, he understood that it was solely under his authority that the sheriff’s office would exist. EOS19-14 vol. 3. Page 385. Lines 15-19. Scott Israel also testified that every employee within the Broward County Sheriff’s Office is acting under his authority as sheriff, with the sheriff acting as the ultimate decision-maker. EOS19-14 vol. 3. Page 386. Lines 3-10.

### II. Background Facts:

3. On January 11, 2019, Governor DeSantis issued Executive Order 19-14 suspending Scott Israel for neglect of duty and incompetence.

4. Executive Order 19-14 cites two mass casualty incidents as the basis for neglect of duty and incompetence, the Fort Lauderdale-Hollywood International Airport shooting on January 6, 2017, and the Marjory Stoneman Douglas High School shooting on February 14, 2018. *See* Executive Order 19-14; EOG Bill of Particulars.

### III. Fort Lauderdale-Hollywood International Airport (“FLL”):

5. Broward Sheriff’s Office (“BSO”), through an agreement with Broward County Aviation District (“BCAD”), provided law enforcement and security for the Fort Lauderdale-

Hollywood International Airport (“FLL”). However, no large-scale training was ever conducted at FLL prior to January 6, 2017. EOG-00222.

6. On January 6, 2017, at approximately 12:54 p.m., a gunman opened fire inside the baggage claim area of the FLL Terminal 2. EOG-00008.

7. In the time it took BSO to arrive, gunman had fired fourteen rounds, murdering five people and injuring six more making it the deadliest attack on a U.S. Airport. EOG00012.

8. The shooter ran out of ammunition, dropped to the floor, and was apprehended by a Deputy. The initial incident lasted no more than 2 minutes. Law enforcement did not fire a single round of ammunition. EOS19-14 vol. 3. Pg, 433. Lines 17-19.

9. According to BSO policy, BSO conducted an After-Action Report into the FLL shooting. There were two draft versions of the report, dated May 3, 2017 (“Initial Draft Report”) and June 2, 2017 (“Second Draft Report”), and the final report (“Final Report”), published October 6, 2017. EOG-00004 and EOG-00123. Sheriff Israel only testified to having read the final published version. EOG19-14 vol. 3. Pg, 467. Lines 8-10.

10. The deputy that apprehended the shooter was Deputy Jesus “Jesse” Madrigal (“Deputy Madrigal”), a Deputy Pilot with BSO at FLL, and an officer in charge of the aviation unit at FLL. On the day of the shooting, he was a detail deputy at TSA Checkpoint from 5 a.m. to 6 p.m. He responded to the shooting incident and in depositions claimed he utilized his training from BSO and also his military training. Deposition of Deputy Madrigal (“Depo Madrigal”), Page 6, Lines 19-25.

11. Deputy Madrigal received training through BSO and he remembered generally attending a training related to Active Shooter that was not specific to the FLL airport. Depo Madrigal, Page 52, Line 20.

12. At approximately 1:10 p.m., deputies began to secure the crime scene and move passengers away from the scene. EOG-00014.

13. At 2:20 p.m., a customs border patrol officer, who believed he heard gunshots ran with his firearm towards FLL Terminal 2 asking if anyone heard shots fired. EOG-00016. A fire rescue captain who heard this officer radioed “Border Patrol reporting shots fired in Terminal 2.” EOG-00017.

14. Because of the radioed report of “shots fired in Terminal 2”, ticket counter employees and passengers began to flee. EOG-00018.

15. Upon seeing individuals fleeing, one Broward Sheriff deputy radioed “shots fired” coming from the Palm Garage. EOG-00018. This radio transmission caused more panic; various law enforcement officers started running toward the Palm Garage. EOG-00019-00020.

16. Fleeing Terminal 4 passengers reported that a suspicious male was being detained at gunpoint, solely based on overhearing a transmitted police radio communication of a “suspect at gunpoint”. EOG-00020.

17. In a separate terminal, another Broward Sheriff deputy, stationed at the B Concourse Checkpoint, believed he heard shots fired and relayed over the radio “shots fired in Terminal 4,” later stating “shots fired in Terminal 1.” EOG-00021. According to the Initial Draft Report this report of shots fired “began the domino effect of self-evacuations.” EOG-00021.

18. A Broward Sheriff Deputy fled his K9 vehicle near Terminal 1 leaving the vehicle unlocked. A scared passenger opened the back door and was attacked by a police K9. The passenger, bleeding and requiring medical assistance, triggered another radio transmission of a potential gunshot victim, causing multiple law enforcement officers to begin looking for another shooter in a separate terminal. EOG-00024-00025.

19. The Final Report also reported that the dog bite incident being reported as a “victim” led to partially unsuccessful transmissions which were relayed as a “potential gunshot victim” showing how failure to have established radio reporting protocol added credence to the idea of another shooter and fueled panic. EOG-00234.

20. Thousands of individuals were running panicked throughout the FLL property, including hundreds being directed onto the airport’s runways. Approximately thirty minutes after the last report of a gunshot victim, another officer believed they heard “multiple shots being fired” at an adjacent hanger. EOG-00031.

21. While that radio report of shots fired was relayed, other officers apprehended a male carrying a backpack who was also running in the panic. EOG-00032. Law enforcement decided to “disrupt” his backpack causing an explosion sound. EOG-00033.

22. At approximately 3:30 p.m., officers determined that the reports of a second shooter were wrong and now had to determine how to secure the airport and manage the nearly 12,000 people who were displaced. EOG-00033.

23. BSO did not have a policy in place for a full-scale airport evacuation. BSO decided to transport all the individuals to an off-site location, however due to the chaos responding officers’ vehicles were left in the roadways and buses were not able to move individuals off-site until 7:30 p.m.—6 ½ hours after the initial gunman was apprehended. EOG-00037.

24. Israel was on notice that airports were the focus of active shooter attacks after the Los Angeles International Airport shooting on November 01, 2013, and acts of terrorism that have elevated the need for efforts to protect airports. EOG-00104.



25. Specifically, the Initial Draft Report said, “the need to develop and implement strategies designed to respond to an actual or threat of an Active Shooter/Suicide Bomber at [FLL] is paramount to functioning in the 21<sup>st</sup> Century mindset and tactics applied to public safety.” EOG-00104.

26. No policies existed between Broward Sheriff and the Airport to determine which entity would take control of the airport in an active shooter situation, which entity would issue orders and directives, including securing terminals and shutting down the airport. EOG19-14 vol 3, Page 445, Lines 15-25; Page 446, Lines 1-18.

27. There was confusion about which entity (Airport or BSO) was in command of the airport during and following the shooting. The Airport did not want to shut down entirely, and prohibited BSO to take command and shut down the airport—even though in an active-shooter situation law enforcement should be command of the scene. EOS19-14 vol. 3. Pg, 445. Lines 22-25; Pg, 446. Lines 9-13.

28. The Initial Draft Report, dated May 3, 2017, was written by Major Angelo Cedeno, five months after the shooting. He was assisted by two other Broward Sheriff employees: Executive Lieutenant Furman and Deputy Vincent Torres. The Initial Draft Report is 119 Pages long and includes extensive details about the events that day, as well as strengths, weaknesses, and areas of improvement. EOG00004.

29. Major Cedeno is a seasoned executive law enforcement officer: he started with BSO as a Deputy Sheriff for Detention in June of 1989, moved on to become a Detective under the Division of Internal Affairs in 1992, he became a Sergeant for the City of Pembroke Park/West Park District in January of 2003, he rose to the rank of Lieutenant for the City of Pompano Beach in July of 2006, he then became an Executive Lieutenant for the Town of Lauderdale by

the Sea District and later became Captain of the Division of Internal Affairs, Public Corruption and Internal Audit in January 2013, where he then rose to the rank of Major in August 2014. EOS19-14 vol. 3. Pg, 449. He then became Major of the Department of Law Enforcement for the South Region in January 2017. He has managerial experience including identifying personnel strengths and weaknesses. EOS19-14 vol. 3. Pg, 449

30. Major Cedeno has spent 25-30 years in law enforcement and knows what he is looking for when completing after action reports and Scott Israel testified that he does not discount his opinions. EOS19-14 vol. 3. Pg, 450.

31. Major Cedeno, along with Executive Lieutenant Furman and Deputy Vincent Torres conducted interviews, on January 20<sup>th</sup>, 2017, met with BSO Airport District Command staff (EOG-00063). On February 15<sup>th</sup>, 2017, they had another meeting with BSO Airport District. On February 17<sup>th</sup>, 2017, they met with the Fort Lauderdale PD and Emergency Management. EOS19-14 vol. 3. Pg, 456

32. On March 1<sup>st</sup>, 2017, Major Cedeno chaired a formal debrief at BSO headquarters attended by Agency Departments. At this meeting there was a formal walkthrough of the event by Executive Lt. Furman and Representatives from different departments shared their observations. EOS19-14 vol. 3. Pg, 453.

