

PREVENTABLE VIOLENCE IN AMERICA: AN EXAMINATION OF LAW ENFORCEMENT INFORMATION SHARING AND MISGUIDED PUBLIC POLICY

HEARING

BEFORE THE
SUBCOMMITTEE ON CRIME, TERRORISM,
HOMELAND SECURITY, AND INVESTIGATIONS
OF THE

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**PREVENTABLE VIOLENCE IN AMERICA: AN
EXAMINATION OF LAW ENFORCEMENT IN-
FORMATION SHARING AND MISGUIDED
PUBLIC POLICY**

TUESDAY, MARCH 20, 2018

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY, AND
INVESTIGATIONS

COMMITTEE ON THE JUDICIARY

Washington, DC.

The subcommittee met, pursuant to call, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. Jim Sensenbrenner [chairman of the subcommittee] presiding.

Present: Representatives Sensenbrenner, Gohmert, Goodlatte, Chabot, Poe, Gowdy, Ratcliffe, Roby, Johnson of Louisiana, Rutherford, Jackson Lee, Nadler, Richmond, Lieu, and Raskin.

Staff Present: Jason Cervenak, Counsel; Scott Johnson, Professional Staff Member; Joe Graupensperger, Minority Chief Counsel; Monalisa Dugue, Minority Deputy Chief Counsel; Veronica Eligan, Minority Professional Staff Member; and Mauri Gray, Minority Crime Detailee.

Mr. SENSENBRENNER. The subcommittee will come to order and, without objection, the chair is authorized to declare recesses of the subcommittee at any time. The topic of today's hearing is "Preventable Violence in America: An Examination of Law Enforcement Information Sharing and Misguided Public Policy." And I now recognize myself for an opening statement.

Last month, we had one of the most horrific and tragic school shootings in the history of this country. This was a preventable tragedy. And it was a preventable tragedy because law enforcement missed a whole lot of tips that Nikolas Cruz was a bad person and actually put up on the internet the fact that he wanted to become a professional school shooter.

And there have been misguided policies where people who are disruptive at school end up not being arrested or charged with a misdemeanor, even though that is what they have committed, and nothing gets put on their record and nothing would end up getting put into the National Crime Information file or the NICS system.

Today, we are going to examine information sharing among State, local, and Federal law enforcement entities. Additionally, we

will look at the poor public policy decisions that have led to unacceptable and disastrous consequences for our Nation's K-12 students. I hope that today's hearing sheds light on these issues and will help Congress and the public better understand these important matters.

We know that law enforcement was called to the residence of Nikolas Cruz at least 39 times in the years leading up to the Parkland shooting. Despite these numerous visits for such matters as domestic violence and assault, the mentally-ill Cruz was never arrested. In one instance of February of 2016, a Broward County deputy responded to the Cruz home because a neighbor called police after seeing an alarming Instagram post that suggested that Cruz might plan to shoot up the school. The deputy passed the information along to the school resource officer, Deputy Scot Peterson. It is unclear what Peterson did with that information.

There were numerous other opportunities for local law enforcement to step in and possibly alter the course of events in this situation. Documents in Cruz's criminal case also show that the school officials and a sheriff's deputy recommended, as of September 2016, that Cruz be involuntary committed for a mental evaluation. Doing so would have prevented him from legally obtaining a firearm.

Fast forward to January of this year. On January 5th, the FBI tip line received a call from a woman close to the Cruz family. In very specific detail, the caller described Cruz and his violent behavior as well, explicitly stating, "He is thrown out of all these schools because he would pick up a chair and throw it at somebody; a teacher or a student, because he did not like the way they were talking to him. Um, I just think about it. You know, getting into a school and just shooting the place up."

We now know this information was not forwarded to the Miami Field Office or to local law enforcement officers. Unfortunately, this was not the only missed opportunity for the FBI to intercede before Cruz acted. In September of last year, the FBI received a tip from a Mississippi man who posts videos on YouTube. A comment had been left on one of his videos under the username Nikolas Cruz in what is now an undeniably menacing prediction that said, "I am going to be a professional school shooter."

While the FBI did look into this case, it was closed by October. While it was known that the call screener at the tip line was aware of the previous investigation, it is unclear if the supervisory agent was made aware of the previous investigation. Imagine if the FBI had been made aware of numerous previous interactions between law enforcement and Nikolas Cruz. The tragic outcome may have turned out very different.

The question needs to be asked why Cruz was never placed under arrest, either at school or at home. He clearly had a violent past, a past that as properly handled by law enforcement would have prohibited him from purchasing or possessing a firearm. Despite committing a string of arrestable offenses on public school property, Nikolas Cruz was able to pass a background check and purchase the weapon that he used to slaughter 17 people. This hearing will also touch on the role of a 2014 Federal guidance may have played.

Broward County Public Schools, the sixth largest school system in the country and home to Parkland's Marjory Stoneman Douglas High School, where the school shooting took place, was one of the first school districts to rewrite its discipline policy based upon this guidance. The new policy made it much more difficult for administrators to suspend or expel problem students or for campus police to arrest them for misdemeanors, including some of the crimes Cruz allegedly committed in the months and years leading up to the deadly February 14th shooting.

I want to thank the witnesses for appearing before us today and I look forward to your testimony. And I now recognize the ranking member of the subcommittee, the gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. The first thing I would like to do is to thank the chairman for his courtesies. We have worked together for a long time. We have a leadership Democratic Caucus meeting and a number of issues were being raised, including the horror of a recent school shooting this morning at St. Mary's school in Maryland.

Certainly, we have experienced some unfortunate circumstances with a member and a number of these issues were discussed. And maybe we can put in place a 10:30 a.m. start time. But the chairman's courtesy is very much appreciated again, and I wish to thank him.

Let me acknowledge the ranking member of our committee as present today along with members, Ms. Demings, Mr. Lieu, Mr. Raskin, and others are coming. Because whenever we have an opportunity to be corrective, I think it is crucial.

And so, before we start, Deputy Director, my question to you is my opening statement. I certainly will be looking for answers on best practices. I take note of the fact and hope in your statement that you will acknowledge that there were investigations of these calls.

I think members need to understand how those investigations resolved. But you will not find from me the opportunity or take the opportunity to bash or to charge conspiracies and attribute to the DOJ or the FBI conspiracies against the President or anyone else. I think we have to solve these problems.

Secondarily, let me be very clear. During my questioning, I will submit a letter from the Congressional Black Caucus, because if anyone attempts to diminish this whole idea of how we address bad behavior kids—nonviolent, bad behavior kids—I would argue that Douglas School had their own process.

Douglas also had its own recommendation from the disgraced officer and others that Mr. Cruz be forcibly committed. The local authorities did not do anything, and we might want to find out why that was the case.

These procedures put in previously by President Obama's Department of Education was, in fact, to address how we deal with these individuals, clearly, and to have zero policy for misbehavior but not have a disparate treatment of minority youngsters which I have seen in living proof Latinos and African Americans. I am saddened that we have not had a hearing in the middle of the crisis on the Austin bombing. So, I will ask you a question about that.

And as well, I am saddened that it has been more than 72 hours and we have not noticed a hearing on the unfortunate but really dastardly circumstances of the Cambridge Company that is dealing with secured information from millions and millions of Americans to influence and skew the election toward Donald Trump. And to find out what the relationship was with Facebook and why we do not have the call for a full committee hearing with Mr. Zuckerberg here, as the Senate has done. And I have asked for that full hearing.

So let me be very clear. There are many issues that we have. We need to nurture and embrace our students across the Nation. We need to applaud them for their courage. And they know the truth. It is gun violence. It is raising the age. It is stopping bump stocks. It is banning assault weapons. It is universal background checks.

It is not talking about a policy offered by Mr. Obama who has become the appropriate whipping boy—if you will—whipping stick for anything that has gone wrong in this Nation. So, let me publicly say, he is responsible for much of what is good in this Nation, including our economy. And as I understand, we can all look at ourselves and account for how we can do better.

I will be posing my questions to you on that basis: how we can do better. But I will not yield and lend myself to the ideas of controversy about law enforcement who work very hard. And having been a former judge, I will not yield and lend myself to the idea of conspiracies that the FBI and conspiracies at the DOJ, so that we cannot get our work done.

I thank the chairman for his kindness, and I yield back and ask unanimous consent to put my entire statement in the record.

Mr. SENSENBRENNER. Without objection.

I now recognize the chairman of the full committee, Mr. Goodlatte of Virginia.

Chairman GOODLATTE. Thank you, Mr. Chairman. At the outset, I would like to welcome all the witnesses and thank them for their testimony today. I want to recognize in particular my friend, Sheriff Tim Carter of Shenandoah County, in my congressional district. Sheriff Carter has served the men and women of Shenandoah County since 2003 and has done so with great honor and distinction. Sheriff, I am very glad to see you here today.

Today's hearing focuses on information sharing between Federal, State, and local law enforcement, and public policy decisions that have resulted in less information being known to law enforcement about potentially violent juveniles.

In the wake of the tragic and senseless attack on the students and faculty of Marjory Stoneman Douglas High School in Parkland, Florida on February 14, by Nikolas Cruz, a narrative of failures by law enforcement at all levels has emerged. We must examine what information law enforcement had concerning Cruz and what was done with that information.

However, we must also examine how a troubled youth like Cruz, with a disturbing history of deviant behavior and ample signs of mental instability, would have a spotless criminal record, allowing him to purchase multiple weapons. Given the Obama-era mandates for schools to reduce the school-to-prison pipeline by arresting fewer students, the frightening question is how many other Nikolas

Cruzes are there out there? The FBI has briefed members and staff of this committee in detail regarding the tips the FBI received regarding Nikolas Cruz.

The FBI told us that it has initiated internal investigations of the handling of both tips—the internet tip from September 2017 and the phone call from January 2018—and will report the results of its investigations to us once they are complete. The FBI told us of certain changes to protocol that have already been made. We expect to hear of additional changes and accountability after the investigations are concluded.

There were also numerous tips made to the Broward County Sheriff and other local authorities concerning Cruz's aberrant behavior and acts of violence. Instead of having Cruz arrested for his violent acts, officials transferred him to other schools or referred him to counseling. The reason for this lenient approach was that Broward County school policies were altered several years ago to reduce juvenile arrests.

These policies, implemented by the Obama Department of Education, replaced previous zero-tolerance policies in Broward County. Before this change, Cruz likely would have been arrested, perhaps multiple times. This lack of an arrest record made it more difficult for local police to confirm that Cruz was a threat and to intervene when they received tips and complaints from neighbors, classmates, and relatives about his stated desire to kill people.

When the tips were made to the FBI, no derogatory information about Cruz existed in the Federal National Crime Information Center—NCIC database—which includes all state arrests, convictions, warrants, and alerts.

If Cruz had been arrested and booked for any of the on-campus offenses he committed, the FBI intake specialist handling the call would have seen this criminal history in NCIC and the call would have been taken more seriously. Moreover, Cruz would not have been permitted to purchase a firearm under the National Instant Criminal Background Check System, NICS.

Our Nation's safety depends on law enforcement at all levels seamlessly sharing information, but that information is only as good as what is documented and entered into systems. When information is inaccurate or missing, or derogatory information is not generated because of misguided public policy, the ability of law enforcement to protect us is severely impaired. Having said that, in this case there are also very concerning missed steps by law enforcement, as well.

I look forward to examining all these problems in depth during today's hearing. Again, thank you, Mr. Chairman, for holding this important hearing. I look forward to the testimony today and yield back the balance of my time.

Mr. SENSENBRENNER. The gentleman's time has expired. The chair recognizes the gentleman from New York, Mr. Nadler, the ranking member of the full committee.

Mr. NADLER. Thank you. Mr. Chairman, before I turn to the issue before us this morning I must comment on a truly disturbing phenomenon.

Whether or not the Attorney General's decision to fire Deputy Director Andrew McCabe was justified—and we cannot begin to know

that until the inspector general's report is completed and published—none of us should take pleasure in this ending to the career of a man who has dedicated his life to the bureau, yet President Trump relished it. He took to Twitter to celebrate, and when he was done dragging Mr. McCabe through the mud yet again, he set his sights on his real target, Special Counsel Robert Mueller. “A total witch hunt,” he declared again yesterday morning.

And in response to this latest attack, the majority here has said nothing. We have asked time and again for this committee to take action. In letter after letter, we have asked that the committee hold hearings on the President's overt attempts to undermine the Department of Justice. We have asked that the committee conduct basic oversight of the administration to help us secure the information we all need to do our jobs and to protect an ongoing criminal investigation from a President who clearly does not want the investigation to continue and to find the truth.

And what has been the response? Silence. A complete abdication of our constitutional responsibility to hold the executive branch accountable to the American people for its misconduct, misguided policies, and general abuses of power. What will it take, Mr. Chairman? How far must the President push before the majority will stand with us, tell him he is wrong, and hold him accountable?

It is appropriate for the Judiciary Committee Subcommittee on Crime to conduct hearings to examine ways to prevent the victimization of our citizens by violent acts. I hope that, as a result of today's hearing, we will find ways to make our country safer. But before addressing the issues that appear to be the focus of this hearing, I must note two things.

First, this hearing is being conducted in the aftermath of the horrible shooting at Marjory Stoneman Douglas High School in Parkland, Florida, 5 weeks ago. In the time since that tragedy in which 17 students and staff were shot and killed, we should have conducted hearings about shortcomings in our gun laws, and we should have advanced legislation to strengthen them.

We know that we must also plug the gaping holes in the background check system that is designed to help prevent illegal gun transfers and possession. We must also explore ways to help States establish extreme risk protection orders in emergency situations when someone presents a danger to themselves or others. And we must enact legislation to ban certain devices, such as assault weapons and high-capacity ammunition magazines which have no place in our streets.

Unfortunately, there has reportedly been another school shooting just this morning at Great Mills High School, about 70 miles from here in St. Mary's County, Maryland. There are reports that several people were shot, and we can only hope there will be no fatalities. But we simply cannot watch this happen time and time again and take no action.

But this committee has not done what is needed. And I fear—I fear—that this hearing is designed as a way to dodge these critical issues relating to firearms and is a way to deflect attention from the failure of this Congress to fix what is broken with respect to our firearms laws. Certainly, we should examine the mecha-

nisms we employ to encourage and allow citizens to report the fact that someone is planning to commit a violent crime.

Recently, I attended a briefing conducted by the FBI's Deputy Director, who will testify today, at which he explained how the bureau and its contract employees did not follow up appropriately to the tips they had received about Nikolas Cruz, the Parkland shooter. In those instances, the system did not work. We need to know why and how to fix the flaws, while also ensuring that the evaluation of such tips involves due process for the subject of these reports.

Also, the issue of school discipline is a worthy topic of discussion, so long and it is constructive and not intended to undermine progress in reforming disciplinary policies that have been racially biased and counterproductive for a long time.

Unfortunately, some individuals are advancing the charge that reforms to these policies contributed to the Parkland shooter not having been stopped. To use a horrible mass shooting as a pretext to hold up the progress in these much-needed reforms is offensive.

Similarly, we must not accept claims that we need to arm teachers or to ratchet up law enforcement intervention in our schools. We can keep our children safe and at the same time stop the school-to-prison pipeline. In conclusion, I hope we can find a way to learn lessons from this hearing about law enforcement's processing of tips and the need to adopt sound evidence-based and unbiased disciplinary policies for our schools.

But examining these issues is not substitute for hearings and legislative action to fix our gun laws. We know what we need to do to protect our children and all of our citizens from gun violence, and we should act without further delay.

Mr. Chairman, noting that I have repeatedly called to the committee to conduct hearings on gun violence and to advance legislation to strengthen our gun laws, including doing so at our committee's markup on March 7th, I ask unanimous consent to place the following letters to the chairman of the full committee in the record.

First, on February 21st, 2018, I led a letter by all House Judiciary Committee Democrats urging the chairman to bring gun violence prevention legislation before the Judiciary Committee for a vote.

Second, on November 7th, 2017, committee Democrats sent a letter to the chairman requesting that the committee's ATF briefing on bump stocks be conducted as a public hearing and that the FBI be included to discuss background check issues.

Third, on November 1st, 2017, all committee Democrats sent a letter to the chairman urging that we hold hearings on gun violence in America.

And fourth, on October 2nd, 2017, immediately following the Las Vegas shooting, committee Democrats sent a letter to the chairman renewing previous requests for hearings on gun violence issues. As I said, I ask unanimous consent that these letters be placed in the record.

Mr. SENSENBRENNER. Without objection, so ordered.

Mr. NADLER. Thank you. I yield back.

Mr. SENSENBRENNER. Okay. Without objection, other members opening statements will be made a part of the record.

We will have a two-panel hearing today, which I am not really enthused about. But the FBI will not be on the same panel with people that are outside the government; so it is what it is. I would like to swear in all of our witnesses, including the second-panel witnesses, at the same time. So could you all please stand?

Do you solemnly swear that the testimony you are about to give before this committee is the truth, the whole truth, and nothing but the truth, so help you God? Let the record reflect that all witnesses responded in the affirmative, and please be seated.

Our first witness is Mr. David Bowdich, the Deputy Director of the FBI. And I guess I do not have lengthy biographies, so let me say I would like to ask the witnesses to summarize their statements in a 5-minute period. And without objection all of the witnesses opening statements will be printed in entirety in the record. Mr. Bowdich, go ahead.

**STATEMENT OF DAVID BOWDICH, DEPUTY DIRECTOR,
FEDERAL BUREAU OF INVESTIGATION**

Mr. BOWDICH. Thank you, Mr. Chairman. Chairman Sensenbrenner, Ranking Member Jackson Lee, members of the subcommittee, it is my privilege to appear before you today as the Deputy Director of the FBI. As I told the Senate Judiciary Committee last week, I wish it were under different circumstances.

On February the 14th of 2018 at Marjory Stoneman Douglas High School in Parkland, Florida, a former student murdered 17 innocent people and caused significant physical and emotional harm to countless others. This tragedy abruptly ended the lives of kids who had their lives and dreams ahead of them and stole their futures.

To the victims, families, and friends of those who were killed or injured that day: Director Wray, myself, and the rest of the FBI extend our deepest sympathies to you. Though nothing can be said to undo the hurt and loss that you all feel, please know that the FBI continues to work closely with our State and local law enforcement partners in Florida to ensure that justice will be served.

Unfortunately, as was disclosed by the FBI shortly after this terrible incident, we did receive two separate tips that we now know were related to the shooter, Nikolas Cruz. As the FBI director has made clear, the FBI should have and could have done more to investigate the information it was provided prior to the shooting.

While we will never know if we could have prevented this tragedy, we clearly should have done more. Our investigation continues into exactly what the FBI learned prior to February 14th, 2018, and what we did and did not do in response. To summarize the results of our investigation to date, let me quickly walk the committee through the relevant timeline as we understand it.

It is important to know the FBI receives tips from the public through our Public Access Line, or PAL. The PAL is the FBI's central call center for all calls and electronic tips made to the FBI's 56 field offices.

The access line is responsible for receiving and vetting information from the public, then disseminating it to the field as actionable

tips and leads for special agents and intelligence analysts to follow up on. To understand the volume of leads that we receive, during 2017 alone the PAL received approximately 765,000 calls and 735,000 email tips.

On September the 25th, 2017, the FBI received an email tip from a person in Mississippi who indicated that a person unknown to him posted on his YouTube page the following text, "I am going to be a professional school shooter." The posting was from the username Nikolas Cruz. In response to this tip, the PAL opened what the FBI calls a Guardian lead and assigned it to our Jackson, Mississippi Field Office.

Upon receipt of the Guardian lead, an FBI special agent, along with a local task force officer, interviewed the tipster on October the 2nd, 2017. At the time of this interview, the tipster provided a copy of a screenshot of the subject's post.

The agent conducted searches of both FBI databases and open sources. Believing that the true identity of the poster could not be determined, the Guardian lead was closed on October the 11th, 2017, with no other additional activity. A few months later, on January the 5th, 2018, the FBI received another tip by way of a call to the PAL from someone who identified herself as a close friend of the Cruz family.

The caller provided the following very explicit information about Cruz: Statements about Cruz harming himself and others, references to ISIS, that he had threatened his mother with a rifle, that he had purchased several weapons, that he wanted to kill people and he was going to explode, that he was mutilating small animals, that the caller was concerned that Cruz might shoot up a school.

The caller also noted that Cruz was 18 years old, yet he had the mental capacity of a 12- to 14-year-old. She indicated she was very concerned and had contacted the Parkland Police Department and wanted someone to look into this matter.

Upon finishing the call, the FBI operator conducted a search of FBI databases and found the closed Guardian lead which was created previously in Mississippi. The operator then consulted with her supervisor and the matter was closed. The information was never forwarded to a field office nor to any of our State or local partners for further review or investigation.

As the FBI learned of the Parkland shooting incident, our personnel searched our holdings and discovered these two tips. This is not the kind of news I want to deliver to Congress, to the families, or to the public. But we are committed to transparency in all that we do on behalf of the American people.

While I cannot fathom the anger or the sense of loss of the victims' families and friends, I again want to express on behalf of the men and women of the FBI our deepest sympathy. When we make mistakes, we will not hide them, and we are committed, with your help, to doing whatever is necessary to correct our mistakes and prevent tragedies like this one from ever being repeated.

Thank you and I look forward to your questions.

Mr. SENSENBRENNER. Thank you very much. The chair recognizes himself for 5 minutes. Both of the tips that the FBI received

indicated that Mr. Cruz had the thought in mind of shooting up a school, including using the phrase, "professional school shooter."

Given the tragedies that occurred before the one in Parkland, Florida, would there be anything in what the FBI received that would rise to a level of above a tip that was received on something that would not be a mass school shooting or an act of terrorism?

Mr. BOWDICH. [Inaudible—microphone not on]

Mr. SENSENBRENNER. Are you saying that a school shooting is an eminent threat to public safety and should be top priority or the other things that I mentioned? Mike please. Turn your mike on.

Mr. BOWDICH. Sorry, Mr. Chairman. Whether it is a potentially eminent act of terrorism, or a potential act of violence at a school, a school shooting, those would be top priorities that we would need to address immediately.

Mr. SENSENBRENNER. Okay. You got two tips. The FBI agents went and interviewed the tipsters and decided after seeing the evidence, including verbal testimony or information from someone who knew the Cruz family very well, they decided to close the information and not pass this on to local law enforcement. Why was that?

Mr. BOWDICH. Sir, it is a good question and that is what we are trying to get to the bottom of. So, just to clarify, you had two tips. In the first one, you had an agent and a local task force officer that went and conducted an interview. They did do some investigative activity to include checking certain databases. However, they closed that lead on October the 11th after receiving it on September the 25th.

In the second lead, it was a customer service representative at our call center in West Virginia. She received the call, she listened to it, something made her go to her supervisor, who was a supervisory special agent. Based on the content of her presentation to him and that dialogue, he told her to close it, no lead value.

What we do not know is exactly how that was presented. So, we have tried to make numerous corrective actions to ensure that in the future that supervisor would have had to take certain steps to include reviewing that call and to include ensuring that certain databases had been checked.

In this case, she not only listened to the call with all the concerning behaviors that she was told about, she also found the Guardian lead from Mississippi that had occurred a few months prior and then closed.

We still, to this day—and I am not sure we will ever know—how was it presented to the supervisor because we have two different recollections between those two employees.

Mr. SENSENBRENNER. Well, the thing is, I can understand that with the Mississippi tip, which was the one that used "professional school shooter," you had no idea who Nikolas Cruz was. Whether it was a real name or an alias and where Nikolas Cruz lived.

However, with the verbal tip of the neighbor who knew the Cruz family, you knew precisely where he lived and what a lot of his activities and predispositions were which I assume we could have picked up the fact that there were 39 domestic violence calls made to the local police.

Why was there not a connection made between the tip from Mississippi that was closed because nobody knew where Nikolas Cruz

was or whether that was his real name, and the fact that when you found out that Nikolas Cruz lived in Florida and it was a neighbor using that name and describing some of his behavior? Why was there not a connection made between the two?

Mr. BOWDICH. Senator, the call taker in West Virginia did find the Guardian with the name Nikolas Cruz on it. She did find that closed Guardian. The connection was there. She did not action it and send that lead to the field office. She did not create a lead, and then forward it to a field office for further investigation.

Mr. SENSENBRENNER. Okay, thank you. My time is expired. The gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank the chairman very much for yielding. Let me, as I indicated, that I would be mentioning a number of other elements, but I do want to associate myself with the ranking member of the full committee—certainly since, Deputy Director, you are here before me—to indicate that I absolutely do not believe that there are any conspiracies being created by the FBI with the DOJ.

Secondarily, I think it is important to put on the record that although we wait for the I.G. report as relates to Deputy Director McCabe, no one can discount the outrageous actions of the administration over the weekend, and they should be held accountable for it.

Having said that, I pick up that I hope this committee—as I had indicated, and the ranking member indicate—will truly focus itself on the item of violence that is guns, that is automatic weapons, the bump stocks, AR-15s, which Mr. Cruz had. Let me ask this question. Are you familiar with the ED/DOJ school discipline guidance package that was offered in 2014? Dealing with the issues of how to address student discipline?

Mr. BOWDICH. Ma'am, I do not recall that guidance, no.

Ms. JACKSON LEE. All right. But do you have any indication that that guidance had anything to do with the reaction of the FBI on those tips?

Mr. BOWDICH. We do not. No, ma'am.

Ms. JACKSON LEE. You have no indication of such?

Mr. BOWDICH. We have no indication.

Ms. JACKSON LEE. That anything of that nature was blocking or stopping any agent from acting?

Mr. BOWDICH. No, ma'am. We do not.

Ms. JACKSON LEE. Thank you. First of all, I thank for your honesty. And I do want to take note of that fact to correct the record that the Broward County school discipline—that it might have been rewritten pursuant to this 2014 ED/DOJ school discipline package was not accurate. Broward County instituted their own reforms dealing with school discipline in 2013.

But what I do want to bring to your attention is the family member. You said in your statement that the person identified themselves as a close friend of the family and, therefore, that could have been documented.

And then, the statements about Cruz harming himself and others, references to ISIS, that he had threatened his mother with a rifle that he purchased several weapons, that he wanted to kill people, and was going to explode, that he was mutilating small ani-

mals, and the caller was concerned that Cruz might shoot up the school.

Tell me, why in the world, whether or not there was criteria or not, that the supervisor independently would have not had their hair on fire? This is not a discipline problem. This is a monster who, unfortunately, happens to be a young person, tragically saddened that their life has come to this. And then, the actual agent would not do anything. Can you explain that to me?

Mr. BOWDICH. Ranking Member Jackson Lee, again, I do not know how it was presented to him. But there were discussions. Apparently, the local department had been called. And I do not know if that triggered him to believe this was a local matter. That was my understanding, is at least some of that local discussion triggered in his mind, "This is a local matter. It is being dealt with—

Ms. JACKSON LEE. Let me, because my time is short. Going forward, would you have wanted his hair to be on fire and to take charge? Or her hair? And to at least contact local authorities?

Mr. BOWDICH. Absolutely. And I want to be clear here. We made a mistake. I am not talking for any other agency, and I am not trying to spread the blame. We made mistakes as an organization. Absolutely. Based on the contents of this call and all the concerning behaviors that came out of it, we would want them to act immediately; whether it was us or whether it was an immediate call to that police department. And then, we can join in later.

Ms. JACKSON LEE. Do you have best practices that you can present to us? Will you please submit that to this committee in writing? What are the new changes, as relates to these specific actions, which you should not be classifying?

Mr. BOWDICH. Yes, ma'am. Our inspection team went out there. They are still finalizing their report, but they made 16 independent recommendations. We have already bridged nine of those and we continue to work through a number of—

Ms. JACKSON LEE. And will you provide the committee with such?

Mr. BOWDICH. We will, after our reports are finalized. I have conferred with our general counsel, and we are willing to share that.

Ms. JACKSON LEE. And let me just put on the record that the—as I indicated in my opening statement—it was recommended by the disgraced officer and others that this young man should be forcibly committed, and it was not done. So, we can spread a wide range of activities, but I hope that the one activity that we will count is that he did not kill 17 people with his fists. He killed them with an AR-15, and we have to bring an end to the utilization of those guns by young people. Frankly, they need to be banned, and that certainly would be a contributing factor to saving lives. Mr. Chairman, I yield back.

Mr. SENSENBRENNER. The Chair would add that the staff tried to get officials from the Broward County Public Schools and law enforcement to testify at this hearing—

Ms. JACKSON LEE. Yes, sir.

Mr. SENSENBRENNER [continuing]. And they refused to do so. I think in order to close the loop on what went wrong and stop something like this from happening again; the committee should consider subpoenaing these officials, so we can get that on the record.

Mr. NADLER. Mr. Chairman.

Mr. SENSENBRENNER. Yes. The gentleman from New York.

Mr. NADLER. With respect to what you just said, is it not impossible or difficult for them to testify during an active investigation? And we might think that, without a subpoena, they would testify after the active investigation is over?

Mr. SENSENBRENNER. Well, they did not want to testify at all.

Mr. NADLER. I think that might change, because there is an active investigation.

Mr. SENSENBRENNER. Well, after there is either a plea or a trial from Mr. Cruz, they ought to come up here to Washington. The gentleman from Texas, Mr. Gohmert.

Mr. GOHMERT. Thank you, Mr. Chairman. Deputy Director, if Nikolas Cruz had been arrested at some point for the various acts of violence that were reported, both at home and at school, would those arrests have shown up in his NCIC background check?

Mr. BOWDICH. Yes, sir, they would have.

Mr. GOHMERT. And so, that would also come into play if someone checked the NCIC records. We are trying to determine his mental status. It still shows up for them to consider, correct?

Mr. BOWDICH. It would have shown a criminal history status of some sort. Yes, sir.

Mr. GOHMERT. But without ever having an arrest for the many acts of violence that we are told occurred, when someone runs a criminal background check, there is nothing that shows up, correct?

Mr. BOWDICH. No criminal history, sir.

Mr. GOHMERT. Right.

Mr. BOWDICH. That is correct.

Mr. GOHMERT. So, it does not matter how many people he threatened, how many chairs he threw, how many people he struck or assaulted. None of that ends up in the criminal background check unless there is an arrest, correct?

Mr. BOWDICH. That is correct, Congressman.

Mr. GOHMERT. In your written testimony and reporting, you indicated that the January 5 caller said that Nikolas Cruz made reference to ISIS on his Instagram post. Does the FBI have any information about any connection there between Cruz and ISIS?

Mr. BOWDICH. No, sir, we do not.

Mr. GOHMERT. Has there been any investigation to see whether there may be any connection?

Mr. BOWDICH. There absolutely has, sir. We did a very extensive social media scrub on Nikolas Cruz. And just to give you a scope of the scale of these types of investigations, Mr. Cruz had over a million images alone, and we have reviewed hundreds of thousands of pages, thousands of videos. This is one person. There is so much on social media for us to review today. But to answer your question directly, we did not find any sort of a connection to ISIS or any other—

Mr. GOHMERT. Were any of the million images that were noted, did those come from ISIS sources? Obviously, you got the name "ISIS" from somewhere.