33. On March 10<sup>th</sup>, 2017, Colonel Polan and Major Cedeno met with BCAD to discuss what was learned: They discussed ways to enhance airport security and wrote in the report they discussed how the tactical posture of the airport was deficient. EOS19-14 vol. 3. Pg, 454

34. On March 15<sup>th</sup>, 2017, Major Cedeno met with the Miami-Dade Airport District to discuss how Miami-Dade conducts their command and even observed an actual exercise.

EOS19-14 vol. 3. Pg, 456.

35. On March 31<sup>st</sup>, 2017, they participated in a roundtable with Congresswoman Wasserman Shultz. They informed Congresswoman Wasserman Shultz about mass evacuations: including proper planning, gaps in security, and training exercises. EOS19-14 vol. 3. Pg, 457.

36. Major Cedeno even traveled to New York City to participate in a roundtable with NYPD to discuss events and experiences including recent airport attacks. EOS19-14 vol. 3. Pg, 458.

37. April 10<sup>th</sup>, 2017, Major Cedeno had another formal meeting with BSO stakeholder and on April 12<sup>th</sup>, 2017, Israel's senior staff and Major Cedeno again provided BCAD a formal debrief to assist BCAD in their own After-Action Report. He also briefed the senior staff on his draft report. EOS19-14 vol. 3. Pg, 458.

38. Sheriff Israel never read the report and findings of Major Cedeno in the Initial Draft Report, so he cannot testify as to whether the findings, recommendations, and criticism were factually accurate. EOS19-14 vol. 3. Pg, 459.

39. The Initial Draft Report was finalized on May 3, 2017. The Initial Draft Report made observations specific to Broward Sheriff's Office, including a need to enhance active shooter training lesson plans specific to the Sheriff's airport and its deputies. The Initial Draft Report found tabletop exercises and disaster drills were infrequent and deficient in preparing for the events, describing it as "lackluster preparedness". EOG00010.

40. The Initial Draft Report indicates that between 2008 and 2013, staffing levels at the Airport District “drastically reduced”, and that reduction in staff coincided with growth of FLL, including more passenger capacity and the addition of Terminal 4. EOG-00060-00061.

41. Prior to the FLL shooting, BSO participated in a full-scale exercise in the airport in Miami-Dade for responding to active shooter situations but had not conducted a full-scale exercise with its partners, on-site, at FLL. EOG-00061-00062.

42. Prior to the shooting, BSO participated in a training operation called Operation Vigilant Port conducted at a seaport that eventually transitioned to the airport. EOS19-14 vol.3, Page 442, Lines 11-13.

43. Edward Grant testified that the training dealt with a plane that was taken over by terrorists. Depo Grant, Pg, 65. Lines 18-25, Pg, 66. Lines 1-16. The training only transitioned to the runway, where the aircraft was located, but they never entered the airport. Depo Grant, Pg, 65. Lines 18-25, Pg, 66. Lines 1-16.

44. Sheriff Israel confirmed on the stand that the exercise did not include the airport terminals. EOS19-14 vol. 3. Pg, 443 Line 1-3.

45. The Initial Draft Report made 16 observations and provided “Areas of Improvement” (“AOI”), including but not limited to, Active Shooter Response training, Mindset and Team Building, Sense of Urgency and Visionary Security Tactics, Cohesive Interactions and Unified Command, and Perimeter Containment. EOG-00068-00103.

46. The Initial Report found that the “tactical posture of the FLL Airport [was] deficient and several years behind local surrounding airports and national/international airports in the areas of tactical presence and response, training, and counter-terrorism strategies” showing

that FLL was not meeting national standards for tactical response at the time of the FLL shooting. EOG-00065.

47. An AOI specific to Active Shooter was AOI 3 which stated that BSO District personnel, though many tenured, must avoid complacency based on their environment and a perceived sense of security. BSO deputies assigned to the BSO Airport District can mistake the assignment as a lessened exposure to harm or perceived retirement, when the contrary is highly needed to vigilantly address and deter active shooter and bombing events. Historically, it has been an accepted practice, but times have changed immensely requiring a global view to assigned personnel. EOG-00070.

48. In his cross examination, BSO Captain James Diefenbacher (“Captain Diefenbacher”) stated he had anecdotal evidence that the airport district maybe did have a perceived sense of security, “basically controlling crowds” rather than “going to domestic violence”. Depo Diefenbacher, Pg, 55. Lines 14-16.

49. The Initial Draft Report’s first AOI discusses how the collapse of the entire FLL airport was driven by “knee-jerk reactions” to perceived and unverified threats by law enforcement personnel and civilians, showing that the personnel did not respond in a calculated and rehearsed manner. EOG-00070.

50. The Initial Draft Report acknowledges the initial response was timely, but that there were too many loose ends that allowed for confusion and a deficient BSO Airport District command to greatly contribute to unforeseen obstacles. EOG-00071.

51. This was confirmed in the “Mindset” section, finding that some personnel were not familiar with FLL’s environment and that BSO Airport District must “establish Standard Operating Procedures (SOPs) to better meet and exceed emergency expectations. The current

standard leaves much for improvement in establishing a unified front for combating current active shooter and terrorist trends.” EOG-00076.

52. The Initial Draft Report continued to find in an AOI under “Sense of Urgency and Visionary Security Tactics,” wherein “the event revealed weaknesses and unfamiliarity by many involved.” EOG-00078.

53. The Initial Draft Report was also critical of the failure to have real-life exercises and trainings: “Joint agency disaster drills, threat assessments, aviation tabletops, ICS exercises and annual BSO SWAT tactical airport training looks good on paper, but how deep is such training rooted in the initial layer of protection? Tabletop exercises, ICS and disaster drills are not frequent enough and do not go far beyond the placing a phone call, email, text or online check-in to confirming readiness levels and threat compliance. These practices are infrequent and extremely deficient in simulating or preparing any participant for what is to come.” EOG-00079.

54. The Initial Draft Report also evaluated BSO’s readiness by stating “questionable readiness levels were discovered during the event,” suggesting BSO lost control during the event due to miscommunication and frantic responses. EOG-00083, EOG-00086.

55. The Initial Draft Report stated that frantic miscommunications aided in the loss of control as they were made in earshot of airport staff and patrons. This conduct instills fear and causes reactions detrimental to controlling the environment. Many who could have assisted, failed and inflamed the environment. EOG-00086.

56. Under AOI “observation of mass care services,” the report found that “no tabletop exercise had ever planned for such action, which posed a great challenge in acquiring assets, their prompt delivery, structure deployment and committed personnel” as evidenced through the

obstructed path to the terminals by abandoned emergency vehicles left by responders in the road during personnel's response to the multiple shots fired reports. EOG-00087-EOG-00088. The observation about law enforcement abandoning their vehicles in front of terminals and garages, blocking roadways and causing a six-and-a-half-hour delay was also noted in the Final Report. EOG-00238.

57. The Initial Draft Report drew parallels between FLL and the Los Angeles International Airport ("LAX") shooting which took place on November 01, 2013. Recommendations made based off the LAX shooting coincide with deficiencies found to exist at the time of the FLL shooting revealing a failure to implement preventative measures. EOG-00104.

58. The Initial Draft Report explained that the totality of the FLL shooting and the chaos would have been "greatly minimized if proper vetting tactics and containment of critical areas were properly supported by vigorous assessment and confirmation by responding personnel." EOG-00115-00116.

59. Michael DiMaggio, who oversaw the criminal investigations division, crime scene unit, at the time of the FLL shooting, testified that training did not prepare them to handle the sheer size. He also testified that the post-incident response with 100 Broward buses sounded great in table-top exercise but was difficult in the real-life situation. Depo DiMaggio, Page 29, Lines 18-21.

60. Ultimately, the Initial Draft Report concluded that while law enforcement responded to the initial shooting with vigilance, the aftermath was confusion and chaos. "Mistakes were made." EOG-00117.

61. In his deposition, Deputy Madrigal noted that he believed there should be more “tactical” training and increased tabletop exercises and threat assessments, noting that the ultimate decision-maker when it comes to implementing such changes is the sheriff himself. Depo Madrigal. 3412804 (06052019). Pg, 48-49.

62. Deputy Madrigal discussed how from the time he got to the Fort Lauderdale Airport in February 2016, through the time of the shooting in January 2017, he never took part in a full-scale exercise or tabletop related to the FLL airport specifically. Depo Madrigal. 3412804 (06052019). Pg, 50.

63. Deputy Madrigal also testified to not taking part in any full-scale exercises related to the airport after the shooting. Depo Madrigal. 3412804 (06052019). Pg, 50.