Mr. BOWDICH. Not to my knowledge. Not to my knowledge, sir. But I have not seen it all.

Mr. GOHMERT. Yeah. So, you do not know if those were viewed?

Mr. BOWDICH. I have been told clearly by our Counterterrorism Division, “We do not see any sort of a connection between ISIS or any other form of terrorist”——

Mr. GOHMERT. Connection means a communication, correct?

Mr. BOWDICH. Yes, sir.

Mr. GOHMERT. But it does not mean he was not inspired by information from ISIS, correct?

Mr. BOWDICH. That is correct, sir.

Mr. GOHMERT. Did the agent supervisor at the FBI’s Public Access Line at CJIS listen to the call made by the woman on January 5th?

Mr. BOWDICH. No, sir, he did not.

Mr. GOHMERT. Should that have been brought to the agent supervisor’s attention?

Mr. BOWDICH. It was brought to his attention——

Mr. GOHMERT. They just did not listen to it?

Mr. BOWDICH [continuing]. We would have preferred him to review it. And today, if that same call in, he would be required to review it.

Mr. GOHMERT. Thank you. And I hear my friends on the left of this dais and the left of the political spectrum, for the last 13 years I have been in Congress, repeatedly demanding that we should not claim an absolute right or wrong. We should look at things as being more relative. Not really a morality but more like amorality—one word. Let’s let people make up their own minds as to what is right and wrong.

And that appears to be behind this idea that if we just do not arrest people, if we do not enforce the clear rule of law that is in black and white—this is right, and this is wrong—if we do not enforce that, we do not arrest people, then all is better. When actually, that led to his ability to buy a gun. And the problem is not the gun; it is the one that holds it.

As someone who spent 4 years in our military training with such weapons, it was not the weapon. It was the holder. Like the law, it can be used to build up or it can be used to destroy. It can be used to protect or destroy.

John Adams said this Constitution is “for a moral and religious people. It is wholly inadequate” for governing any other. And I would submit we have got to get rid of the Second Amendment, First Amendment, get rid of free speech because that offends people and causes violence if we are not going to get back to having a right and wrong. I yield back.

Mr. SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you. Deputy Director, let me just ask you a question to clear up a remark you made a moment ago. Is it true that it is not just the lack of communication but that you have seen no evidence whatsoever of any connection in any way between this event and ISIS or any other terrorist group?

Mr. BOWDICH. That is correct, sir.

Mr. NADLER. So there is no reason to suspect any such motivation at all?

Mr. BOWDICH. Correct, sir.

Mr. NADLER. Thank you. Now, let me ask you, what mechanisms are in place to audit the processing of tips that the FBI receives?

Mr. BOWDICH. So, first of all, we have increased our oversight resources, our supervisory resources. We did not use to have a supervisor there at night during certain hours when the calls were diminished the numbers. We have increased that. We have doubled the size of our supervisory and oversight staff there. We have also brought in some operational focus into what is called a word cloud.

So remember when I briefed this committee, the overall committee, I talked about the center. So, we have about 160 people working in the call center. The vast majority of those folks are taking calls; however, right next to it we have folks taking what we call e-tips. These are just online tips.

As part of that, as they take these e-tips, there is a word cloud at the bottom left side of the screen where it will say things like bomb, gun, school shooter, ISIS; those types of things. And it will allow them to quickly determine is there something here? Or at least focus on it. And there is a number of judgments that are made.

The same thing has been done with the call center to where they are looking for certain behaviors, keys, words. We have also brought in our operational folks in the both the counterterrorism side as well as the criminal investigative side to provide emerging threat words and add to their acumen.

Mr. NADLER. Thank you. And with respect to the handling of tips concerning the mass shooting in Florida last month, could and should the FBI have arrested him?

Mr. BOWDICH. Could we have? I do not know. So even if we had done everything right here—and I have said this repeatedly and again—

Mr. NADLER. So even if you had done everything right, you do not know?

Mr. BOWDICH. Even if we had done everything right, I am not sure if we could have arrested him.

Mr. NADLER. Okay. And when will the FBI finalize and make public the results of its review?

Mr. BOWDICH. I do not have the answers, sir, but they are moving rapidly on the report.

Mr. NADLER. Can you give us an estimate? I mean, are we talking about a month, a year, a week?

Mr. BOWDICH. I would say within weeks.

Mr. NADLER. Very good. Thank you. I now yield the balance of my time to the gentleman from Florida who represents Marjory Stoneman Douglas High School who is a member of the full committee, Mr. Deutch.

Mr. SENSENBRENNER. The gentleman from Florida is recognized for 2 minutes and 10 seconds.

Mr. DEUTCH. Thank you. Thank you, Mr. Nadler. Thank you, Mr. Chairman. First, I would like to submit for the record a statement from the superintendent of Broward County Schools, Robert Runcie.

Mr. SENSENBRENNER. Without objection.

Mr. DEUTCH. Deputy Director Bowdich, I appreciate your being here. On March 8th, after the briefing you gave members of Con-

gress I asked Director Wray to offer additional briefing to the families of the victims. Do you know whether the FBI's reached out to any of those families to offer those briefings?

Mr. BOWDICH. We have not, sir. However, we did—before we came out to the public—we realized the day after this event that we had—

Mr. DEUTCH. Deputy Director Bowdich, I understand the discussions you have had. I only have a minute. But have you reached out to them since I asked the director to reach out to those families, so they could understand what I understand as a Representative and what they deserve to know?

Mr. BOWDICH. We have not, sir. We have not been—

Mr. DEUTCH. I understand. There are a couple of things that really strike me. When the first Guardian was closed, it was closed because it was unclear. You could not identify the person. Did you ask the social media company that the screenshot came from if they could help?

Mr. BOWDICH. We did not, sir. As I explained during the previous briefing, there are two potential steps—

Mr. DEUTCH. I am so sorry that you did not.

Mr. BOWDICH. We did not.

Mr. DEUTCH. And I appreciate the opportunity that we had to speak at length about this before. Also, we were told in the transcript, and you mentioned this morning, that the person who took the call reached out to the Parkland Police that I assume would be the Broward Sheriff's Office. Did anyone call to confirm whether that conversation took place?

Mr. BOWDICH. No.

Mr. DEUTCH. I do not understand how those two things did not happen. There are so many questions. I just would—to close—I would urge you in the strongest possible terms to just be in contact with these families because they deserve it.

And to my friend who said that it is not the gun, there were 150 rounds that were fired in under 5 minutes. That is possible from that gun. It is a weapon of war, and my friend acknowledges such because that is where he learned how to use it. The point here is our gun laws are broken. We need to have that conversation in this committee. We cannot be afraid to have that conversation, Mr. Chairman. I hope that we will have that opportunity, and I appreciate the time.

Mr. SENSENBRENNER. The gentleman's time has expired. The gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman, and thank you for holding this very important hearing. There were, clearly, multiple failures at both the local level and by the FBI—of the system—to prevent this horror from happening. This mentally disturbed shooter, he was a walking warning sign, I think we will all agree. And he could have—should have—been stopped before he ever entered that school.

And my colleagues before me have already asked a number of questions. They have already been asked and answered, so I am not going to go over all that ground again. But one thing I do not think we did mention too much yet was that on that day of the

shooting itself, there was an armed school resource officer who failed to enter the school and try to defend those students.

And it is my understanding that there were a number of deputies that came. And they had been warned, I believe by him, to stay away, and they got their guns drawn and stayed behind their cars. And then, it was another police department that came and ultimately, they went in the building. And we will never know for sure how many lives could have been saved had personnel acted more decisively.

And in addition to that, a lot of our schools—and this one included—have a sign out front in effect that says it is a gun-free school zone. Let me ask you that, Deputy Director. Do you have an opinion about that? Having signs out there basically telling law enforcement and telling law-abiding citizens not to have a gun there and that, in essence, the only person that is going to have a gun there is somebody who decides to break that law, is the deranged shooter, or criminal, or whatever? Could you tell us your thoughts on that?

Mr. BOWDICH. Congressman, I want to be careful because, as I mentioned to the Senate last week, I do not want my personal opinions to enter into this. And I think I am here representing the FBI as the Deputy Director and what I think about those types of things I do not think is appropriate for me to bring into this setting.

Mr. CHABOT. Okay. Well, I will tell you what I think. I think it is nuts to have a sign out there letting one of these people who has malice in their heart to know that they are the only person that is going to have weapon there.

Now, that may change because some school systems have—I know President Trump talked about arming teachers. And that got misportrayed, I would argue, by a lot of the mainstream press as him saying that all teachers need to be armed, and that is not what he was saying. And I certainly would not support that.

But I think it does warrant discussion as to whether some teachers who feel confidence and have been trained, who would feel comfortable and would want to protect themselves, other school personnel, and especially students, to at least consider that. But I also think that it would be critical to have additional law enforcement in those schools. School resource officers, not like the one who failed to protect those students in Florida, but ones who really are trained.

Now, in my community—I happen to represent the First District of Ohio—and the city of Cincinnati, most of it is in my district. And the president of the FOP there—his name is Dan Hils—he had suggested retired police officers.

A lot of these folks retire at 50, 51, 52, have another 15, 20 years to work, and they are some of the most highly trained personnel of all. And I think having those folks in there to protect our children makes a lot of sense. As does a lot of the other things in the Stop School Violence Act that the House, to its credit in a bipartisan manner, passed recently allowing significantly more funding for things like metal detectors. Things like training our folks in the schools as to how to handle an active shooter situation. Things like

identifying those students who are a danger to themselves or others and actually doing something about it.

In this case, the failures that took place are almost too many to comprehend. This never should have happened, and it could have been stopped, and I think all of us—hopefully on both sides of the aisle—are determined to do everything we can to make sure that one of these things never happens again. And I am almost out of time, so thank you very much for being here. I look forward to seeing a local law enforcement officer. I yield back. Thank you.

Mr. SENSENBRENNER. The gentleman's time has expired. The gentleman from California, Mr. Lieu.

Mr. LIEU. Thank you, Mr. Chair. And thank you, Mr. Bowdich, for being here today. There is a profile, Mr. Bowdich, in the Washington Post. I would like to submit an article for the record dated January 29th on a profile of Mr. Bowdich. I would like the American people to know that in 2005 he was a sniper, worked on the SWAT team, and as a result of a year-long investigation, that was the first time they were able to bring criminal racketeering charges against a street gang.

Mr. SENSENBRENNER. Without objection.

Mr. LIEU. 2009, Mr. Bowdich also worked, and he worked on cartels. What he did was he identified the emerging kidnapping trend of Mexican cartel-related groups and in response, created the country's first FBI squad to pinpoint kidnapping threats on both sides of the U.S./Mexico border. So, thank you for your service. You serve our Nation well.

I would like to ask you a few questions on your years of service and also about these school-related shootings. If an FBI agent is close to a school and gets a notice that there is a school shooting going on, is the agent trained to go and try to engage that shooter?

Mr. BOWDICH. Yes, sir, if necessary. Absolutely, we would expect them to respond in some form or fashion there.

Mr. LIEU. Now, the President of the United States has attacked the Department of Justice and the FBI on partisan grounds. So, in all your years of experience, whether as a sniper, or on a SWAT team, or dealing with the San Bernardino terrorism issue, or school shootings, do you have any doubt that if an FBI agent happened to be a Democrat that that person would do exactly the same job if that FBI agent happened to be a Republican?

Mr. BOWDICH. No, sir.

Mr. LIEU. In terms of the cases you did, when you would interact with prosecutors, did you bar justice? Did it matter to you whether that prosecutor was a Democrat or a Republican?

Mr. BOWDICH. It did not. We do not see the world through shades.

Mr. LIEU. The FBI Director Christopher Wray happens to be a Republican who also happened to give over \$37,000 exclusively to Republican candidates. I still trust Christopher Wray to do the job. Do you trust him to do the job, even though he is a Republican?

Mr. BOWDICH. One-hundred percent, sir.

Mr. LIEU. I personally find it demeaning when the President attacks FBI because he believes that agents somehow cannot do their job because of whatever political ideology they have when they are off-duty. My view is that they have professionals at FBI; they train

to risk their lives for our Nation, and the President of the United States needs to stop attacking the FBI.

Now, I want to go to what a person should do in an active shooter situation. I have served on active duty in the military; been on bases where we do all these drills. And I was taught three things. The first is you run if you do not have a weapon. If you cannot run and you do not have a weapon, you hide. And third, only if you cannot run, and you cannot hide, and you do not have a weapon do you try to engage the shooter. Would that be accurate?

Mr. BOWDICH. That would be standard guidance we would put out to the public, yes sir.

Mr. LIEU. Okay. So, I just need to clarify when the President of the United States publicly said that, "He would have confronted the shooter at Parkland even though he did not have a weapon." I just need the American public to know that that is really stupid. People should not do that. If you do not have a weapon in an active shooter situation, you do not engage that shooter. You run first. If you cannot run, you hide. Only if you cannot do those two do you engage the shooter. And I am glad that you confirmed that.

And then, let me conclude now on some issues related to gun violence. I am glad we are having this hearing. But I do want the American public to know that we are not allowed to vote, not even have a vote, on legislation that could establish universal background checks, on legislation that could ban bump stocks—whose only purpose is to make a weapon fully automatic. There is no need in a civil society for that product.

We cannot even have a vote on a ban on assault weapons. When that was in place, statistics show that gun massacres dropped 37 percent. We cannot even have a debate on these issues. So, it is my hope that the Republican-controlled Congress will at least allow us to have a vote and have a debate on these common sense gun measure issues.

And I also note based on what my colleague from Florida said Parkland, and Newtown, and Las Vegas a lot of these shootings were done by weapons of war. I have two marksmanship ribbons, from the U.S. Military. But before they would let me fire a gun, I had to be trained on it. Take it apart put it back together. The notion that we would give people guns and have them out in schools without any training to me seems completely utterly dangerous and ridiculous. With that, I yield back.

Mr. SENSENBRENNER. The time of the gentleman has expired. The gentleman from Florida, Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman. And thank you, Deputy Director, for being here today. I want to go to the PAL and think about the decision-making process that was going on with the January 5 decision—when that was actually being made.

And I want to ask you first if you have a school board and a local law enforcement agency that have agreed to create a program that keeps violent felonies out of your database system, so there is no arrest for a violent felony. And we know that when your agents and call receivers are evaluating the threat assessment—when they are conducting that threat assessment of a tip—that information would be valuable, is that correct?

Mr. BOWDICH. Congressman, anytime we are reviewing a tip or a lead about someone with concerning behaviors, yes, the more information we can get about that person it certainly helps us establish what would be appropriate actions to investigate this person.

Mr. RUTHERFORD. So, on the Mississippi tip they issued a Guardian follow-up just based on a screenshot of someone who said they wanted to be a professional school shooter. Yet the tip that came in in January has information about Cruz wanting to harm himself. And I know who the lady is that is providing the tip.

She references ISIS, that he had threatened his mother with a rifle, that he had purchased several weapons, that he wanted to kill people, and was going to explode, that he was mutilating small animals, and us in law enforcement we know exactly what that leads to. And that the caller was concerned that Cruz might shoot up a school. Yet, no Guardian investigation was opened on those items. And I put myself in that decision, because look I do not believe that the individual that made that decision had evil intent.

So, I am trying to figure out, why would I make that decision? Why possibly could I make that decision? And I think in your opening statement, I think it might be in the very next paragraph where the caller noted that Cruz was 18 years old but had the mental capacity of a 12- or 14-year-old. And she indicated that she was very concerned and had contacted the Parkland Police Department.

The agency of jurisdiction for this Nikolas Cruz, and she wanted someone to look into this matter. Do you think that could have played into the decision of this individual that the supervisor who is making the decision that, you know, maybe this is already being looked into by the Parkland Police Department?

Mr. BOWDICH. Congressman, I do. I think that certainly contributed to the supervisory special agent's thought process about this. That is my understanding.

Mr. RUTHERFORD. Right.

Mr. BOWDICH. However, the call taker; I think there were some other things. One of which was there was no specificity on where this school was going to be, date, time, that type of thing. Right, wrong, or indifferent my understanding is she focused on that. When, in fact, I would have preferred she focus on the behaviors that were laid out because there is a kind of a—

Mr. RUTHERFORD. Well, yeah do not get me wrong; I am in no way agreeing with the decision. I am just trying in my own mind to figure out how the supervisor could have made that decision. But, look, what I see here is more a personnel issue as opposed to a policy problem. But I cannot imagine that the policy is if you have all these things that you do not open a Guardian investigation. Would you agree with that?

Mr. BOWDICH. Yes, Congressman. But we are refining some of our policies and our procedures because, quite frankly, when I listened to this call the day after the Parkland shooting, the evening after, my heart sunk.

Mr. RUTHERFORD. How could you not? Yeah.

Mr. BOWDICH. How could you not, exactly. And what we are trying to ensure is that we remove the ability for one person, as the call taker, to make that decision. That call should be elevated to

that supervisory special agent, and then require further actual investigation by the——

Mr. RUTHERFORD. So, let me close with this because my time is almost up. But I want to make it very clear that I think the issue here is a personnel problem. A personnel mistake because I do not think this supervisor had ill intent, or the call taker; they made a bad decision. A very bad decision I think not to follow up really with Parkland Police Department to make sure——

Mr. SENSENBRENNER. The gentleman's time has expired.

Mr. RUTHERFORD. My time is up, and I yield back.

Mr. BOWDICH. Mr. Chairman, can I add something? Mr. Chairman? The witness?

Mr. SENSENBRENNER. The gentleman from Maryland, Mr. Raskin, is next up. So you are recognized for 5 minutes.

Mr. RASKIN. Excuse me, Mr. Chairman, am I up or is it Mr. Richmond?

Mr. SENSENBRENNER. You are up.

Mr. RASKIN. Okay. Thank you very much. Thank you for your testimony, Mr. Bowdich. You know, obviously, there has been a difference of policy opinion about what to do in the wake of the Parkland massacre where 17 of our people were assassinated by a 19 year old carrying a weapon of war, an AR-15, into a public school.

And the most recent poll I saw by the Rasmussen Group showed that 97 percent of the American people want to enact a universal criminal and mental background check. And 66 percent of the people want to ban military style assault weapons.

I think 100 percent of the people would like law enforcement to be infallible, and to follow up on every tip, and to chase down any potential threats that are out there. But I want to follow up on the point that you made where you said you were not sure whether you might have been able to arrest Cruz, even had you followed up on the clues and tips that existed. Would you just explain that?

Mr. BOWDICH. Well, yes sir. It is a good question. So, when you look at these you kind of do a reverse engineering of what occurred here. And when we look at what we should have done and could have done, ultimately what could have and certainly would have been nice to have happen is we would have ended up in front of Mr. Cruz, actually face to face interviewing him.

Could that have stopped this act? I do not know. Could we have disrupted the act? Could we have delayed it? I do not know.

Mr. RASKIN. But could you have arrested him for purchasing an AR-15 as an 18 year old or a 19 year old?

Mr. BOWDICH. No sir, we could not. We had an 18-year-old young man with no felonies on his record who purchased seven weapons. One of those was used in the shooting, and we could not have stopped him based on the information we had.

Mr. RASKIN. Could you have arrested him if you had known that he had been bullied, or he had a history of bullying others?

Mr. BOWDICH. No.

Mr. RASKIN. Could you have arrested him if you had known he had killed small animals——

Mr. BOWDICH. No.

Mr. RASKIN [continuing]. If someone reported that? Could you have arrested him had you known, like with Dylann Roof, that he

had been involved with racist groups, or had expressed white supremacist attitudes?

Mr. BOWDICH. No, not based alone on that. But we certainly would have been looking very, very hard at him.

Mr. RASKIN. All right, you said you get 765,000 calls, 735,000 emails to the tip line each year. How many of those lead to the kind of investigation you are talking about where you come face to face with someone, even if you do not have the grounds to arrest them?

Mr. BOWDICH. Where it actually ends up being an interview? I would say prior to this fateful day, February 14th, about 2 percent of those ended up in Guardian leads where essentially the call or the e-tip would lead to a lead that would be sent out to the field office. Now, what percentage ended up with an interview I do not know.

Since then, the numbers of Guardians have gone up incrementally, actually tremendously, which has a downstream impact on our field offices. But that is because I think there is a bit of an over correction, which is better than an under correction. We just have to refine those policies and make sure we get it to where it is a more manageable number.

Mr. RASKIN. There has been a suggestion by some of my colleagues, including my friend, Mr. Rutherford, that this was a personnel problem. And that had there been different personnel on the job something else might have happened. And we all can only pray in retrospect and wish that somebody had somehow had pulled out of the morass of complaints that had come in—this one—and really pushed it up the line.

But in your experience as a law enforcement official, do you think it would be possible for us to come up with a foolproof system of identifying anybody who might be interested in committing a mass shooting; stopping them and somehow isolating them and preventing them from doing it?

Mr. BOWDICH. No, sir. I do not think there is going to be any foolproof system. If I could return back to the personnel issue. Congressman, this is what I was going to try to respond to. We do have a lot of personnel out there. Those jobs are difficult. I sat through a number of those calls when I went out there right after this incident.

It is not easy work because you are trying to determine mental illness from not. You are trying to determine is there a federal crime? And repeatedly those calls come in to the PAL tip line, and they do lead to disruptions. So, those folks are working hard. We have a job to do, which is to refine the policies and procedures. But also to increase their training and make sure that we are giving them the proper training. And we have already begun that.

Mr. RASKIN. Okay. You know, but I am a representative from Maryland, we experienced the most recent gun shooting this morning in St. Mary's County. Would you please reassure the Marylanders in St. Mary's County, and Americans generally, that you are doing everything that you can to try to tighten up the system as the young people lead us towards sane and balanced gun safety laws with their march on Washington this Saturday? But can tell

us that the FBI is doing everything in its power to try to crack down.

Mr. BOWDICH. Yes, sir. To Congressman, to both your constituents and the remainder of constituents around the country, we are doing everything in our power to work hand in hand with our State and local police to ensure we do everything to keep our school safe.

Mr. RASKIN. Thank you. I yield back, Mr. Chairman.

Mr. SENSENBRENNER. The gentleman's time has expired. The gentleman from Texas, Mr. Poe.

Mr. POE. I thank the chairman. Thank you for being here. Thank you for the work that you do with the FBI. As a former judge for 22 years and a prosecutor, I had a lot of interaction with the FBI, and a lot of other law enforcement agencies as well. The system is getting a lot of criticism about breaking down. And I am not talking about the FBI; I am talking about the whole system of the school and this individual being allowed getting back on campus and then killing people. Investigated by sheriff's department, the Florida Department of Children, lots of tips, calls, students were aware of him, school was aware of him, et cetera, et cetera. We know that Cruz was a dangerous person when he came back on campus.

The issue about schools and shootings—and I am a parent, four kids, 12 grandkids, they all go to school. Well, the four kids do not go to school anymore. They are off the payroll finally. And it is of great concern to me, because it is a school. You know, the little red schoolhouse days of the American flag flying out in front, one-room schoolhouse. You know those days are over in this country.

And let me ask you about security on campus. Who is responsible for security on campuses, generally speaking? Is it the sheriff's department? The police department? The school district? Who is responsible for school security? Generally speaking, just generally speaking.

Mr. BOWDICH. Congressman, I do not want to be wrong. I would think it would be the school board, but it could vary from jurisdiction to jurisdiction. But I just do not know. I have not researched that.

Mr. POE. I think you are right. It is up to the school district, the school board, to make a policy of protecting the students on campus. Do you think that this idea of a gun-free zone sign out in front of a school district has anything to do with school safety, and protects the school in any way? I am asking your opinion, just your opinion.

Mr. BOWDICH. Congressman, I do not want to opine on that. I think that was probably the intent, but I do not want to opine on how effective it is. I just do not know.

Mr. POE. The individuals in your experience, covering a multitude of criminal conduct, that use firearms to commit crimes. They go to places that are generally where they hope that they could succeed in committing the crime with their firearm.

And usually in many cases—like, let's say, all the government buildings in Washington, D.C.; the Capitol across the street, this building that we are in—are protected by people who wear firearms, or have access to firearms to protect the people in that building. Whether they work there or whether they are coming to visit

there. Is that not the general rule for, let's say, in the Federal Government. Government buildings are protected by people who use or carry firearms.

Mr. BOWDICH. Yes, sir. The vast majority of Federal buildings are protected by some form of armed security or armed police.

Mr. POE. Why do not we protect our schools like we protect government buildings? I mean, friends on the other side they talk about firearms but, you know, we go across the street to U.S. Capitol, the place is covered with Capitol Police Officers to protect us. But yet we want to deny that type of protection to our kids in public schools.

I am missing the connection of why we should go to a system where there is no protection for students who go to schools. I am not talking about arming teachers. I am talking about just basic security, whether it is off-duty police officers that are still licensed to protect and serve the community, or whether it is a school police officers.

We take a public setting of our schools, and we have a philosophy that we will not protect those people by having law enforcement officers there. But yet when we have a government building we are protected. Many members of Congress are protected; they have their own detail. But yet why will we not protect our students in public schools with an armed guard available to protect them? Do you know the answer to that?

Mr. SENSENBRENNER. The gentleman's time has expired. The gentleman from Louisiana, Mr. Richmond.

Mr. RICHMOND. Thank you, Deputy Director. Many schools do have school resource officers, correct?

Mr. BOWDICH. Yes, sir.

Mr. RICHMOND. And many of them carry weapons, correct?

Mr. BOWDICH. Yes, sir.

Mr. RICHMOND. And, in this case, they had a school resource officer, right?

Mr. BOWDICH. That is my understanding, yes sir.

Mr. RICHMOND. And was he carrying a weapon?

Mr. BOWDICH. I believe he was.

Mr. RICHMOND. Many banks have police details where they carry weapons, correct?

Mr. BOWDICH. Yes.

Mr. RICHMOND. And many banks still get robbed, correct?

Mr. BOWDICH. Yes. Many of them to be clear, Congressman, many do not have armed guards inside.

Mr. RICHMOND. The banks?

Mr. BOWDICH. Many of the banks that are robbed do not have armed guards inside. That is correct, sir.

Mr. RICHMOND. Let me ask you a couple questions, because we are all over the place, and I think that the title of the hearing is an Examination of Law Enforcement Information Sharing and Misguided Public Policy. We could talk about bump stocks; we could talk about high-capacity cartridges that allow people to create mass carnage. But I just want to spend a second about the information sharing first.

We did not have a hearing like this about information sharing after the Charleston Nine, because there is a Charleston loophole

that would allow someone like Dylann Roof to buy a .45 even though he would not pass a background check, because if it does not come back in 3 days, he can get the gun anyway. Is that not correct? If the FBI background check does not come back in 3 days, or objection from the FBI, then the person is allowed to purchase the weapon, right?

Mr. BOWDICH. Yes sir, that is correct. That is part of the proceed or deny process. What we have found repeatedly is most of our big box stores, your mass firearm, or your large stores that sell firearms, they will often times hold until they received a response. But many of your smaller stores will go ahead and proceed after 3 days, because legally they can.

Mr. RICHMOND. And that loophole allows someone, no matter what their background, no matter what they have done in the past, no matter how evil they are, if the proceed or deny is not done within 3 days they are legally allowed to purchase a weapon.

Mr. BOWDICH. Congressman, if we do not have the necessary information to give either a proceed or a deny order to the seller, then they can go ahead and proceed with the sale. Yes, sir.

Mr. RICHMOND. And after that loophole was exploited and nine people were killed while in Mother Emanuel Church at Bible study, do you remember hearing about the examination of law enforcement information sharing for how we could prevent these things from happening in the future? Do you remember being called to testify? Or anyone at the Bureau that you know?

Mr. BOWDICH. I do not, sir. But in fairness I was in Los Angeles running our Los Angeles Office at the time, so I probably was not as tuned into Washington—

Mr. RICHMOND. Well, I will help you. This committee did not have a hearing on the failure of the Background Check System to prevent a crime that was easily preventable if we had better information sharing. Now, I know that we are a product of our life experiences. And I know we have different life experiences, but I am going to ask you this anyway. You probably cannot answer it in your official capacity, but maybe you can. And I want you to use your recollection of your experience on the job. Had this kid's last name been Muhammad, do you think that the follow-up would have been a little bit more thorough?

Mr. BOWDICH. Congressman, I cannot speculate on hypotheticals. What I can tell you is whether this kid was Smith, Cruz, or Muhammad we would have expected certain actions to take place. In this case, they did not. And the last name, and the ethnicity, and the background, and the religious faith should not matter. And we do not attribute that to what happened here.

Mr. RICHMOND. I agree with you that it should not happen. But in my life experience, as a criminal defense attorney and as a young African-American male, it makes a big difference. And I think that that is one of the things we could address is the diversity in the FBI. But, too, making sure that we are not so distracted running after profiling that we actually concentrate on the bad actors. With that I will yield back and thank you.

Mr. SENSENBRENNER. The gentleman's time has expired. Before recognizing the gentleman from South Carolina, the chair will rec-

ognize for a unanimous consent request, the gentlewoman from Texas.

Ms. JACKSON LEE. I thank the chairman for his kindness. Mr. Director, I certainly associate myself with the assessment—

Mr. SENSENBRENNER. What is your unanimous consent request?

Ms. JACKSON LEE. Thank you, Mr. Chairman or Mr. Lieu. But while I am sitting here I have been getting a text on Austin. I really will need a briefing for those of us who are concerned, those of us who are from Texas and others, on the outright efforts of the FBI and ATF. I would like you to convey that to Christopher Wray. It is crucial. There is absolute panic in Austin. And we need to be able to be part of the understanding of the notice given to these citizens in Austin. There is absolute panic going on there now.

Mr. SENSENBRENNER. The message has been delivered.

Chairman GOODLATTE. Would the gentleman yield?

Mr. SENSENBRENNER. The gentleman from Virginia.

Chairman GOODLATTE. I thank the chairman. If the gentlewoman would like that briefing, we certainly do as well. And we will request it and make sure that it happens.

Ms. JACKSON LEE. I thank the chairman very much. And, Mr. Chairman, as soon as possible, thank you.

Mr. SENSENBRENNER. The gentleman from South Carolina, Mr. GOWDY.

Mr. GOWDY. Thank you, Mr. Chairman. Mr. Deputy Director, I am going to ask you leading questions. There are no trick questions. This is just my effort to go as quickly as we can. Anytime you have a hearing title that has the word “preventable” in it, I think we owe it to our fellow citizens to discuss the limitations of our justice system. It is almost necessarily reactive. Something happens, law enforcement reacts to it.

So for us to use the word “preventable” or to discuss preventing crime, of course, we want to deter it. Of course, we want to stop it before it happens, but our system was set up to be reactive. I want you and I to go back and start with the tip coming in, so all of our fellow citizens can understand, in theory, what could have been done. And then we can determine whether or not the result would have been different. The tip comes in, and you first analyze it to determine whether or not there is a Federal nexus, right?