64. The Second Draft Report was commissioned either by Israel directly, or his hand-picked senior staff, and it was edited on June 2, 2017 by Captain Diefenbacher, this version was 99 pages long. EOG-00123-00221. Kinsey testified that Captain Diefenbacher worked with accreditation out of the training unit and thus was given the task of editing Major Cedeno’s Initial Draft Report. Depo Kinsey, Page 6. Line 5.

65. Captain Diefenbacher testified that either Jack Dale, a long-time friend and ally of Scott Israel, or an unnamed assistant general counsel part of Israel’s staff, asked him to look at the report and see if he could structure it better. Depo Diefenbacher, Page 7, Lines 12-16.

66. The Second Draft Report contained substantial edits from the Initial Draft Report. EOG00123-EOG00221. When comparing the Initial Draft Report by Major Cedeno to the Second Draft Report edited version by Captain Diefenbacher, certain criticisms of BSO have been removed, but some criticism related to needing enhanced training and failure of BSO to



have clearly defined policies and procedures with the airport about who takes command and control in an active shooter situation remained.

67. When then-Undersheriff Kinsey was asked on cross-examination why the final report struck out the prior two drafts suggestion that the active shooter training plan could be improved, he said it was his opinion, as undersheriff, that the training was adequate, despite Major Cedeno and Captain Diefenbacher's belief otherwise. Depo Kinsey, Page 71. Line 20; Page 72. Line 13.

68. In the AOI for Active Shooter, the Second Draft Report deleted the issue of complacency and lack of diligence by BSO Airport District personnel. *Compare* EOG-00070 with EOG-00163. However, the AOI still confirmed a need for improved active shooter training in the current lessons plans for BSO and a need for enhanced training specific to the BSO Airport District. It also acknowledged the shortcomings of the BSO Airport district's ability to expand beyond the terminal. EOG-00163.

69. The Second Draft Report found an absence of proper incident command controls which obstructed the containment and control of the scene. EOG-00165. "During the events, the absence of a clearly defined incident command ("IC") created unnecessary entanglements and unclear responsibilities. BSO and BCAD disagreed as to the magnitude of the Primary Event and underestimated the effects of such an event would affect other travelers." EOG-00169.

70. The Second Draft kept the recommendation for numerous training exercises with all partners at FLL. EOG-00167.

71. Another distinct edit was the elimination of the finding that BSO was not ready for an event or response of this nature in the observation of BSO Emergency Operations Center. *Compare* EOG-00083 with EOG-00170-00171. Similarly, the Second Draft Report deleted the

critique that “miscommunication and frantic responses aided in the loss of control during the event.” *Compare* EOG-00086 with EOG-00174.

72. Four months after Captain Diefenbacher turned over his edits, Israel signed off on the Final Report, not once reading the suggestions from the other two suggested drafts. EOS19-14 vol. 3, Page 328, Lines 13-19. Israel never spoke to Major Cedeno or Captain Diefenbacher about their observations, findings, recommendations or criticisms.

73. BSO released the Final Report on the FLL shooting on October 6, 2017. The Final Report was only 30 pages long. By comparison the Initial Draft Report was 119 pages and the Second Draft Report was 99 pages. See EOG-00241-00242.

74. The observations in the Final Report were whittled down to seven, whereas the draft versions contained sixteen areas. In the Final Report, there was no discussion of the lack of vigilance by BSO Airport District members, nor any AOIs under the Active Shooter Response and Training section. See EOG-00241-00242.

75. The Final Report attributed the pandemonium that followed the primary event to the words “shots fired.” EOG-00225. The repeated police radio transmissions and 911 calls into radio command reporting shots fired at various locations throughout the airport prompting multiple, rapid and very visible responses of heavily-armed law enforcement officers running to various airport locations confirmed to civilians that the reports overheard of shots fired must be accurate thus causing chaos. EOG-00225-EOG00226.

76. The Final Report noted that the decision was made to keep the remainder of the airport open excluding the lower-level roadway to Terminal 2 and panic ensued due to this decision. EOG-00228.

77. In addition to the BSO B Concourse Checkpoint Deputy relaying shots fired in Terminal 4 and then saying shots fired in Terminal 1, the Final Report noted that other law enforcement officers reported shots fired in Terminal 1 and at Alamo Rent-a-Car located in the rental car center highlighting how the actions of a BSO deputy directly caused chaos. EOG-00232.

78. The Final Report noted that BSO's response of moving thousands of civilians, without transport, from the airport should have been generally manageable from a traffic standpoint after the initial event. However, traffic control was challenging following the secondary event, emphasizing how the secondary event caused unnecessary pandemonium. EOG-00238. The Final Report also acknowledges an issue that has been reported in many critical incident reports, in BSO's possession, prior to the FLL incident, the issue of keeping first responders from clogging the roadways in and out of an incident. This shows that Scott Israel was on notice of an area of improvement and neglected updating policy or implementing adequate training that reflected past concerns. EOG-00248.

79. The entire observation regarding "Mindset" was eliminated in the final version of the report. And the recommendation that a lack of incident command controls contributed to the chaos was also eliminated from the section on Sheriff's Emergency Operations Center as discussed above. See EOG-00243-00244. The Report only noted that unification of leadership in the event is paramount for mass oversight of the BSO Airport District during a disaster, failing to identify a cause for the lack of unification in the incident itself. EOG-00243.

80. The Final Report does not acknowledge a lack of trainings prior to the shooting or a deficiency in what the trainings provided. Rather, the lessons learned section states, "tabletop

training of this event is vital to those responsible for securing the airport” and multiple trainings have been scheduled. EOG-00249.

81. The Final Report never acknowledges failures on the part of Sheriff Israel or BSO. Rather, the Final Report claims you cannot prevent or prepare for this type of event and that “through the leadership of Sheriff Israel” the event was mitigated, and the scene was secured and handled. EOG-00250.

IV. Marjory Stoneman Douglas High School (“MSDHS”):

82. On February 14, 2018, fourteen students and three staff members at the Marjory Stoneman Douglas High School in Parkland, Florida, were fatally shot, and seventeen others were wounded in one of the deadliest school massacres in the United States. EOG-00277.

83. Prior to the 2017-2018 academic year, BSO entered into a School Resource Officer (“SRO”) Agreement (“Agreement”) with the Broward County School Board. EOG-00710.

84. On July 25, 2017, the Agreement between Broward County School Board and BSO for Marjory Stoneman Douglas High School was signed by Israel. The Indemnification Clause (2.11) of the Agreement stipulates that “each party” agrees to be fully responsible for its acts of negligence, or “its agents’ acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.” EOG-00715.

85. Israel entered into a written agreement with Broward County Schools to provide deputies as SROs throughout the district. The SRO is ultimately assigned by Israel. The criteria for the type of individual he wanted at the schools was established by Israel. EOS19-14 vol. 3, Page 387, Lines 11-17.

86. The Agreement also explicitly directs the SRO to protect and secure the school and its occupants. EOG-00711.

87. The Agreement, signed by Israel, provided that BSO would assign SROs various schools within Broward County, including Marjory Stoneman Douglas High School. EOG-00711. The Agreement mandated that any SRO shall exercise all law enforcement powers granted to them by applicable law and defined the SROs duties, in relevant part, as performing law enforcement functions within the school setting and assisting the Broward County Schools “in protecting and securing the school plant and its occupants.” EOG-00711-00712; *see also* EOS19-14 vol. 3, Page 402, Lines 2-5; 18-24.

88. On February 14, 2018, SRO Deputy Scot Peterson (“Deputy Peterson”) was assigned to Marjory Stoneman Douglas High School per the Agreement signed by Israel.

89. On February 14, 2018, at approximately 2:19 p.m., a former student (“gunman”) of the school arrived at Marjory Stoneman Douglas High School armed with a rifle and several hundred rounds of ammunition concealed in the rifle bag. EOG-00277.

90. At approximately 2:21:16 p.m., the gunman entered the property and walked into the east side of Building 12 because the points of entry onto the school property were not guarded, locked, or manned by SROs. EOG-00294; EOG-00311.

91. At 2:21:38 p.m., the gunman opened fire inside Building 12, fatally shooting three students and injuring another. EOG-00295.

92. At 2:22:13 p.m., the first call to 911 was received at Coral Springs Communication Center from somewhere inside Building 12. EOG-00296.

93. At 2:23:17 p.m., Deputy Peterson arrived at the east side of Building 12 as the gunman approached the west end of the first floor, as shots were still being fired. After arrival,

the gunman fired four additional shots on the first floor hallway. At 2:23:26 p.m., Deputy Peterson made his first radio transmission and he stated, “possible shots fired.” Seconds later, the gunman fired six shots on the second floor. EOG-00298-EOG-00299.

94. At 2:23:43 p.m., Deputy Peterson and the Security Specialist Greenleaf “fled south” from the east side of Building 12 toward stairs near the northeast corner of Building 7. Deputy Peterson stayed at Building 7 for the next 48 minutes. EOG-00300. The gunman continued to shoot and struck an exterior window immediately northwest (70 ft.) of Deputy Peterson’s location. EOG-00301.

95. At 2:24:58 p.m., the first verifiable “Code Red” was called by the Campus Monitor, Elliott Bonner, over the school radio system. EOG-00302. There is no evidence that Deputy Peterson ever called Code Red on his school radio. EOG-00359.

96. At 2:27:03 to 2:27:10 p.m. the “body camera of [BSO] Deputy J. Stambaugh captured sounds of [gunman’s] last shots. At that point, there were eight deputies on or in the immediate area of campus. [...] None of these BSO deputies immediately responded to the gunshots by entering the campus and seeking out the shooter”. EOG-00303.

97. At 2:27:10 p.m., the gunman fired the last gunshot. EOG-00303.

98. At 2:28:00 p.m., Deputy Peterson told BSO deputies to stay at least 500 feet away from Building 12. EOG-00303.

99. At 2:32:42 p.m., the first responding law enforcement officers entered Building 12 including four Coral Springs Police Department (CSPD) officers, while BSO deputies were outside the door. EOG-00304.

100. At 2:41:55 p.m., BSO Sergeant Rossman engaged Assistant Principal Porter and Campus Monitor Medina about their observations and the school camera system. EOG-00305.

101. According to BSO Detective Curcio’s supplemental report, Deputy Peterson instructed Principal Porter to rewind the video for officers arriving on the scene, later causing the issue of officers believing they were watching the scene in real time. EOG-01033.

102. At 2:54:32 p.m., BSO Sergeant Rossman broadcasted that the gunman moved from the third floor to the second floor as if it were occurring in real time. This information was relayed by Coral Springs Police Department (“CSPD”) Captain Mock over CSPD radio. EOG-00305.

103. At 2:55:02 p.m., BSO Sergeant Rossman was notified by Assistant Principal Porter that the information he was receiving from the camera room via the school radio was not live. He would not broadcast that information over the BSO radio for approximately another seven minutes. EOG-00305.

104. At 3:00:22, CSPD Captain R. Gallagher broadcasted over the CSPD radio channel that the video was on a delay. EOG-00305.

105. At 3:02:20 p.m., BSO Sergeant Rossman broadcasted over the radio that school video was delayed, and gunman fled Building twelve, 20 minutes earlier. At 3:37 p.m., the gunman was apprehended by Coconut Creek Police Officer Leonard approximately two miles southwest of the school. EOG-00306-EOG-00307.

106. At 3:11:20 p.m., Deputy Peterson left his position near the northeast corner of Building 7. EOG-00306.

107. The Florida Legislature passed the Marjory Stoneman Douglas High School Public Safety Act (“MSD Act”), enacted on March 9, 2018, by Governor Rick Scott. The MSD Act created the Marjory Stoneman Douglas High School Public Safety Commission (“Commission”). EOG-00277.

108. The Commission is composed of seventeen voting members and four non-voting members appointed by the Governor, Speaker of the House, Senate President or specified in legislation. EOG-00277-EOG-00278

109. On January 2, 2019, the Commission issued its Initial Report (“MSD Report”). EOG-00004.

110. Israel testified that he did not think the Commission was writing their report with a specific political party in mind. EOS19-14 vol. 4. Pg, 478. Lines 2-7. Israel testified that he did not think that the Commission drafted their report on January 2, 2019 for a specific Governor, or to appease a certain Governor, that would be in office. EOS19-14 vol. 4. Pg, 478. Lines 15-23.

111. Israel agreed that the Commission was doing their job to try to make schools safer for “our students and our teachers”. EOS19-14 vol. 4. Pg, 479. Lines 2-6.

112. The MSD Report notes, in its preface, that not all school security changes involve financial costs, but rather only “the will of decision-makers to effect change and hold people responsible for implementing best practices.” EOG-00271. Israel testified that he believed this to be a reasonable statement. EOS19-14 vol. 4. Pg, 481. Line 1.

113. The Commission interviewed dozens of individuals and reviewed documents and evidence to determine ways to better mitigate the risk of another tragedy. The Commission stated that safety and security accountability is lacking in schools and that accountability is paramount for effective change if we expect different results in the future than what occurred at Marjory Stoneman Douglas High School on February 14, 2018. EOG-00271.

114. At the outset, the Commission prefaced, “[a]ccountability starts at the top of every organization, and all leaders have an obligation to ensure not only that the law is followed, but



that effective policies and best practices are implemented.” EOG-00271. Israel testified that it is reasonable to hold the top of an organization accountable. EOS19-14 vol.4. Pg, 481. Lines 2-3.

115. The MSD Report establishes the factors contributing to how the incident became one of the largest school mass-killing events in the United States, noting an overall lack of adequate or effective site security measures and policies at Marjory Stoneman Douglas High School. EOG-00274.

116. Further contributing was the unsatisfactory law enforcement response, including BSO’s inadequate active assailant response policy, the “abysmal response” by the school’s SRO, a “failed response by some law enforcement officers” and supervisors, and BSO’s “flawed unified command” and control of the scene. EOG-00274.

117. The Commission noted, “once an attack has commenced, the focus must be on immediately mitigating the harm.” EOG-00274.

118. The Commission also reported that “In addition to schools, law enforcement agencies and all governmental entities across Florida must ensure that they employ the most effective response systems and policies possible. [...] Further, all law enforcement and other first responder personnel must receive the highest level of active assailant training and they must be properly equipped to stop the threat of an active assailant situation at the first possible moment. Accountability for implementing these best practices rests with the organizations’ leaders. In today’s world, with numerous lessons learned from prior active. assailant events, failure to train appropriately and consistently and properly equip all personnel is simply wrong and unacceptable.” EOG-00272.

119. On the topic of campus safety, the Commission found “unlocked and opened gates were regularly left unstaffed for long periods of time on the MSDHS campus” and that and

“overall lack of uniform and mandated physical site security requirements resulted in void that allowed [the gunman] initial access to MSDHS and is a system failure.” EOG-00312.

120. On February 14, 2018, Deputy Peterson was the only SRO on campus. The Commission noted his action/inaction should be evaluated given the lack of training provided. EOG-00322.

121. Security specialist Kevin Greenleaf (“Security Specialist Greenleaf”) told the Commission he met with Deputy Peterson and heard gunshots coming from Building 12, but that both he and Deputy Peterson retreated to Building 7. EOG-00324. Another employee, Andrew Medina (“Medina”), saw the gunman get dropped off on the campus property carrying a duffle bag and radioed there was a “suspicious kid” on campus. EOG-00326. Medina told BSO he knew the gunman was not a student but followed his training to just report it. An assistant principal recalls seeing Deputy Peterson outside with his gun drawn and him confirming to her that there was gunfire inside Building 12. EOG-00351. With regards to school’s safety functions, the Commission recommended that the school safety team regularly meet and train on proper protocols and procedures in coordination with law enforcement. EOG-00353- EOG-00354.

122. Deputy Peterson had been an SRO for 28 years. EOG-00357. At the time of the shooting, he was not wearing his issued ballistics vest, nor was his BSO issued rifle readily accessible. *Id.* Deputy Peterson, in a statement to BSO, stated he heard gunfire within approximately ten feet of Building 12, and it was so loud, he thought it was outside. EOG-00358.

123. Based on its review of the evidence, the Commission concluded that by the time Deputy Peterson arrived at Building 12, “twenty-one victims had already been shot, nine of whom were fatally wounded.” EOG-00359. Specialist Greenleaf told the Commission that Deputy Peterson never approached the doors to Building 12, looked in the windows, nor

accessed his keys for the building. *Id.* Deputy Peterson retreated from Building 12 and went to Building 7.

124. BSO Detective Curcio's supplemental report, conducted on August 9, 2018 (EOG-00827), noted the factual discrepancies between Deputy Peterson's statements and the surveillance video. For example, Deputy Peterson said he ran from his office to the 1200 Building, when in reality he took a golf-cart. EOG-01036.

125. Also, Deputy Peterson claimed when he got to Building 1200 he heard between two and three gunshots, but in reality, he arrived when the first fatal shots were fired. He was only a few yards away from the 1200 Building when over 60 AR-15 gunshots went off. EOG-01038.

126. Regarding Deputy Peterson not being able to tell where the shots were coming from, radio transmissions show he said shots are coming from the 1200 Building over the radio five times. EOG-01038-EOG-01039.

127. CSPD Officer Best documents in his report that upon arriving to the scene and speaking to a BSO Deputy and Officer Burton, he quotes the Deputy telling him he "heard shots being fired in the 1200 Building." EOG-01045.