Mr. BOWDICH. Yes, sir.

Mr. GOWDY. All right, and that Federal nexus could be the fact that there are persons prohibited from possessing firearms. Agreed?

Mr. BOWDICH. Yes, sir.

Mr. GOWDY. Including persons who have been adjudicated mentally ill and including persons who are users of a controlled substances. There also could have been some other Federal offense, other than a firearm, kidnapping, carjacking. So your analysts analyze that tip from a standpoint first and foremost of whether or not there was a Federal nexus?

Mr. BOWDICH. Correct, sir. Well sir, that is not necessarily correct. If there is not a Federal nexus yet there is an immediate threat to public safety, she would do often times what was called a warm hand-off, or a warm transfer where the supervisor would

sometimes directly call the State or local agency and say, "Hey, we got a problem here. You need to handle this."

Mr. GOWDY. We are getting to that right now. The first analysis is whether or not there is Federal jurisdiction, whether or not there is a Federal nexus for you to investigate.

Mr. BOWDICH. Correct.

Mr. GOWDY. And if the answer to that is no, then you have an obligation, or have assumed an obligation, to notify State and local law enforcement. And in this case that was not done, is that correct?

Mr. BOWDICH. That is correct, sir.

Mr. GOWDY. All right, let's assume that it were done. Let's assume you called the sheriff or the police chief if it happened in a municipality. What, from a law enforcement perspective, can that sheriff or police chief do with the information your analyst received?

Mr. BOWDICH. So sir, I do not know the State laws in Florida. If you look through the call, there was a time when the caller stated that Mr. Cruz was suicidal. And at that point, or at somewhere in that realm, during that realm, she actually engaged with the Parkland Police Department. I believe it was after that—I would have to look at the call again—but after that where he became homicidal and he started to talk about killing others.

What could the State or local department, what could Parkland Police have done? I do not know the options that are available to them. There are, in many municipalities, the option to do a 72-hour hold. In this case, I do not know if that is an option, but they certainly could have gone out and conducted a welfare check.

Mr. GOWDY. Exactly. And the good news is you do not have to be an expert in the law to know law enforcement can always go and talk to someone. You can always go either do a field interview if the subject is cooperative, you can show up at the house and do a knock and talk. That does not require any level of proof, right? You can knock on the door and say, "Mr. Cruz, do you mind if we talk to you for a while?"

Mr. BOWDICH. Yes, sir. Again, I am owning our problems and our mistakes, whatever they did or did not do.

Mr. GOWDY. I know, but when we have a hearing title that has the word "preventable" in it, I think we owe it to the jury, to our fellow citizens, to let them know what law enforcement can and cannot do. So, they can show up on the front porch and they can say, "We would like to talk to you." And he has the right to either talk or not talk. They can also say we would like consent to search, right? I mean—

Mr. BOWDICH. That is always an option to any law enforcement officer to request that.

Mr. GOWDY. Right. It is great if you have probable cause and, therefore, have a warrant. But you do not have to have one to ask for consent, right?

Mr. BOWDICH. You do not, sir.

Mr. GOWDY. And assuming you do that consent and you find a firearm, what would have happened then?

Mr. BOWDICH. I am not sure. Again, you had an 18 year old with no felonies on his record who purchased seven weapons. Had they

found one, two, or seven, I am not sure what the options would have been for them.

Mr. GOWDY. You can notify the school district, and make them aware that threats have been made, correct?

Mr. BOWDICH. Yes, sir.

Mr. GOWDY. Was that done?

Mr. BOWDICH. Not to my knowledge.

Mr. GOWDY. All right, so the theme that I keep seeing—and you correct me if I am wrong. Well, I do not want to overlook the cruelty to animals. In some States, including South Carolina, that is a felony. So, had there been probable cause to believe that there had been acts of cruelty against animals, that could have been a way to at least put him in the system for some period of time awaiting bond before the crime took place, correct?

Mr. BOWDICH. Again, not knowing the laws of the State, I believe this was a rodent and/or a frog. I am not sure how that factors in.

Mr. GOWDY. All right, I am out of time.

Mr. SENSENBRENNER. The gentleman from Virginia, Mr. Goodlatte.

Chairman GOODLATTE. Thank you, Mr. Chairman. Director Bowdich, was the agent supervisor at CJIS aware of the other Guardian lead from the YouTube comment left by Cruz that he was going to be a professional school shooter?

Mr. BOWDICH. That is what I do not know, sir. I know there was a dialogue, a presentation, made to him by the customer service representative, the call taker. I do not know if she told him about that Guardian.

Chairman GOODLATTE. So, that call that came in from the neighbor, which was sometime after he had made that post about, “I am going to be a professional school shooter,” even now, a month after this shooting, we do not know whether the two things were shared between—

Mr. BOWDICH. We do not because we have different recollections. We know she found it. But I do not recall—

Chairman GOODLATTE. “She” being?

Mr. BOWDICH. “She” being the call taker. She found that Guardian. What I do not recall is did, and I do not think we know, is did she tell him about that Guardian. They have two different recollections about what was said, probably because of the volume.

Chairman GOODLATTE. Volume of calls?

Mr. BOWDICH. That they are taking every day.

Chairman GOODLATTE. Right. Did the intake specialist at the FBI’s public access line at CJIS check to see if any derogatory information about Cruz, such as arrests, convictions, et cetera existed within NCIC before closing the case?

Mr. BOWDICH. She did, sir. She did the standard database checks. I know she checked in our Sentinel Case Management System she checked our Guardian Case Management System, and I believe she checked in DIVS, which is essentially an aggregator of many different databases.

Chairman GOODLATTE. So, if there had been charges of criminal activity—for example, the allegation that Mr. Cruz threw his mother up against the wall, which many people would say is a crime of domestic violence, which if it were in a database would not only be

something of concern when she pulls that up, but it separately it also. If he had been charged and prosecuted would have gone into the NICS System if the State of Florida were providing all the information that needs to go into the NICS System, and, therefore, would have come up when he attempted to buy firearms.

Mr. BOWDICH. Yes, sir. So, had there been a domestic violence conviction that would have been a prohibitor, which would not have allowed him to purchase a firearm.

Chairman GOODLATTE. And what is the FBI doing to ensure that the NICS System contains the most up to date accurate information concerning crimes and their dispositions?

Mr. BOWDICH. Senator, the Attorney General recently put out guidance and directed Federal agencies to ensure we are—and particularly the FBI—reaching out and establishing the best relationships we can with our State and local partners, which are already very strong. But we are asking for them to include their dispositions.

That is where we are vulnerable is a lot of the dispositions of some of these crimes are not being reported to NICS, so they are not going in. So, we are doing the best we can to. We are having a series of meetings, we are messaging it, will message it at the IAC, the International Association of Chiefs of Police, and have done this in the past. There is working groups to address it. And we are continuing to go out and message the importance of all those dispositions coming into the NICS System.

Chairman GOODLATTE. The age of Mr. Cruz at the time of this shooting was 19.

Mr. BOWDICH. Yes, sir.

Chairman GOODLATTE. But some of the earlier events he would have been under 18.

Mr. BOWDICH. Yes, sir.

Chairman GOODLATTE. Is there a problem with some State laws not putting into the NICS System acts of violence, or mental health commitments that occurred if somebody under 18 that really should get in there? And this would be a good example of that.

Mr. BOWDICH. I do not know the answer, sir. I do not know the State laws on that.

Chairman GOODLATTE. Can you describe the difference between a Guardian lead and a criminal complaint? A D71?

Mr. BOWDICH. Yes, sir. A complaint is a charging document. A Guardian lead is when we receive a tip or a lead, and, in the past, it has been if it is a counter terrorism lead we would create what is called a Guardian. And that would go out to our field office. Once the field office receives this lead, the investigators get it and they are under very strict deadlines to address it very quickly. They have certain databases they have to check. And we do random auditing of all those Guardian leads to ensure that they were properly reviewed and followed up on.

Chairman GOODLATTE. My time has expired.

Mr. SENSENBRENNER. The time for the gentleman has expired. The gentleman from Louisiana, Mr. Johnson.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chairman, and Director Bowdich for being here today. In previous briefings you mentioned that a section 2703(d) court order had not been submitted

to the private company. In this case it was Google, which owns YouTube. Could you explain for us in further detail how the FBI determines if a 2703(d) is appropriate to pursue during an investigation?

Mr. BOWDICH. Yes sir, Congressman. So, my understanding is a 2703 is more of a companion statute. It is actually 2702 letter. So, what that letter is is if we were trying to obtain subscriber information we can submit a 2702 letter to a provider. That provider it has the option to either respond with that subscriber information or not. If they do not, the next possible step for our investigators would be to go to the U.S. Attorney's Office and seek a Grand Jury subpoena to compel. The first one is noncompulsory process, second part is compulsory.

Mr. JOHNSON of Louisiana. In this case, do you know if the 2702 letter was considered by the Jackson field office, Mississippi, in the initial investigation?

Mr. BOWDICH. It was not done, sir. The agent and the task force officer, they conducted an interview they conducted standard database checks. They did find a Guardian from our Houston Office where the term "school shooter" was used on social media. Our investigating agent called another agent in Houston, they quickly realized that it was used as a term in a joke on social media, and that took him off that trail. So, that one washed out. He did, however, conduct additional database checks.

Did he have the option, and could he have with the facts as he had them, submit a 2702 letter for the YouTube channel subscriber information? Yes, he could have, and he did not.

Mr. JOHNSON of Louisiana. Hindsight is 20/20 I guess, right?

Mr. BOWDICH. Yes, sir. Hindsight is 20/20 Congressman, but I would have preferred he did. Because it could have potentially led to, we do not know that; but it could have potentially led to us obtaining subscriber information.

Mr. JOHNSON of Louisiana. Is there a way to ensure that it is more carefully considered, or handled differently, in the future?

Mr. BOWDICH. Yes, sir. That is actually part of the Guardian review.

Mr. JOHNSON of Louisiana. Okay.

Mr. BOWDICH. I mentioned during the initial briefing we launched two inspection teams. One was for our CJIS PAL line, the other was to look at our Guardian review process. Part of that that we came back with a recommendation on is we need to increase the acumen of all our investigators on social media scrubs; also, on use of social media in general.

Mr. JOHNSON of Louisiana. Does the FBI have any information about a possible tie between Cruz and ISIS? I know that has been talked about maybe—

Mr. BOWDICH. We do not, sir.

Mr. JOHNSON of Louisiana. Has ISIS claimed responsibility for the Cruz—

Mr. BOWDICH. Not to my knowledge, they have not.

Mr. JOHNSON of Louisiana. Do you have any information about whether or not he may have been inspired by ISIS to commit these atrocities?

Mr. BOWDICH. We have not seen any indications of that at this point.

Mr. JOHNSON of Louisiana. During the initial vetting and dissemination of possible leads and tips that were received through the public access line, do FBI special agents take into account whether State or local law enforcement agencies have open investigations into the lead or the tip that is received? You may have said this already this morning, but I was out.

Mr. BOWDICH. Well, what we are looking for, so I will give you a great example. The other day I sat on a call, it was a couple weeks ago with one of our call takers, and the woman very quickly said, "They are trying to steal my kids." As you listen to it, it takes a number of minutes; I realize she has some mental health issues.

Another one, right after that was where a gentleman was talking about a protective order, a restraining-type order. And I realized this is a domestic violence matter. In that one it was more of a complaint it was not an exigent circumstance. So our call taker asked him to call his local police department. Had that been something like, "He is breaking into the house now. He has got a restraining order," we would have done a quick warm hand-off to the local jurisdiction to ensure that they know about that.

Had it been purely Federal, and whether or not they had an open investigation would have been determined. Once that Guardian lead gets cut goes to the field office, then our investigators would very likely find whether there was an open local or State case.

Mr. JOHNSON of Louisiana. And that protocol is followed as a matter of policy, I guess, pretty regularly?

Mr. BOWDICH. Yes, sir.

Mr. JOHNSON of Louisiana. I will yield back. Thank you, Mr. Chairman.

Mr. SENSENBRENNER. The gentlewoman from Alabama, Ms. Roby.

Mrs. ROBY. Thank you very much. And I too, like my colleagues here, are very interested in the policies and procedures where mistakes were made, but how do we move forward in looking at changes and new procedures and policies, particularly as it relates to communications with State and local officials; the future being now.

I am very interested in a continuation of the dialogue that my colleague from South Carolina had started. And so, I am going to yield my time to him so he can finish his line of questioning. I think we are all trying to get at the same thing, so I yield to the gentleman from South Carolina.

Mr. GOWDY. I thank my friend from Alabama.

Mr. SENSENBRENNER. The gentleman is recognized for 4 minutes and 20 seconds.

Mr. GOWDY. Thank you, Mr. Chairman. Let's go back to this notion of preventable crime, because I think that is what everyone wants to know is at what stage could this have been prevented? But they want this conversation to be honest and frank, which means that we are going to have to go through the specific facts.

When you and I left; local law enforcement, assuming there is no Federal nexus, no Federal jurisdiction; it is a warm hand-off to local law enforcement. They can show up at the home, they can do

a field interview. In theory, you can do surveillance, right? I mean, you do not have to have a warrant to follow someone in the car.

Mr. BOWDICH. Yes, sir.

Mr. GOWDY. So, you can ask for consent to search. All of that could have been done was not done, correct?

Mr. BOWDICH. Yes, sir.

Mr. GOWDY. All right. So, when we are evaluating ways to prevent crime two things leap out to my mind. Number one, the predicate offenses that have been discussed just this morning. My colleague from Virginia, Mr. Goodlatte, made a reference to domestic violence convictions as being a prohibiting act from possessing, even a single bullet, much less an AR-15.

You cannot possess a bullet, if you have been convicted of domestic violence. But it does not require a conviction. It can be a restraining order. You just made reference to a call about a restraining order. If there is a restraining order with the element of violence, that person is prohibited from having a single bullet, much less an AR-15. I know that you have title 18 jurisdiction, but ATF usually investigates firearms offenses, right? Is that right? ATF usually does it.

Mr. BOWDICH. Yes, sir. We do them as well, but ATF they are the experts on firearm violations.

Mr. GOWDY. All right, title 18 922(g); these are not my words these are the words of the statute. "You have been adjudicated mentally defective or been committed to a mental institution." Do you know, or can you get for us, it is not a trick question, I am really interested in how many prosecutions over the last 10 years have taken place.

Since there is a lot of conversation about mental health and mental illness, we have a statute that if you have been adjudicated mentally defective, or you have been committed to a mental institution, you are prohibited from possessing a single bullet, much less an AR-15. But if that statute is not being enforced, then it is not doing us a lot of good. Can you help us get the statistics on how many prosecutions there were under that clause?

Mr. BOWDICH. Congressman, I would have to defer, certainly, with Department of Justice and potentially with the ATF, but I will see what I can do.

Mr. GOWDY. Is there anything about that statute that we can change, consistent with both substantive and procedural due process, but change that statute to the extent mental health is discussed a lot. Is there anything about that statute that you would recommend us looking at and/or changing under the heading of preventing crime before it happens? Prevent the homicide before it happens.

Mr. BOWDICH. Congressman, I am not in a position right now to make a recommendation on that. I would have to look at it carefully, and I would have to give it some thought, and I would have to talk to our lawyers, quite frankly.

Mr. GOWDY. Will you do that for us?

Mr. BOWDICH. I am certainly willing to confer with Department of Justice about it, yes sir.

Mr. GOWDY. All right. Also, you cannot possess a single bullet if you are a user, or habitual user, of controlled substances. Is there

any evidence in this defendant's background that he was a user of controlled substances?

Mr. BOWDICH. I do not recall on that. I do not believe him to have been a habitual user. I do not recall if there is anything indicating additional drug usage.

Mr. GOWDY. All right, well here are my two takeaways with less than 30 seconds. We need to be really fair and really upright with our fellow citizens when we talk about preventing crime. And we need to be really vigilant when it comes to these predicate offenses that a lot of my colleagues use the word "minor" attached to. These predicate offenses sometimes when they are enforced; they help you enforce broader statutes that actually can prevent the crime. And we have got to look at title 18 922(g), folks who are prohibited from possessing even a single bullet; we have to make sure that we are enforcing those laws.

Mr. SENSENBRENNER. The gentleman's time has expired. And, Director Bowdich, you have been a trooper for almost 2 hours. And this has been very useful in explaining to us, and to the public, exactly what happened leading up to the tragedy in Florida. I, you know, wish you well on that. And I hope you will keep us up to date on how we can patch the problems that this tragedy showed existed within the FBI's notification and sharing of information, so that we do not have to have another tragedy again and look at it back on hindsight like we are doing now. So, thank you very much.

Ms. JACKSON LEE. May I thank you as well, Mr. Chairman.

Mr. BOWDICH. You may.

Ms. JACKSON LEE. May I associate myself with the words of the chairman. I think we have shown collegiality in commenting on these points of trying to save the lives of children. I will just offer, as I close, appreciation for your service, and the recognition that the FBI is working. It has its Achilles' heels that I hope that you will come back to us, and that we will not see this from that perspective again in terms of missing these very glaring situations.

And, finally, let me say I think the FBI needs to lead on advocating for real gun safety legislation dealing with the elements of guns in the hands of children and others, and particularly assault weapons. With that, Mr. Director and Mr. Chairman, I want to thank you for your service to the Nation.

Mr. SENSENBRENNER. Okay, thank you very much, Mr. Bowdich.

Okay, second panel is Sheriff Carter and Mr. Eden and Ms. Harper. Would you please, you know, step on up. Let the record show that all of the witnesses have been sworn. And we would like to ask each of them to summarize their testimony in approximately 5 minutes. And then, we will have another round of questions.

And just to make it clear, we will set the order of questioning by seniority of those who are here now, and those who appear later will be below those who have had the patience to stay here now.

So, Sheriff Carter, you are up. Thank you for coming.

STATEMENTS OF TIMOTHY CARTER, SHERIFF, SHENANDOAH COUNTY, VIRGINIA; MAX EDEN, SENIOR FELLOW, MANHATTAN INSTITUTE; AND KRISTEN HARPER, DIRECTOR FOR POLICY DEVELOPMENT, CHILD TRENDS

STATEMENT OF TIMOTHY CARTER

Sheriff CARTER. Subcommittee Chairman Sensenbrenner, Ranking Member Jackson Lee, and members of the committee, my name is Timothy Carter. I am the sheriff of Shenandoah County, Virginia, and I have been given the privilege through election by the people of Shenandoah County to serve four terms as their county sheriff.

I began my law enforcement career in 1986 as a police officer in the town of Blackstone, Virginia. And I thank you for the opportunity to talk with you today. My career has been in local law enforcement, and predominantly rural law enforcement. And I have worked hard to maintain a connection with the people that I serve.

The people of my community expect their law enforcement to protect them, and to work with the resources that they have. They expect their law enforcement to reflect the community standards and culture. Shenandoah County, like many rural counties, has limited resources and a commitment to protect and serve the public.

Years ago, after the Columbine shooting, our office changed our training, preplanning, and response to these incidents. The standards of training were primarily dictated by the Commonwealth of Virginia. But we also sent command staff to learn from the response, supervision, and management of critical incidents, including school shootings, by attending and researching best practices from other agencies, including those who had a history of such events.

Training and preplanning for such events is a continual process. Immediately after the Sandy Hook incident, we experienced a disruption in a Shenandoah County school. The school superintendent and I held a community safety forum, actually three, after this event and we gathered public input on how to improve school safety, over and above what we were already doing.

Two prevailing themes prevailed from the parents and school staffs, and they were that there needed to be facility security improvements, such as controlled access and camera system upgrades or installations. Secondly, there was an outcry to increase our local law enforcement presence in each school.

Back then, in controlled access was a sign directing visitors to the main office when entering. Also, at the time, there were school resource officers assigned to the three Shenandoah County campuses, but not to each school.

Since these forums, the sheriff's office and the Shenandoah County School Board have been working together to fund these initiatives. The case for facility improvements is complicated in our local county, in that the Board of Supervisors must provide funding. That process is ongoing and must be balanced with educational capital needs and other critical infrastructure needs. I ask that you continue to provide assistance through Federal funding in this area, understanding that these types of improvements are costly.

Regarding staffing, the Shenandoah County Sheriff's Office, and the Shenandoah County Board of Supervisors agreed to fund the necessary deputy sheriffs to assigned law enforcement officers to each public school. After we received approval from the U.S. Department of Justice Asset Forfeiture Money Laundering Section, equitable sharing funds were used to initiate this effort. While the county gradually took over the local funding at the end of a 5-year period, the results were nine full time sworn law enforcement in nine public schools and one part-time sworn law enforcement in one public technical school.

Not only were we able to complete this initiative and comply with the public demand for increased improved school security, we were able to bring the command and control of our law enforcement school resource officers under one organization, the Shenandoah County Sheriff's Office. Having the continuity of continued school security is critical.

Prior to this initiative, we had three different law enforcement agencies assigned to three different schools in our School Division. Having all the school resource officers under the same command and control has many advantages, primarily consistency and continuity with school staff and school-related incidents, investigations, and responses.

We do train our active shooter response with other county law enforcement agencies through mutual aid, as well as the Virginia State Police. We critique our crisis preplanning each year and keep it up to date with the Shenandoah County School Administration. These plans are used by all responding law enforcement agencies, as well as other emergency service providers.

There are times when students, family members, or staff members are in crisis and incident information needs to be shared between agencies and jurisdictions. We work hard to create an environment where intervention is possible with students before any aggression or violence occurs. Having a cooperative agreement and record sharing system promotes this environment with agency information flow.

Our deputy sheriffs assigned to the schools promote this environment with personal contact with students, families, and staff. Federal grant programs in these areas are critical to enhancing school safety and security. And I ask that you continue these programs and even increase Federal funding.

I want to thank you all again for allowing me the opportunity to talk with you today. And I appreciate your service to your communities and to our country. Thank you.

Mr. SENSENBRENNER. I thank you, sheriff. Mr. Eden.

STATEMENT OF MAX EDEN

Mr. EDEN. Mr. Chairman, Ranking Member Lieu, it is a shame that death must come to the suburbs before America can have a national conversation on preventing school violence. In recent years, our schools have looked the other way on violence, because that is what we have told them to do. And so long as that violence was in urban schools, the media was happy to look the other way too.

But now, the public must finally reckon with the Federal policy that, in essence, tells teachers and principals, “If you see something say nothing, because if you do something you might be the one to get into trouble.” Nikolas Cruz was Parkland’s worst kept secret.

Yet despite a string of alleged incidents, including assault, cyber stalking, weapons, and death threats, he was never arrested. Why not? Well, Broward Superintendent Runcie declared, “We are not going to continue to arrest our kids.” Sheriff Scott Israel said, “We will judge our success by how few kids we put in jail.” Numbers first, safety second.

After over two dozen infractions and a failed effort at involuntary commitment, the school developed a plan. “Do not let Mr. Cruz come to school with a backpack, because he might shoot up the school.” Shortly thereafter, he committed an assault. Now, it used to be before this reform there were four levels of assault, and you could have a law enforcement referral for three of them.

After, there were three levels of assault, and you could only have a law enforcement referral for one of them. Mr. Cruz was not referred to law enforcement at this time, according to records. And even if he were, Broward Sheriff’s Union President, Jeff Bell, says that “His school resource officer’s hands were tied, because the schools did not want the bad numbers.” This matter is far beyond Broward County.

Superintendent Runcie has said, and I quote, “Some of my staff joke that the Obama administration might have taken our policies and framework and developed them into national guidelines.” That is not funny, because it is not a joke. Shortly after Broward adopted these see something, say nothing policies, the Obama administration issued a Dear Colleague letter to force school districts across the country to follow Broward’s lead.

Schools were put on notice. Even if your rules are fair and administered fairly, you could face a Federal investigation for unlawful discrimination if different groups broke those rules at different rates. In other words, get your numbers down or else. “Or else” faced an investigation intended to force you to get your numbers down. Internal documents make this explicit. Investigators were on a mission to force school districts to drop traditional discipline.

These so-called investigations hit hundreds of school districts serving millions of students would appear to be a nationwide grass-roots rethink of school discipline was, in reality, largely engineered through coercion in secret by bureaucrats in the Department of Education. Now, there is no doubt they meant well. They were concerned that minority students were being punished unfairly, and that these punishments were having long-lasting effects. And, of course, our schools must make every effort to avoid discrimination, and to foster a positive culture.

But you cannot make schools more fair and loving places by striking fear into the hearts of principals and teachers. Faced with pressure to get the numbers down, the easiest path is to simply not address, or to not record troubling even violent behavior. And we have seen this, according to teachers, systematically in districts from Washington, D.C. to Buffalo to Denver.

Teachers are afraid to speak out. They fear retaliation from the district. They fear accusation from the media. But where their

unions give them a voice, teachers tell the same horror stories; principals doing nothing to address disorder, hiding evidence of violence, even willfully excusing clear death threats.

When this was an urban problem, neither party wanted to talk about it; Republicans, because it did not hit their kids; Democrats, because it did not fit their narrative. This pressure must stop. Schools do not become safer when adults cannot punish bad behavior. Schools do not become more caring cooperative places through fear and coercion. Schools can only become safer and more supportive by allowing teachers, who love and care for their students, to do what they think is right. And it is about time for Washington to stop blaming teachers and start trusting them instead.

Mr. SENSENBRENNER. Thank you very much. Ms. Harper.

STATEMENT OF KRISTEN HARPER

Ms. HARPER. Chairman Sensenbrenner, Ranking Member Jackson Lee, and members of the subcommittee, thank you for holding this hearing on how our Nation can prevent violence, and keep our young people safe in school. I am here on behalf of Child Trends, a Research Institute known for rigorous and objective research which over the last four decades has served as a resource to office holders of both parties. I am grateful for this opportunity to help ensure that research about how to safeguard school environments prevents misguided public policy.

The Parkland shooting is uniquely painful, because it seemed preventable. This is the time for probing questions. What was done? What was not done? What might have been done that could have prevented this shooting? As I am representing a 501(c)(3) organization, I cannot provide suggestions regarding legislation. However, I offer the subcommittee three broad recommendations.

First, anchor your work with knowledge of trends in school safety over the last 2 decades. From 2000 to 2015, school associated youth homicides neither increased, nor decreased discernibly from 26 deaths in 2000, to 40 in 2005, to 28 in 2015. Meanwhile, youth-reported risk behaviors have shown a marked improvement.

Weapons carrying in a 30-day period have decreased significantly from nearly 12 percent of youth in 1993, down to 6 percent in 2003, and 4 percent in 2015. The prevalence of physical fights on school property has also improved from 16 percent in 1993, to 13 percent in 2003, down to 8 percent in 2015. Although recent tragedies have refocused our attention on keeping students safe, we must acknowledge that something is already working to help schools become safer, less violent spaces. We must be careful not to derail existing efforts.

Second, prioritize approaches that will help schools to prevent school shootings, not merely defend against them. Rather than invest in school security, we can invest in adults and young people. We can support programs and interventions that build school communities where there is mutual trust.

And why does this matter? Children with a strong connection to school staff do not bring weapons to school. When students feel a sense of attachment to their school or to the adults within the school, they are more willing to report the presence of weapons. To say we should invest in both school security and school climate is

a good answer but requires a willingness to increase total investment in school health and school safety. Too often, schools are provided only limited resources to address school safety and are, therefore, more motivated to reach for easy and visible security measures than engage in a thoughtful prevention process.

Third and finally, examine how recent school discipline initiatives have complemented the goal of improved school safety. Some have asked whether the 2014 Dear Colleague letter on the non-discriminatory administration of discipline, which sought to address disproportionate discipline for children of color, is to blame for the Parkland shooting and other violent incidents. There is no logical connection between the two.

To address discipline disparities, the Federal school discipline guidance, as well as the 2014 Council of State Governments school discipline consensus project, encouraged schools to distinguish between violent and nonviolent behaviors and to use disciplinary approaches that are fair, proportionate, and equitable.

To be clear, schools already administer discipline for violent behaviors at rates that are similar across racial and ethnic groups. However, schools discipline children of color for minor behaviors more frequently than white students. And behind the numerical disparities are children whose safety and welfare have been placed at risk.

In 2014, a sheriff's deputy placed handcuffs on an 8-year-old Latino boy and a 9-year-old Black girl behind their backs and around their biceps, causing agonizing pain, for attempting to leave an isolation room.

In 2015, a police officer flipped a Black high school student over backwards while she was seated in her chair, breaking her arm, after she refused to leave the classroom. The students in these incidents were not carrying weapons, did not express interest in carrying weapons, and presented little credible threat to peers and school staff. And these were just incidents that were captured on video.

Neither the purpose nor the letter of the Federal school discipline guidance restrict the authority of school personnel to remove a child who is threatening school safety. What is more, the documents highlight the critical role that law enforcement serve in safeguarding school environments from threats too dangerous for school personnel to handle.

I will close with this statement. There is no conflict between our obligation to prevent discrimination based on race and our obligation to keep children safe in school. We can and must do both. Thank you for this opportunity to testify, and I am happy to answer your questions.

Mr. SENSENBRENNER. Thank you, Ms. Harper. I am going to recognize myself for 5 minutes. And I am not going to direct, at least at the beginning, a statement, or a question to a specific witness, but please feel free to jump in.

I think one of the things that we are all concerned about is dealing with students who have mental health issues and who have a propensity for violence. And, certainly, Nikolas Cruz was one of them. And what can be done, you know, specifically to get a stu-

dent like this the help that he or she needs, and at the same time, protecting everybody else?

The law on involuntary commitments or involuntary treatments is you have to be a danger to yourself or a danger to others for that to take place. Here with Mr. Cruz, you know, he was throwing his mother against the wall. He was throwing chairs at other students and making threats without overt actions that he wanted to shoot up the school.

Now, when should the time come for someone to get a mental health evaluation, either voluntarily or involuntarily, to make sure that this type of behavior does not escalate into what we saw in Florida last month? Who wants to go first?

Sheriff CARTER. I do not know who wants to go first. I will answer. I will try to answer the question.

Mr. SENSENBRENNER. Sure.

Sheriff CARTER. I do not have all the data, Mr. Chairman, on all of the incidents with Mr. Cruz, but in our jurisdiction, we have what is called CHINS petition. It is a Child in Need of Services. It is obvious to me that this was a child who needed services at some point. Now, at what point is that? You know, I guess it depends on the jurisdiction.

But, I mean, from what I can hear about the number of calls and number of interactions, if there were not any probable cause for making criminal charges, then, at least, someone should have been requiring the child to receive services. And that would be through a court.

Mr. SENSENBRENNER. Well, somewhere along this timeline, Cruz turned 18. So he was not a child anymore.

Sheriff CARTER. Right. Well, that is true.

Mr. SENSENBRENNER. And I know it is harder to deal with a bad adult than with a bad kid on this.

Sheriff CARTER. Right.