128. CSPD Officer Schroy reported that he "spoke to the BSO SRO who stated that the shooter was last known to be inside the 1200 Building" which contradicts Deputy Peterson's statement to Detective Curcio that he could not tell where the shooter was. EOG-01044.

129. Deputy Madrigal testified how he and the officers under his direction during the MSDHS shooting were not defined as boots on the ground, as they reacted by placing a platform above to overwatch and to seek and find the actual perpetrator. Therefore, the training he

received is not consistent with the Active Shooter policy received by the boots on the grounds at the school in whether they may enter the structure. Depo Madrigal, Pg, 36.

130. In a CNN interview, Israel stated that a key lesson learned from the FLL shooting was not allowing deputies and police officers to arrive haphazardly, but rather setting up staging areas and everyone that arrives goes to those staging areas. He called this a commonsense way. EOG-04117.

131. Also, in the CNN Interview, a medical first responder told local news station WSVN that medical personnel were asking to go into the school, but law enforcement would not let them. He told WSVN, “Everything I was trained on mass casualty events says they did the wrong thing. You don’t wait for the scene to be cleared. You go in immediately, armed, retrieve the victims. You can’t leave the victims laying there.” EOG-04120.

132. Deputy Peterson explained on *The Today Show* that he did not go inside Building 12 because he was trained to contain his area. EOG-00365. The Commission found: former Deputy Scot Peterson was derelict in his duty on February 14, 2018, failed to act consistently with his training and fled to a position of personal safety while the gunman shot and killed MSDHS students and staff. Peterson was in a position to engage the gunman and mitigate further harm to others, and he willfully decided not to do so; there is overwhelming evidence that Deputy Peterson knew that the gunshots were coming from within or within the immediate area of Building 12; there was no evidence to suggest that Deputy Peterson attempted to investigate the source of the gunshots. In fact, the statement of Security Specialist Greenleaf confirms Deputy Peterson did not attempt to identify the source of the gunshots, and by all accounts—including surveillance video— Deputy Peterson retreated to an area of safety. EOG-00366.

133. As for Deputy Peterson's training, the Commission found that his understanding on the training was inconsistent, that he was trained to call a Code Red and he did, and that while his years of experience as an SRO might have been beneficial, "it may have also contributed to his inadequate response to this shooting." Some deputies could not remember the last time they attended active shooter training or the type of training they received. EOG-00368-00369.

134. The Commission found that Deputy Peterson knew where the shots were coming from and offered erroneous directions and improper information from a place of safety while waiting for back up. EOG-00366.

135. The Commission found that SROs are not afforded a chance to maintain and exercise their tactical skills other than in training, so it is of the utmost importance that SROs "be provided with frequent, thorough and realistic training to handle high-risk, high stress situations." EOG-00366. The Commission also found issues with BSO's SRO program, including having inadequate staffing of SROs on campuses and no unified command which led to inadequate supervision. EOG-00370.

136. The Commission found there was a lack of a sense of urgency by responding BSO deputies while gunfire was still being heard. Several uniformed BSO deputies at the school were either seen on camera or described taking the time to retrieve and put on their ballistic vests, sometimes in excess of one minute and in response to hearing gunshots. EOG00271.

137. BSO Sergeant Miller was not wearing ballistic vest and took time to put it on. Sergeant Miller was observed on the scene behind his car and did not initiate radio transmissions until approximately ten minutes after arriving at the scene. This shows that radio issues were not the cause of failure to act but rather lack of proper training. EOG-00468.

138. The Commission reported that BSO deputy sheriffs taking time to retrieve vests from containers in their cruisers, removing certain equipment they were wearing so that they could put on their vests, and then replacing the equipment they had removed all while shots were being fired, or had been recently fired is “unacceptable and contrary to accepted protocol”, under which the deputies should have immediately moved toward the gunshots to confront the shooter. Absence of a policy requiring deputies to wear ballistic vests while on-duty unnecessarily delayed their preparedness to respond. EOG-00437.

139. Evidence identified six BSO Deputies, (Kratz, Eason, Stambaugh, Perry, Seward, and Goolsby) who responded to MSDHS, arrived while gunfire was still occurring, and even though these deputies heard the shots, did not immediately run towards the gunshots to confront the shooter. EOG-00437.

140. BSO deputies remembered that they attended training in the past few years, but some could not remember the last time they attended active shooter training. Some BSO deputies could not even recall the type of training they received. Several were specific in referencing that the policy stated that they “may” go toward the shooter. The MSD Report held that BSO’s training was “inconsistent at best” and was reflected in their “poor response to this active shooter event.” EOG-00439.

141. Unlike BSO, CSPD officers consistently praised their training as preparing them for a proper response. Without hesitation, each CSPD officer knew the active shooter training they had received annually for the past several years and they had no difficulty identifying the proper response to an active shooter. EOG-00439.

142. CSPD Active Shooter Policy (General Order #221) states: “If real-time intelligence exists, the sole officer or team of officers *shall* enter the area...” whereas the BSO Standard Operating Procedure 4.37 states deputies “*may* enter...”. EOG-00469.

143. The Commission noted that the CSPD trainings began in 2013 and built off the single-officer response each year. It was an eight-hour course given annually. It featured rifle course simulations of dealing with an active shooter situation while moving. This scenario-based training instructed responding deputies to go towards gunfire immediately and engage the shooter. EOG-00471.

144. When comparing BSO’s Active Shooter training, held every three years, to CSPD’s Active Shooter training, held annually, the Commission found that instead of focusing on single-officer responses, BSO focused on the “leapfrogging” technique requiring 2-4 officers. EOS19-14 vol. 3, Page 425, Lines 1-4.

145. The Commission acknowledged a failure by BSO leadership to timely establish an incident command and were ineffective in the duties as the initial incident commander. EOG-00468. Confusion existed as to setting up the incident command post.

146. BSO Captain Jordan failed to timely set up an Incident Command. While she did experience radio problems, nobody reported receiving command-and-control directions from Jordan in person. She spent the first seven and a half minutes of arrival in the Building 1 office and then to a position of cover in the north parking lot behind a car with another BSO Deputy, Deputy Perry. EOG-00445.

147. BSO Captain Jordan repeatedly walked back and forth between two doors on the north and east sides of Building 1. She did not attempt to get a map of the school, identify the presence of surveillance video, or coordinate with administrators in gathering additional details.

BSO Captain Jordan even stated that she was aware of hearing a school staff member that the shooting was in Building 12. EOG-00445.

148. BSO Captain Jordan's first radio transmission was not until 2:31:30 p.m., in which she said "I know there is a lot going on, do we have a perimeter set up right now..." and while this is not an incorrect transmission per se, the MSD Report concluded it was not focused on what should have been the primary objective of an active short response: seek out the killer and eliminate the threat. EOG-00445.

149. During at least two events prior to February 14, 2018, failures of Israel's deputies, Deputy Eason and Deputy Treijs lead to subsequent internal investigations of their incompetence, finding violations of BSO reporting policies, and ultimately disciplinary action. Their failures reflect the shortcomings of the policies in place for reporting active shooter threats within BSO. EOG-01089.

150. The first of these two incidents occurred on February 5, 2016, when a report was made that the shooter posted on Instagram an image with a gun and a caption similar to "I am going to get this gun when I turn 18 and shoot up the school." EOG-01089. The caller reported living three houses away from the subject. EOG-01089; EOG01084.

151. Deputy Eason, acting under the authority of then-Sheriff Israel, responded to the February 5, 2016 call. Deputy Eason never created an incident report. Instead, he only wrote in the computer-aided dispatch ("CAD") that it was a BB gun, which conflicted with the statements provided by the caller. EOG-01090. When asked why he did not file an incident report for the call, he stated that there was "no evidence of a credible threat". EOG-02725.

152. However, during an interview with BSO Lieutenant Michael Devita, taken on February 28, 2019, when asked he would have filed a report based on the events as they occurred



and he stated that “without using hindsight, that [he] would like to see more of an investigative effort on the part of the deputy, and that would be outlined in a report.” EOG-02843.

153. This was not the first time Deputy Eason was found to have violated policies regarding creating incident reports and following up on credible information, as an internal investigation of Deputy Eason took place on February 5, 2016. EOG-02435. Lieutenant Devita testified that a more thorough investigative effort should have occurred, showing neglect of duty on the part of Deputy Eason. EOG-02435.

154. In an interview with Communications Operator Jamie Benson, when asked whether she would notify a supervisor of the threat, she said threats against schools in social media were not common and that she would notify a supervisor. EOG-02859. The fact that these shootings were so rare, and the threat they played to school safety in Broward County, shows that Scott Israel should have had a policy in place where these rare calls were sent directly to him for review.

155. Announced on June 25, 2019, Deputy Eason was fired for neglect of duty. *See* Supplemental article: <https://nypost.com/2019/06/26/2-more-deputies-fired-over-parkland-school-massacre-response/>.

156. Israel is wholly responsible for allowing Deputy Eason to remain at BSO at the time of his failures in following protocol regarding reporting incidents. Israel is wholly responsible for any neglect of Deputy Eason.

157. The second incident occurred two months before the Marjory Stoneman Douglas High School shooting. On November 30, 2017, BSO Deputy Treijs received a call from a very close adult, a family member, who was concerned because the shooter had guns and knives, wanted to kill people, and that this might be “a Columbine in the making”. EOG01084. She

advised that he had multiple weapons and ammunition, and that he is staying with his friend and provided the name of the friend. EOG-01084.

158. BSO Deputy Treijs did not complete an incident report. Deputy Treijs noted that the shooter might be autistic, owns weapons, and was “most likely living in Palm Beach county at the time”, and since the caller did not know the shooter’s exact whereabouts, Deputy Treijs referred the caller to the Lakeworth Police Department. EOG-01084.

159. BSO Deputy Treijs was investigated on February 28, 2018 for failure to follow up on the call he received in November. EOG-03383.

160. Israel is wholly responsible for allowing Deputy Treijs to remain at BSO at the time of his failures in following protocol regarding reporting incidents. Israel is wholly responsible for any neglect of Deputy Treijs.

161. Israel claimed that school safety was his top priority (EOS19-14 vol. 4, Page 485, Lines 6-7) yet had no policies in place surrounding threats of school shootings. For example, when a deputy receives a call including credible information regarding shooting a school in Broward County, there was no policy stipulating that the call was reported directly to the top of the organization, the Sheriff, to figure out what to do with that information. EOS19-14 vol. 4, Page 485-486. Lines 24-25; 1-7.

162. Israel, when asked about why he had no policy in place about sending deputy reports about school shootings directly to him, stated that it was “bizarre...to even think that a deputy’s report would go to a sheriff without going through their chain of command” even when that report featured credible information about a threat to commit a school shooting at a high school in Broward County. EOS19-14 vol. 4, Page 486. Lines 5-7.

163. Although Israel testified that every appropriate policy was in place, no policy to report directly to the Sheriff was in place when BSO received something as rare as a call warning that there might be the “next Columbine” or a school shooting in Broward County. EOS19-14 vol. 4, Page 490. Lines 3-8.

164. Israel, as the Sheriff, could have implemented a policy that required any threat of a school shooting (or mass shooting) to be immediately sent to him; however, he failed to have that policy in place. The fact that no “standard policy” or “best practice” from outside organization, including Florida Department of Law Enforcement is no defense to Israel’s failure.

165. Remember Israel was aware that F.S. 30.07 provides that the Sheriff is responsible for neglect and default of deputies in the execution of the Sheriff’s office.

166. Israel testified that it is reasonable to hold the top of an organization accountable. EOS19-14 vol. 4, Page 481. Lines 2-3. Deputy Peterson’s decision not to enter Building 12 upon hearing gun shots resulted in eight more fatalities and more injuries, a failure to act which should be attributed to Israel’s leadership, personnel, training and active shooter policy decisions.

167. Israel also testified that as the ultimate decision-maker in the chain of command, he stated that he had the ultimate say on all agency policy decisions. EOS19-14 vol. 3, Page 387, Lines 14-16.

168. Any failure of Deputy Peterson is also a failure of Israel. Israel’s directions and policy decisions related to SROs—decisions not to mandate frequent exercises and tactical trainings, decision on deputy assignments—can only be attributed to him. Israel testified that the Department’s failure to act is a failure of his own. EOS19-14 vol. 3, Page 402, Lines 9-13.

169. Israel only assigned SROs to attend a specific training offered during the summer. Unlike BSO SWAT officers who train weekly or BSO Motorcycle officers who are trained

monthly, SROs were not keeping their skills sharp on a monthly, bimonthly, quarterly or semi-annually basis. Depo Polan, Pg, 61, Line 11.

170. Kevin Shults, a witness for Israel, testified to being recruited by John Dale to come to the Broward Sheriff's office, and eventually received a call from then-Sheriff Israel. Depo Shults, Pg, 40, Lines 4-6. John Dale worked with Israel and Kevin Shults at Fort Lauderdale Police Department. Depo Shults, Pg, 40, Lines 7-12.

171. Kevin Shults retired the day Israel was suspended from office. Depo Shults, Pg, 40, Line 25.

172. James Polan also retired the day Israel was suspended from office. He testified to being Israel's friend for "30-some years". Depo Polan, Pg, 70, Line 9-15.

173. James Polan testified that he agreed that if schools are targets of heightened focus, that the individuals selected to be at the school should be of a certain fit, skill, and fitness ability to adequately protect the students and teachers and that no physical fitness program existed for them to have to abide by, unlike the programs in place to train SWAT members. Depo Polan, Pg, 58, Lines 11-20.

174. Fitness standards that are imposed on BSO SWAT members are standards that the sheriff's office imposes on their SWAT. There is no national rule, but the Sheriff could unilaterally impose the national industry standard provided by the National Tactical Officer Association. Depo Polan, Pg, 59-60. Lines 21-24; 1-6. This shows that if school safety was as high of a priority for Israel as he claims, he did not need to wait for a national standard to impose heightened training requirements on SROs.

175. Israel did not require active shooter training for the deputies he assigned to schools outside of the regular training any other deputy would receive. Depo Polan, Pg, 62. Line 19.

176. Ultimately, Israel decided what qualifications he wanted in an SRO and who should get the position, based on who applies. Depo Polan, Pg, 62. Line 25. Ultimately, it is up to the Sheriff on whether to approve transferring someone to the SRO posts. Depo Shults, Pg, 63. Line 25; Pg, 64. Line 1.

177. Israel testified that he had the ultimate decision on deputy assignments. EOS19-14 vol. 3, Page 387, Lines 6-8. Israel also agreed that since he has the power to appoint deputies to act with the sheriff's authority, the sheriff is responsible if the deputies commit neglect or default. EOS19-14 vol.3, Page 402, Lines 18-24.

178. Israel had the authority to request that all SROs undergo a real live training exercise within a school on responding to an active shooter. Depo Shults, Pg, 65. Lines 21-23. The only other entity that would need to offer input before such a training could occur is the Broward County school board for securing the location. Depo Shults, Pg, 65. Lines 4-13.

179. Israel testified that it is "certainly not" the Florida Department of Law Enforcement's responsibility that a Sheriff Office have additional training for its deputies. EOS19-14 vol. 3, Page 395, Lines 16-18.

180. Israel only required his deputies receive two (2) four-hour trainings on active shooter situations on a three-year cycle. During that entire eight hours, only 90 minutes was allotted for actual practical exercises related to engaging an active shooter. EOS19-14 vol. 3, Page 425, Lines 5-7.

181. The 2007 BSO Active Shooter training emphasized law enforcement rapid response but recommended that deputies wait for backup until a four or six-man team could be formed. EOG-00469-EOG00470.

182. Deputy Peterson last completed mandatory active shooter training on April 19, 2016. One year and nine months prior to the Marjory Stoneman Douglas High School shooting. Before that, he did trainings in 2012 and 2007. ISRAEL1937.

183. Out of 126 in-service and career development courses throughout Deputy Peterson's 26-year career, only three of those courses were devoted to Active Shooter training. EOG-00367.

184. In May of 2013, a large-scale active shooter training was held at Pompano Beach High School. EOG19-14 vol. 3. Pg, 417. Lines 14-17.

185. Although Israel claims to prioritize school safety, this large-scale training only took place once, in 2013, and featured only one SRO. EOG19-14 vol. 3. Pg, 420. Lines 15-18; Pg, 416, Lines 13-16.

186. Israel made clear, through his testimony, that the Pompano High School training exercise did not prioritize SRO training. With only one SRO present, it was a training exercise that focused around helicopters repelling a K-9 down the side of the school, introducing hostage negotiators and bringing in SWAT to defuse the situation. EOS19-14 vol. 3, Page 414, Lines 17-19. While it featured multiple agencies, it was primarily a SWAT response to an active shooter situation. EOS19-14 vol. 3, Page 414, Lines 23-24.

187. During the training the single SRO was approached by four gunmen and when the SRO engaged the shooter, SWAT arrived to take over, then hostage negotiators arrived to defuse the situation, and then fire rescue arrived. EOS19-14 vol. 3, Page 416, Lines 13-16.

188. Although Israel claims this was an exercise to train how a school resource officer responds to an active shooter situation, he was unable to say how many of his own school resource officers attended the training. EOS19-14 vol. 3, Page 417, Lines 1-5. Deputy Peterson's training record does not indicate he attended this training. ISRAEL1937-1940.