Mr. SENSENBRENNER. But obviously, what he was doing, you know, showed that he had the propensity to harm others and attempted to do so. And he was making threats, or boasts, or however one wants to describe them, that he wants to become a professional school shooter. And I think that what we are looking at, from our standpoint, is when an intervention should be made before a school gets shot up and there are a lot of innocent lives that are tragically lost.

Sheriff CARTER. Again, I cannot talk for other jurisdictions. Basically, in my jurisdiction, it is understood if a law enforcement officer within my jurisdiction, whether it is a school resource officer or not, receives information, whether it is a rumor, whether it is a tip, whether it is an actual formal complaint, everybody gets up that night, and we basically start to follow up on this information.

It may be that you have to go to the house and do a consensual search. It may be that you do find probable cause to make a criminal charge. Maybe you do not. But at least, the parents of the child, the school principal, the school superintendent, law enforcement officers working at the school all know about this prior to that event.

I mean, we have had, literally, social media rumors that we have had to basically sit down and track those things down, you know,

with several people. I mean, going from one rumor, “I heard it from here,” “I saw it on Snapchat from there,” over and over and over to the point where you basically try to resolve “is this just a rumor, or is there a real threat?”

But the answer is everybody is awake, everybody knows about it, and let’s go ahead and get the job done and do follow-up. That is our position on it.

Mr. SENSENBRENNER. Thank you very much. I yield back the balance of my time. The gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much. I would ask unanimous consent to submit into the record a letter from the chairman of the Congressional Black Caucus, Mr. Cedric Richmond, dated March 20th, 2018.

Mr. SENSENBRENNER. Without objection.

Ms. JACKSON LEE. Also, a letter to Secretary Betsy DeVos dated March 15th, 2018 from the ranking member of the Committee on Education and the Workforce.

Mr. SENSENBRENNER. Without objection.

Ms. JACKSON LEE. Let me read from a statement from the superintendent of Broward County. And let me, again, Mr. Chairman, ask to submit this statement, March 19th, 2018.

Mr. SENSENBRENNER. Without objection.

Ms. JACKSON LEE. In his statement, he indicated, “Please note, contrary to media reports, the district has no record of Nikolas Cruz committing a PROMISE-eligible infraction or being assigned to the PROMISE while in high school.”

His additional comments are, “The district’s collaborative agreement on school discipline, which was established in 2013, establishes guidelines and processes for handling nonviolent misdemeanor offenses on school campuses to eliminate the school-to-prison pipeline. It outlines for school personnel when it is necessary to involve law enforcement and when nonviolent offenses can be handled through school resources and programs such as the PROMISE program.”

So the crux of the program is nonviolent misdemeanor offenses. It has also been assessed by the Committee on Education and the Workforce regarding Broward County that, instead, the county launched the Preventing Recidivism through Opportunities, Mentoring, Intervention, Support, and Education, PROMISE, that successfully decreased arrests by two-thirds for minor infractions and found that that 90 percent of students receiving counselling through the program do not repeat the behavior. It does not prohibit referral to law enforcement and still utilizes suspension and expulsion for serious infractions.

So, Mr. Eden, what is your beef and complaint regarding former President Barack Obama and the Department of Education which he oversaw as the President of the United States? What connection are you trying to make?

Mr. EDEN. Absolutely, ma’am. So, I think the way that the school resource officer was talking about it was the way that these things need to be talked about. We need to have the adults who know these students come together and make a decision based on what they have in front of them, not based on a pressure that they face

internally, or imposed on them from the top down, to just try to get these numbers down full-stop.

Ms. JACKSON LEE. And what evidence do you have of pressure coming from up top or down under for the Broward County? The superintendent made an independent statement. And do you have, as well, the numbers of disparities dealing with Latino and African-American children as relates to minor offenses receiving the brunt of suspensions and expulsions? Have you researched that number, as well?

Mr. EDEN. Yes, ma'am. So, in Broward County, that was a self-driven initiative.

Ms. JACKSON LEE. That is correct.

Mr. EDEN. This was before the guidance. This is Mr. Runcie, Sheriff Israel.

Ms. JACKSON LEE. That is correct.

Mr. EDEN. They get together, they say, "We are going to get arrests down. We are going to declassify violent and nonviolent offenses, including affray."

Ms. JACKSON LEE. I did not hear that in the superintendent's statement when I put in the record. He indicated nonviolent actions that would be under the jurisdiction of PROMISE, and he said that they would not interfere with any efforts to deal with law enforcement or any efforts where the child needed that attention.

Mr. EDEN. Sure. So, within the PROMISE agreement was a violent offense, affray. That is one thing. Another is that we have the words of the School Resource Officer Association to go. That their hands were tied, their discretion was stripped. That the school did not want the bad numbers on their record.

Ms. JACKSON LEE. I do not know whether it was a resource officer. I do not know what Mr. Peterson was. But Mr. Peterson stood outside and gave orders to people not to go in. I think that speaks to concerns about those actions. Ms. Harper, let me ask you about this idea of dealing with discipline and protecting our children. That is our chief responsibility. And how do you juxtapose the two, that we can have a fair system and not jeopardize the security of our children? And, particularly, should there be a blame on the so-called different perspective that the Obama administration put forward, but that Broward County put forward ahead of that report?

Ms. HARPER. Yeah. We knew full well from the research that the vast majority of the disparities on the basis of race in the administration of discipline is for minor offenses. Right now, schools discipline students across racial and ethnic groups pretty similarly when it comes to violent offenses. So if there is any pressure whatsoever on districts to rethink school policies coming from the discipline guidance, reducing suspensions for violent offenses would not improve disparities across racial and ethnic groups.

But it also needs to be said that, you know, the letter of the guidance is its own best defense. The letter of the guidance contains nothing that restricts the authority of school personnel or the authority of law enforcement to intervene when a child's behaviors are becoming violent. In fact, there is, actually, explicit language in the guidance that says we should train school personnel to be able to distinguish between violent and nonviolent behaviors and determine when law enforcement need to be brought in.

Mr. SENSENBRENNER. The gentlewoman's time has expired.

Ms. JACKSON LEE. Thank you.

Mr. SENSENBRENNER. The gentleman from Virginia, Mr. Goodlatte.

Chairman GOODLATTE. Thank you, Mr. Chairman. Sheriff Carter, how do you handle a student who commits a crime of violence or sexual offense on school grounds? Do you think local law enforcement should be involved when these crimes occur?

Sheriff CARTER. Yes, sir, certainly. We would handle it like we would if it was off school grounds. I mean, collect evidence, determine if there is probable cause, and make a charge. So that is how we would handle that, whether on school property or off.

Chairman GOODLATTE. Mr. Eden testified that the Department of Education told school districts to formalize or revisit agreements with local law enforcement under the new understanding that the school could be held liable for allegedly discriminatory decisions. Would this have a chilling effect on their involving local law enforcement?

Sheriff CARTER. I know that we have agreements with our school system. Congressman, we have a relationship. When you have a school resource officer assigned to each school, I look at it like it is its own little community, its own little town. The law enforcement officer is the sheriff, and the principal is the town manager or county administrator.

There are times, on minor offenses, where it may be appropriate to go ahead and try to deal with it outside the judicial system. Like, for example, we had a kid last week break a soap dispenser. Probably not going to charge that kid, because we believe that the discipline that the school can enact would be more than what we would get in the court.

But at the same time, we draw the line when it comes to violent offenses and serious crimes. But things like that, if you have that relationship with the principal and the school district, I believe you can work those events out.

Chairman GOODLATTE. Do you think the school administrator should have to do that calculation when there is some violent event taking place at the school before they decide to call the police?

Sheriff CARTER. No, Congressman, if the school resource officer and law enforcement have a relationship with the school system, have a relationship with the principal, there ought to be a free flow of communication constantly. And if there is that free flow of communication, that law enforcement officer should be brought in on the early end, not on the back end, and you will not have to worry about trying to, for lack of better words, clean up an investigation later on.

I do think there is, sometimes, and we see it with young staff, from time to time, they go through and they have to go by and check the box each time. "Well, I have got to get this done, I have got to get this done." And I think if you are not using common sense and talking with the people that you are working with—

Chairman GOODLATTE. You are going to miss the target.

Sheriff CARTER. Yes, sir. I think so.

Chairman GOODLATTE. Mr. Eden, I agree with Ms. Harper that we can accomplish both of these goals of making sure that people

are not discriminated against based on their race or ethnicity. At the same time, we can keep school children safe. I think that is a good principle. What does the research say about how schools have been impacted by the policy shift that you described, however?

Mr. EDEN. So the research is just catching up to it, but the signs are fairly uniformly negative. There have been two academic studies, one out of Philadelphia where they tried to ban suspensions for willful defiance. Academic proficiency dropped by about 5 percent in reading and math. After the ban, truancy rose by about 16 percent. And perhaps the reason why was that serious offenses rose, even after willful defiance suspensions were banned. And, at the end of the day, African-American students spent more time out of school on suspension after the ban on willful defiance because of this rise in serious incidents.

The other major academic study comes out of Los Angeles, where they fully implemented a willful defiance suspension ban. Schools that had 10 or more willful defiance suspensions before the ban that were forced to end them, lost about a third of a year's worth of academic growth. So, those are the two academic studies, then past that, we have surveys.

We ask students, "Do you feel safe? Are there fights? Do you feel respected?" And where we have the before and after, we see a negative shift. We see more students saying that they feel disrespected. Fewer students saying that they feel safe. I absolutely agree that we must balance these two things. We must balance, like, keeping a firm hand and not discriminating.

Chairman GOODLATTE. Let me ask you one more question. Do teachers or parents ever reach out to talk to you about this issue?

Mr. EDEN. Yeah, kind of by email and Facebook. A mom from Maryland shot me a message the other day saying that her school resource officer was terrified to talk about this issue. That a teacher said to her, "Yeah, well the discipline stats are not accurate. It is double or triple those darned stats, because they intentionally make up their own forms to use instead of using the actual referral forms." And she said that, when she went to school after her son was threatened, that the school did not help her file a police report. And when she went to the police officer, they said, "Yes, ma'am. Your son will have to go off-campus before he calls us, otherwise, we cannot go in there, and we do not know what is going on there."

Mr. SENSENBRENNER. The gentleman's time has expired. The gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chairman. Ms. Harper, if the guidance issued by the Obama administration were rescinded, how would the responsibility of schools to address disparities in implementing discipline be different?

Ms. HARPER. Rescinding the guidance, I think, would cause a lot of confusion for schools on what their obligations are under Federal civil rights laws. I think most schools are pretty clear that you may not treat students differently based on race. You cannot have a policy on the books, you know, apply that policy to one student, not apply it to a different student. I think most folks have that clear. They may not be as aware that you may not implement policies that have disparate impacts based on race that do not serve an im-

portant education goal, and for which, there are alternatives that could serve that goal.

At the same time, I think the States and districts have been following the research on school discipline and know now that suspensions not only harm children but are not necessary and do not improve student behavior, especially when it comes to minor misbehaviors. And so, I think, right now, we have States and districts across the Nation that are responding to that research and trying to find ways to support educators so that discipline is improved.

Mr. NADLER. I am not sure I follow you. So, in other words, they often respond to that research, and therefore, we do not need the guidelines from the Department, or the Department adds to that?

Ms. HARPER. The Department adds to that. So, in the midst of, you know, changes at the State and local level. I mean, we just had Maryland and Texas last year pass bans on suspension and expulsion from preschool through third grade, for example. We have State and local officials that recognize that something needs to shift on discipline. However, when a school or when a district is discriminating on the basis of race, that is when the Federal guidance becomes necessary.

Mr. NADLER. Okay. And do you think the increased presence of law enforcement in schools makes students safer?

Ms. HARPER. The research does not support the conclusion that additional law enforcement presence on schools makes them safer. We do know that increased law enforcement presence in schools increases criminalization of student behaviors. You place an officer in schools, you have higher rates of reported crime. But it is not like those rates—

Mr. NADLER. The research results are counterintuitive, in other words.

Ms. HARPER. You cannot conclude from current research that having law enforcement in schools makes students safer.

Mr. NADLER. Thank you. Mr. Eden, can you point to specific language in the Obama administration's guidance on school discipline that prevented law enforcement from taking any action with respect to the Parkland Florida shooter?

Mr. EDEN. As Ms. Harper said, there is no language in the text of the guidance that would interfere directly in the administration of a violent offense. However, in the internal guidance given to investigators, school districts were told by OCR that they had jurisdiction to review all actions taken by law enforcement officers with an eye towards finding any alleged discrimination. So, whereas in Broward County, no, they moved before this. The guidance came after. The guidance applied to other districts who adopted [sic] it voluntarily. The guidance made other districts do coercively.

Mr. NADLER. I do not follow you.

Mr. EDEN. Yes.

Mr. NADLER. Guidance came after what?

Mr. EDEN. Broward County adopted this policy in the fall of 2013. The guidance then, as Runcie said, took these principles, these frameworks, and said to districts, "You have to adopt these or else we—"

Mr. NADLER. Okay. Did that guidance prevent the authorities from taking any action with respect to the shooter?

Mr. EDEN. There appears to be an inhibition on the use of law enforcement within Broward County.

Mr. NADLER. When you say, "there appears to be."

Mr. EDEN. Yes.

Mr. NADLER. Where do you draw that from?

Mr. EDEN. I draw that from the change in the discipline matrix. For example, it used to be the case that there were four levels of assault, and you could get referred to law enforcement for three of the four. Afterwards, they changed the discipline matrix that there were three levels of assault, and you could only get referred to law enforcement for the most severe level.

Mr. NADLER. That is very interesting. That has nothing to do taking action against the Parkland shooter.

Mr. EDEN. It has something to do with why he was not arrested beforehand, and hence, as Mr. Bowdich testified, why there was no record on this very dangerous individual. That, despite all of these acts that he committed—

Mr. NADLER. Because of that third level?

Mr. EDEN. That is the clearest instance. The question is: what was he doing in middle school? Mr. Runcie's statement has that loophole in it. And what other counselling was he given in response to his actions instead of arrest because of these policies?

Mr. SENSENBRENNER. The gentleman's time has expired. The gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. And we, again, want to thank all three of the witnesses here for helping us to determine what is the best action for Congress to take with respect to this issue and let us better understand the true nature of the problem that we are all facing.

And we actually did pass legislation recently. Congressman Rutherford was instrumental in that. We helped out, as did a number of other members, with suggestions. And it was put together and did a number of things, and I would like to hear, are we headed in the right direction up here? Especially, I think, from you first of all, Sheriff, if we could.

You know, one of the things, for example, you mentioned funding. There is significant, more than doubling, of some of the existing funding in this Stop School Violence Act. Metal detectors are, you know, one example of something that, if school districts should determine that is the direction they want to go, they can use the funding for that for better identifying students who do have mental health issues and could be a threat to themselves or others, you know. And that clearly was one of the critical failures in this case was all the warning signs were there about this particular shooter, yet, unfortunately, very little was done to actually prevent him from doing the horrible thing that he did.

Training for school officials to know how to better handle an active shooter situation, how to better protect students, principally, but also other school personnel in the building. The ability, if it is determined that it would provide significant improvement in security, additional police personnel, you know, school security officers.

I had mentioned earlier that the head of my FOP, the Cincinnati FOP, had suggested that we hire retired police officers who often-times retire in their early 50's and could continue to serve the com-

munity for years to come. And that would be an excellent place for them to be, since they have received the best training, you know, available. And police officers, I do not want to just single out Cincinnati, but police officers all over the country, they would seem like the logical people to do.

So, Sheriff, does it sound like we are heading in the right direction? At least from here, would those types of things be helpful, in your opinion?