189. This one-day training did not take place again and therefore, no SROs attended a similar full-scale exercise in 2014, or any year after. EOG19-14 vol. 3. Pg, 417. Lines 18-23. Israel could have required multiple full-scale school shooter exercises for his SROs, he voluntarily decided not to make that training a focus or priority. EOS19-14 vol.3, Page 399, Lines 6-10.

190. Israel testified that he could have required any of his deputies in his agency, including school resource officers, to attend certain trainings more frequently. EOS19-14 vol.3, Page 398, Lines 11-16. Israel confirmed that he could have prioritized certain trainings more often, he could have made the trainings longer or more extensive. EOS19-14 vol.3, Page 398, Lines 24-25; Page 399, Lines 2-5. However. Scott Israel did none of the above.

191. Prior to the Marjory Stoneman Douglas High School shooting, there was no full-scale exercise at a school within Broward County to train deputies on how they might respond to a school shooter, during Shults's 34 years of law enforcement. Shults Deposition (061119). Pg, 52. Lines 1.

192. Under current BSO Sheriff Tony, Major Steve Robson put in place a policy requiring an individual assessment of each deputy who takes training to see whether they perform the objectives. Depo Robson, Pg, 53. Line 25.

V. Active Shooter Policy:

193. Broward Sheriff's Office Standard Operating Procedure ("BSO SOP") 4.37 is BSO's Active Shooter Policy.

194. Broward Sheriff's Office Standard Operating Procedures 4.37 was first revised November 1, 2013. EOG04129

195. BSO's SOP 4.37 Active Shooter policy was changed in November 1, 2013, under Sheriff Scott Israel to read as follows: "If real time intelligence exists the sole deputy or a team of deputies may enter the area and/or structure to protect life." EOG-04129.

196. Israel instituted the change from "will enter" to "may enter" in 2013. Giving the responding deputy or deputies the discretion not to enter, showing a prioritization of police protection over the protection of victims. EOG-04129.

197. During his testimony, Israel made clear that it was his choice to change the policy to "may". EOG19-14 vol. 3. Pg, 407. Lines 21-23.

198. Major Robson testified that he believed the intent on the use of "may" in the active shooter policy was to not make the deputy feel they had to go into what essentially would be a suicidal situation. Depo Robson, Pg, 63-64. Line 23-25; 1.

199. Israel testified on direct examination that "may" and "shall" were the same word, however, on cross examination he made clear that under his tenure as Sheriff, he changed the policy from "will" to "may" and then from "may" to "shall" after the Marjory Stoneman Douglas shooting. EOG19-14 vol. 3. Pg, 408. Lines 18-24.

200. When asked why he changed the policy to "shall," Israel stated that he was informed that the change to "shall" was "a better way to do it". EOG19-14 vol. 3. Pg, 409. Line 12.



201. The Commission found BSO's Active Shooter policy to be insufficient and "fail[ed] to unequivocally convey the expectation that deputies are expected to immediately enter an active assailant scene where gunfire is active and to neutralize the threat." The Commission held that the use of the word "may" in BSO policy is inconsistent with current and standard law enforcement practices. EOG-00471.

202. The Commission recommended that BSO should revise active assailant policy to make it unequivocally clear that deputies are expected to seek out an active assailant and that containment is not the policy of BSO. EOG-00473.

203. The Commission also recommended that BSO should increase the frequency of its active assailant training. With the number of deputies who were unable to recall the last time they attended training or failed to remember the training, it appeared to the Commission that the BSO training was not properly resonating with deputies. EOG-00473.

204. After the shooting at Marjory Stoneman Douglas High School, Israel defended his decision stating "may" gives discretion to not enter a structure, so the deputy does not go on a suicide mission. EOS19-14 vol.3, Page 361, Lines 2-3.

205. Prior testimony from current and former Broward Sheriff's Deputies explained that "may" is used so a deputy does not feel they must go through a door if they know the door is "booby-trapped" or they will be ambushed if they open the door. This line is nowhere in Broward Sheriff's Office policy or training materials on active shooter situations. *See Depo Diefenbacher*, Page 47, Lines 1-6.

206. In the analysis issued by BSO it says they use may because "entry is permitted and is a possibility. There are numerous variables that would make an entry impossible or

unadvisable no legal consequence can be applied if not performed.” Depo Shults, Pg, 42. Line 14.

207. In BSO’s training documents there is no discussion about if it is inadvisable to breach a structure that an officer should look for other points of entry. Shults testified It was not in any of the training documents provided. Shults Deposition (061119). Pg, 43. Lines 23-25.

208. The Broward Sherriff’s Office Standard Operating Procedures 4.37 was again revised March 14, 2016 (“2016 Revision”)

209. The 2016 Revision gives a deputy or a team of deputies who while on the scene have “real time intelligence” the ability to “make the decision” to enter the area/structure of the active shooter with the goal of stopping the threat. This again, shows the prioritization of police discretion whether to enter Active Shooter situations and shows the goal as stopping the threat, not protecting the lives of innocent victims. EOG-04131.

210. The 2016 Revision still uses “may enter” rather than “will” or “shall” enter. EOG-04133.

211. In comparison with the Pinellas County Sheriff’s Office equivalent to BSO’s Active Shooter Policy 4.37, subheading B ‘Deployment of Solo Deputy or Contact People’, the response goal “shall be to stop the threat to the public”. Captain Diefenbacher testified that the Pinellas County policy, during February 2018, was clearer than the policy in place for BSO to him. Depo Diefenbacher, Pg, 46. Lines 16-17.

212. The BSO Lesson Plan outlines, in a single-deputy situation, the deputy should question whether there might be other shooters in the area. They must also ask themselves whether they are comfortable leaving a position of cover to secure a suspect. The plan states

"Remember the cavalry is on their way, so it's better to hold than to expose yourself to unknown threats." Depo Diefenbacher, Pg, 48-49, Lines 17-25;1.

213. The Broward Sherriff's Office Standard Operating Procedures 4.37 was again revised again on December 21,2018 ("2018 Revision").

214. The 2018 Revision was made in the wake of February 14, 2018. The wording in 4.37.1(C) was changed from "make the decision to enter" to: "A singular deputy or a team of deputies while on the scene have "Real Time Intelligence" and enter the area/structure of the active shooter with the goal of stopping the threat." EOG-04135.

215. Regarding section 4.37.2(A), the 2018 Revision used "shall" rather than "may." The 2018 Revision reads as follows: "Deputies responding to active threat(s) incidents shall attempt to protect the life of innocent persons through immediate tactical intervention to eliminate the threat." EOG-04135.

216. Kevin Shults testified that the policy was changed from "may" to "shall" after the Marjorie Stoneman Douglas shooting happened. Depo Shults, Pg, 41. Line 20.

217. However, there is an exception in the 2018 Revision which provides that there are circumstances where entry by a solo deputy must be delayed until the situation changes. This shows a preservation of prior versions, giving police discretion on whether or not to enter Active Shooter situations. EOG-04136.

218. Broward Sherriff's Office "Response to Active Shooter" lesson plan, updated August 11, 2016, EOG-04139, was in effect on February 14, 2018. The Course was four hours, with three and a half contact hours out of the four total hours. EOG-04139.

219. Israel testified that the course's first twenty minutes is spent on introductions, the next 50 minutes is a PowerPoint presentation and then the third block, of 40 minutes, is spent on

two-to-four man bounding overwatch. EOG19-14 vol. 3. Pg, 424. Lines 12-20. After, there is 90 minutes spent on practical exercises and scenarios.

220. Broward Sherriff's Office "Response to Active Killer" lesson plan was updated January 3, 2019. The training received the following quotes training instructions:

- a. "When there is no longer evidence of ongoing killing, deputies will begin Extraction Team Protocols with the ultimate goal of a Rescue Task Force. EOG-04175.
- b. "The model number to go by that makes an extraction element is four deputies." This training instruction shows that BSO favors a 'cavalry is on the way' approach by implying they wait until there are four deputies present before responding to victims. EOG-04175.
- c. "Elements can use bounding...a two-person method of entering an active shooter situation also known as 'Leap-frogging'". EOG-04176. BSO emphasizes multiple law-enforcement responses to active shooter situations, as you would need at least one other law enforcement officer to complete this instructed technique. EOG-04176.
- d. Demonstrations used in the trainings include primarily four students. Only one drill features a solo response demonstration. EOG-04184.

221. BSO training on active shooter was inadequate to clearly define the role of the deputy and allowed too much discretion over saving lives.

VI. Accreditations:

222. BSO's initial accreditation from the Commission on Florida Law Enforcement Accreditation ("CFLEA") took place on February 14, 2001, prior to Israel's tenure as BSO Sheriff. ISRAEL471.