Sheriff CARTER. Yes, sir. Funding increases would be helpful. I know that under the former funding levels, my specific school division has applied for funding and, for some reason, sometimes, I think, in rural communities, the funding comes later. It just seems like it does not get there very quickly. So, anything that can be done with regard to increasing funding, I think, is helpful. Even if it is just seed money to get programs off the ground. So, yes, sir, I do think that is a good start.

Again, each school district is different. Each school division is different. I know in our school division, the two main issues that parents and schools wanted were they wanted controlled access into our schools, and they wanted more of a law enforcement presence.

And our governing body, the Sheriff's Office, and the school board basically followed through on those commitments. Other school districts may be different. They may want different things. So, as long as there is funding available to improve those things, I know from a Shenandoah County perspective, that has been what we have been trying to.

Mr. CHABOT. Thank you very much. I have only got a minute left, so let me shift gears a little bit. The idea that I mentioned with the previous panel, or the point that I had mentioned, and that is about identifying our schools as so-called gun-free school zones. You know, basically allowing those who have ill intent in their heart go to a place knowing they are going to be the only person armed there in many circumstances. I would welcome any input from any of the panelists. We have only got a, you know.

Sheriff CARTER. I think it is a value having enhanced penalties with regard to areas, whether it be drug trafficking or weapons violations within a school area. So, it does have some value there to make sure that you have those enhanced penalties.

Ms. HARPER. I would also add that the vast majority of school shooters are students. They are not strangers, they are not random individuals. They are people with connections to the school. Hence my earlier suggestion that our investments really should be in school climates and in student supports.

Mr. SENSENBRENNER. The gentleman's time has expired. The gentleman from Maryland, Mr. Raskin.

Mr. RASKIN. Mr. Chairman, I thank you very much, and thanks to our panelists. I am a little bit baffled about the turn that our proceedings have taken this afternoon, because, in the wake of the Parkland massacre, which I do insist upon calling a massacre, not a tragedy. "Romeo and Juliet" is a tragedy. "Hamlet" is a tragedy. "Macbeth" is a tragedy. This was a massacre. This was basically gunfire terrorism that took place in our society.

And I feel baffled now, because I believe in common sense. And 97 percent of the American people are saying they want a universal

criminal and mental background check on all firearm purchases. That is within the margin of error of almost everybody in the country agreeing to that. And yet, we are not having a hearing about it.

Two-thirds of Americans want to see a ban on AR-15s and military-style assault weapons in the country, which is what the young people all over America are calling for, and perhaps a million of them are coming to Washington this weekend to demand that. And yet, we are now caught up in a discussion about school disciplinary policy.

So, let me start with this. Ms. Harper, do you think we are going to be able to solve the problem of gun violence in America by making tweaks to school discipline policies?

Ms. HARPER. I do not. I think most school policies are fairly clear about the consequences when a student engages in violent behaviors, and the current guide makes, also, clear that law enforcement need to be involved whenever there is a threat to school safety.

Mr. RASKIN. Are any of the panelists aware of a situation where a student brought a firearm or an AR-15 to school and were let go because of lax disciplinary policies?

Mr. EDEN. I am aware of many instances, several instances, where a student brought a knife to school and that was not punished, or in one instance, the knife was given back to him.

Mr. RASKIN. Okay, but in terms of my question. Are you aware of any cases where a student brought a firearm to school and, because of student disciplinary policies, were just sent home for the day, and it was never followed up upon?

Mr. EDEN. Not firearms. No, sir.

Mr. RASKIN. Okay. From Columbine, to Sandy Hook, to Parkland, all of the school shooters that, at least, I am aware of, and I may be missing some, but all of them have been white students. And I think white male students. So, Ms. Harper, can you explain to me why the solution to the problem of gun violence would be to weaken civil rights standards in school discipline policy in the country?

Ms. HARPER. There is no connection between the Federal school discipline guidance and the violence we saw in Broward 5 weeks ago.

Mr. RASKIN. Do you believe, Ms. Harper, that if President Obama had never issued this obscure guidance that I never heard of before this hearing, do you think, had he not issued it, any of these school shootings would have been prevented? Would have not happened?

Ms. HARPER. I do not think there is any connection between the efforts to address racial and ethnic disparities in the administration of discipline that those efforts have nothing whatsoever to do with what we saw 5 weeks ago.

Mr. RASKIN. Okay. And is there anybody present on the panel who thinks that, had that guidance not been issued, that any specific school shooting would not have taken place? Okay. Mr. Chairman.

Mr. EDEN. Well, I think it would be interesting to see what comes out of the recent atrocity in St. Mary's County, because St. Mary's County adopted new discipline policies in the wake of the guidance. Last year, Hugo Morales took his own life after being

bullied. And there was a townhall meeting where the parents complained to the superintendent, "You are not doing anything about bullying. You are sweeping this under the rug. We cannot access you. You are not addressing the problems in our school." So, I do not know, but I fear, in this instance, that perhaps.

Mr. RASKIN. And in terms of Parkland, do you have any reason to think that the lack of this guidance would have prevented that, or in Connecticut? In Newtown, Connecticut? Sandy Hook?

Mr. EDEN. I think there is substantial reason to be concerned that, had Broward County not adopted this policy that soon became a coerced Federal mandate that the situation would have been handled differently over the course of several years and could have been prevented, yes.

Mr. RASKIN. Okay. Have you written something to that effect? Is there any research on that point?

Mr. EDEN. I have written something to that effect, and I believe there is going to be another piece forthcoming in the next couple days.

Mr. RASKIN. And it is based on research that you have done? I just do not see the causal connection.

Mr. EDEN. Sure. The causal connection is that the emphasis in these policies is to get the numbers down. You know, it is like "The Wire" HBO show. We know that we want to get this reduction. We have to get these numbers down. One way to do it is to just not punish, to not suspend, to not expel, to not refer to law enforcement.

So, when we see a school district that has taken aggressive efforts to not refer students to law enforcement, we see a student who has acted insanely and violently and was never referred. At the very least, I think there is reason to be concerned that that dynamic might have been at play.

Mr. SENSENBRENNER. The gentleman's time has expired. The gentleman from Florida, Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman. And to follow up on that, Mr. Eden, that is exactly what concerns me when law enforcement collaborates with school boards to not enforce the law. And so, Sheriff Carter, I would ask you, who makes arrest decisions in Shenandoah County?

Sheriff CARTER. I do not know if I understand. Who makes arrest decisions?

Mr. RUTHERFORD. Whether to make an arrest or not.

Sheriff CARTER. Right.

Mr. RUTHERFORD. That is a decision for law enforcement, correct?

Sheriff CARTER. Yes, sir. It is the law enforcement officer.

Mr. RUTHERFORD. And if you have a law enforcement agency that has given away their decisionmaking. Because look, I can tell you, it happened in Jacksonville, Florida. They wanted civil citations to be written for public affray. Those are violent events. And they did not want them reported, and they did not want arrests made in those cases. And so, you have violent behavior that escapes the view of law enforcement, and that is what concerns me about these relationships.

And particularly, in this case, it appears that even law enforcement outside of the school had a situation where it was reported to them that this individual, Nikolas Cruz, had actually pointed a gun at somebody's head; threatened to kill them. That is aggravated assault. That is a felony. Now, the comment was made that the police did not arrest because the victim did not want to prosecute. But I can tell you, in the State of Florida, the victim agreeance to prosecution is not a requirement for an arrest.

Sheriff CARTER. Right.

Mr. RUTHERFORD. And I assume it is probably not in Shenandoah County, either. Is that correct?

Sheriff CARTER. Yes, sir.

Mr. RUTHERFORD. Which is exactly we passed all of these domestic violence laws, so that we no longer put it on the victim to have to come forward because of the relationship that they had with their abuser. And so, we made those laws to take it out of the hands of those domestic violence victims. And I think here, we have put arrest into the hands of those who have a reason not to want those numbers of arrests within their schools. And so, I see a real problem with that.

Ms. Harper, the reason we drafted the Stop School Violence Act of 2018, working with the Sandy Hook Promise group, was because, as I often told my agency, my community, I did not want to be the best first responder to a mass casualty event. I want to prevent it before it occurs. And so, I was very glad to see in your writings here, you talk specifically about, you know, focusing on those individuals and finding their behavior and what is going on at these schools.

You talk about, you know, we need to look at the negative school climate, the lack of school connectedness, involvement in bullying perpetration and victimization, association with social peers, low school performance. I agree with you 100 percent. We need to teach our students, teachers, and officers what to look for in these individuals who have a propensity to become, you know, these mass casualty shooters down the road.

And I also will tell you that we expanded that bill to also include toughening the target, because you mentioned that, as well. Not only do you want to look at the prevention issues as far as the building, but also focus on the individual. And you say that, you know, you think we can do both. And I would agree with you. In fact, I would say, not only we can do both, we must do both. And so, I appreciate those comments.

But I just want to make the point that, in this case, and I told the FBI Deputy Director earlier, that, you know, I see personnel decisions in this case at the local, State, and Federal level. The Broward County Sheriff's Office. You know, nobody is even talking about the Parkland Police Department. I want to know what they did with the tip that they got, because the lady that made the tip to the FBI said she gave it to them, as well. What did they do with it? And so, there were so many personnel decisions throughout this that were wrong. But I thank you for being here today and sharing your testimony.

Mr. SENSENBRENNER. The time of the gentleman has expired. The gentlewoman from Florida, Ms. Demings, has been very patient, and she is recognized.

Ms. DEMINGS. Thank you so much, Mr. Chairman. Thank you to our witnesses for being here today. You know, what happened in Parkland, I think we all know all too familiar, that it was a tragedy—as my colleague from Maryland said, a massacre. And we have a right to understand what went wrong, what happened. When tragedy strikes, there is always a lot of finger-pointing going around. We have certainly done enough of that today. But I do believe today we have kind of hit an all-time low, actually.

We do know, when we look at the life of this young man, a lot went wrong, long before February 14th. And I think, in all fairness to our witnesses and everybody else who was involved, when we talk about what went wrong, I think we, my colleagues and I, have an obligation to look at ourselves and our failure to do our job. To come up with meaningful gun control legislation that may have, just may have, prevented this tragedy and too many others like it around our Nation.

Let's talk about Parkland, but then officers are responding to a shooting today. A shooting in an elementary school, shooting in a movie theater, shooting in a nightclub in my district, multiple shootings in churches.

Mr. EDEN, I would like to start with you. I know you are here today to talk about school safety, and I think we all would agree that what has happened and all of the other shootings had nothing to do with the school's disciplinary problem or policy. Could you just kind of shed some light, since you have done research on school violence, we can point to a policy for school shootings. What about the other shootings that have occurred around our Nation? What insight would you give in terms of the causes of those shootings that we failed to deal with, as well?

Mr. EDEN. Yeah. So most of these shootings are committed by people who are deeply mentally deranged and whom our system fails in ways that have more to do with the intersection of consequences and students' disabilities. So, it is an open question, having not reviewed the particulars. But I think, in this instance, what we can all agree on is that Nikolas Cruz is the kind of guy who should have never been anywhere near a gun.

Mrs. DEMINGS. As well as the Pulse nightclub shooter.

Mr. EDEN. Yeah.

Mrs. DEMINGS. As well as the shooter at the concert in Las Vegas.

Mr. EDEN. Absolutely.

Mrs. DEMINGS. As well as the shooter, probably, in Maryland today. Would you agree to that?

Mr. EDEN. Absolutely. Nowhere near a gun, and so, as we kind of walk through the failures, and I kind of bracket the gun conversation. I am not expert. I am kind of sympathetic, but it is not really my business. My business is, this policy of explicitly trying to push these numbers down can inhibit the good and fair judgment of school resource officers to issue arrests where they may be warranted. And those arrests then feed into the system in a way that could have been constructive in this case.

Mrs. DEMINGS. Okay, thank you, Mr. Eden. Sheriff Carter, thank you so much for being here. Thank you for your service. Could you talk a little bit about the reason why school resource officers were placed in the schools in the first place?

Sheriff CARTER. The reason they are placed there in the first place?

Mrs. DEMINGS. Years ago, when we put police officers in the school, what was the reasoning behind that?

Sheriff CARTER. My experience is, again, because of incidents of school violence, the public demanded to have law enforcement officers placed in schools.

Mrs. DEMINGS. Did it have anything to do with improving the relationship between local law enforcement and the communities in which they served, starting with our young people?

Sheriff CARTER. Yes, ma'am.

Mrs. DEMINGS. You talked earlier about some of the challenges. You said everybody comes together, the school officials and all, to deal with the problem had you received a tip, information, to see whether it was just, you know, fake or not. Could you talk a little bit about your process from receiving the information and then resulting in an arrest? What is kind of the steps that you would take in that process?

Sheriff CARTER. Well, when we receive the information, we have to validate the information.

Mrs. DEMINGS. And it does not mean, every time that you receive information, that it is going to lead to an arrest. Is that correct?

Sheriff CARTER. That is correct. You have to have probable cause to make an arrest.

Mrs. DEMINGS. And could you kind of explain a little bit for those who might know what that means?

Sheriff CARTER. Well, probable cause means that a reasonable person would believe that a crime either has been or is being committed. My point is, when we receive information, you have to follow up on the information. And you may have to wake people up, you may have to disturb people's family issues, things that they are dealing with. But we all know, let's get to the bottom of this, and let's find out is there a crime that has been committed or is going to be committed. What can we do about what we have heard? And then, you start that process, that investigative process.

At the end of that process, if a crime has been committed, or you believe that there needs to be some law enforcement action taken above just a consensual search or above just an interview, then those things are done.

Now, the one positive thing with regard to that relationship with school officials is, if you have no probable cause. Let's say you cannot make a charge. At least, then, the school officials know this rumor or this incident was connected to this child. It is what I mentioned earlier about that relationship between that school resource officer and that principal. You want to make sure that those people are communicating.

In the event that you cannot make a charge, at least they know that maybe I have a behavioral issue here with this child. Maybe there is a family issue here with this child. But at least we know

that there is something, some services that need to be directed towards the child, need to be taking place.

Mrs. DEMINGS. Thank you so much. Thank you, Mr. Chairman.

Mr. SENSENBRENNER. The time of the gentlewoman has expired. This concludes today's hearings, and thanks to all of the witnesses for attending. Yes, the gentlewoman from Texas.

Ms. JACKSON LEE. You were closing. Before you gaveled, I wanted to close or say a word. I do not know if you want me to say it now. Are you yielding to me now, Mr. Chairman?

Mr. SENSENBRENNER. Well, last time I yielded to you for unanimous consent request, you went a bit beyond that, so.

Ms. JACKSON LEE. I will be contained by my thank yous.

Mr. SENSENBRENNER. The gentlewoman is recognized for thank yous.

Ms. JACKSON LEE. I did not get a chance to pose a question to you, Sheriff Carter, but I was impressed by the work that you are doing. That you go after violent individuals, or you help us with school safety. And I want to make sure that you know that I appreciated it. And there is, Mr. Chairman, as I conclude, a distinction that I hope Mr. Eden will fully understand, maybe working with Ms. Harper, between the infractions that our children should be allowed to be counselled and grow.

Mr. SENSENBRENNER. Where is the thank you?

Ms. JACKSON LEE. I am thanking for Ms. Harper for her words, and Mr. Eden, and hope they will work together so that we do not have the disparate treatment of young people, but we have secure schools and fair treatment of all young people. I yield back. Thank you.

Mr. SENSENBRENNER. Well, okay. Without objection, all members will have 5 legislative days to submit additional written questions for the witnesses and additional materials for the record. And without objection, the hearing is adjourned.

[Whereupon, at 12:54 p.m., the subcommittee was adjourned.]