223. The Commission on Florida Law Enforcement accredited the Broward County Sheriff's Office for over 20 years. However, in the wake of the MSD Shooting, on March 25, 2019, CFLEA conducted an assessment of BSO. ISRAEL512.

224. On May 2019, the Commission on Florida Law Enforcement voted unanimously to revoke the law enforcement accreditation of the BSO, citing mishandling of the Marjory Stoneman Douglas High School shooting and the Fort Lauderdale-Hollywood International Airport as reasons for its decision in a 13-0 vote. A commission member added: "There were multiple policy failures, training failures, leadership failures, equipment failures." *See supplemental article: <https://www.miamiherald.com/news/local/crime/article232140297.html>*

225. The Commission of Accreditation for Law Enforcement Agencies ("CALEA") supplies a voluntary accreditation that the organization must pay for to achieve. ISRAEL378. Israel confirmed during his testimony that CALEA requires the law enforcement agencies pay to be a member of it. The paid membership involves access to model policies that CALEA wants the agency to follow. EOS19-14 vol. 3. Pg, 403.

226. CALEA accredits an agency by looking to see how many CALEA policies were adopted by the agency, Israel confirmed that this is a dimension of CALEA on the stand. EOS19-14 vol. 3. Pg, 404.

227. BSO has been accredited by CALEA since 1999, before Israel. EOS19-14 vol. 3. Pg, 404.

228. Israel testified that none of the accreditations on the accreditation sheet were new under his tenure as Sheriff. EOS19-14 vol. 3. Pg, 405.

229. These accreditations are not mandated, nor are their policies mandated. In fact, policies established are generally the floor. Independent sheriffs have the discretion and duty to implement policies and trainings that would be adequate for their agency and the dangers they are exposed to. *See generally* EOG19-14 vol. 2. Pgs. 154-156.

### **CONCLUSIONS OF LAW**

230. **Burden of proof**: The Florida Senate must review the facts and evidence under a preponderance of the evidence standard—a mere tipping of the scales. The Florida Senate has directed, “[a] preponderance of the evidence, such as to persuade a Senator’s conscience that the evidence is sufficient to remove a person charged with a public trust” and “[t]he degree of proof required is that which is required to move the conscience of a majority of the Senators.” *See* Journal of the Senate, 19 (Feb. 26, 1974); Journal of the Senate, 624 (May 29, 1973). If the facts and evidence presented favor removal from office for neglect of duty and incompetence, the Florida Senate must find for removal.

231. **Article II, section 5 of the Florida Constitution**: “**Public Officers**”: Oath of Office taken by the Sheriff as a public officer: “I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of [Sheriff] on which I am now about to enter. So help me God.” Article II, section 5 of the Florida Constitution demands the Florida Senate remove any officer that contravenes this oath through neglect of duties and/or incompetence. Art. II, § 5(b), Fla. Const.

232. **Article IV, section 7(a) of the Florida Constitution:** Article IV, section 7(a) was approved by the voters of Florida in 1968. In adopting this provision, Florida voters vested the Governor with the authority to suspend certain public officials for certain enumerated reasons, including neglect of duty and incompetence. Article IV, section 7(a) of the Florida Constitution, in relevant part, states, “By executive order stating the grounds...the governor may suspend from office...any county officer, for ... neglect of duty... [or] incompetence.” Governor DeSantis issued Executive Order 19-14 suspending Israel on January 11, 2019, pursuant to Article IV, section 7(a) of the Florida Constitution.

233. **Article IV, section 7(b) of the Florida Constitution:** The authority to review and adjudicate the merits of an executive suspension is textually committed to the Florida Senate. Art. IV, § 7(b), Fla. Const.

234. The Florida Supreme Court in *State ex rel Hardie v. Coleman*, 155 So. 129 (Fla. 1943) defined “Neglect of Duty” and “Incompetency”, in relevant part:

- a. “Neglect of Duty” has reference to the neglect or failure on the part of a public officer to do and perform some duty or duties laid on him as such by virtue of his office or which is required of him by law. It is not material whether the neglect be willful, through malice, ignorance, or oversight. When such neglect is grave and the frequency of it such as to endanger or threaten the public welfare it is gross.
- b. “Incompetency”, as a ground for suspension and removal, has reference to any physical, moral, or intellectual quality, the lack of which incapacitates one to perform the duties of office. Incompetency may arise from gross ignorance of

official duties or gross carelessness in the discharge of them. It may also arise from a serious physical or mental defect, not present at the time of election.

235. The Florida Supreme Court considered arguments from both parties and ultimately upheld a decision by the Circuit Court of the Seventeenth Judicial Circuit finding Executive Order 19-14 legally sufficient. Contrary to Israel’s position, the Supreme Court upheld that the duties of sheriff alleged were sufficiently related to the grounds neglect of duty and incompetence. They affirmed that the Governor satisfied his constitutional requirements set forth in Article IV, section 7(a) of the Florida Constitution and had the authority to suspend Israel from the office of Sheriff of Broward County. Any argument by Israel to the contrary should be given zero consideration. *Israel v. DeSantis*, 269 So. 3d 491, 497 (Fla. 2019).

236. As addressed in Executive Order 19-14, two statutes impose duties and responsibilities on Sheriffs in the state of Florida.

237. **Florida Statute § 30.15**: Section 30.15, Florida Statutes outlines the powers, duties, and obligations incumbent on an elected Sheriff. The Sheriff shall be the “conservator of the peace” in their respective counties. *See* § 30.15(1)(e), Fla. Stat. EOG-00002.

238. **Definitions of “conservator of the peace”**: Conservator is defined as an official charged with the protection of something affecting public welfare and interests and peace is defined as a state of security or order within a community and freedom from civil disturbance. *See* Merriam-Webster Legal Dictionary (<https://www.merriam-webster.com/dictionary/conservator#legalDictionary> and <https://www.merriam-webster.com/dictionary/peace#legalDictionary>). Further, courts have held “conservator of the peace” to mean “the duty to protect people and property” and “protect against crime without waiting for it to occur.” *See State v. A.R.R.*, 113 So. 3d 942, 944-45 (Fla. 4th DCA 2013) (citing



*Ortiz v. State*, 24 So. 3d 596, 607 (Fla. 5th DCA 2009) (Torpy, J., concurring); *United States v. Markland*, 635 F. 2d 174, 176 (2d Cir. 1980). Additionally, this duty must include hiring, firing, promoting and training deputies, and developing policies within the office that protect the peace. EOG19-14 vol. 3. Pg, 393. Lines 15-18; *see also*, *Israel v. DeSantis*, 2019 WL 1771730, \*4 (Fla. Apr. 23, 2019) (Muniz, J., concurring) (“[a] sheriff’s myriad day-to-day functions and responsibilities—including the development of policies and the training and supervision of employees—are the essential means of carrying out a sheriff’s statutory obligations.”).

239. **Florida Statute § 30.07**: Sheriffs, as constitutionally created officers, are granted and retain all their constitutional and statutory authority of the office. Because of this explicit grant of authority, the Florida Legislature has authorized Sheriffs, under section § 30.07, Florida Statutes, to appoint deputies who act with the Sheriff’s power and authority. EOG-00001. While law authorizes Sheriffs to appoint deputies, it explicitly makes them responsible for a deputies’ neglect in office. *Id.*; *see also*, *Israel v. DeSantis*, 2019 WL 1771730, \*4 (Fla. Apr. 23, 2019) (Muniz, J., concurring).

240. Israel retained the duty and responsibility, under law, to develop policies and procedures that govern BSO. This includes implementing more rigorous, frequent active shooter trainings for BSO deputies in high-risk, soft-target environments, such a schools and airports. This includes instituting a policy of mandating reports of school shooting threats be immediately sent directly to the Sheriff. Israel could have mandated that ballistic vests were worn on all active-duty deputies. All of these policies and trainings reflect a neglect of duty or incompetence in Israel’s paramount duty to be the conservator of the peace—to protect against crime without waiting for it to occur and protecting lives, including students and teachers. Finally, Israel is responsible for the neglect of the deputies he employs, including the failures of Deputies

Peterson, Eason and Treijs—failures Israel has admitted occurred. Failures that results in unnecessary and preventable deaths and injuries at Fort Lauderdale-Hollywood International Airport and Marjory Stoneman Douglas High School.

**RECOMMENDATION**

Based on the foregoing Findings of Fact and Conclusions of Law, it is

**RECOMMENDED** that the Florida Senate find Scott Israel contravened his oath of office and should remove Israel from his office as Sheriff of Broward County for neglect of duty and/or incompetence, pursuant to Article IV, section 7(b) of the Florida Constitution.

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, in Tallahassee, Leon County, Florida.

By:\_\_\_\_\_