

# **Oxford Community Schools Independent Report On The Shooting At Oxford High School On November 30, 2021**

**Warning: The information discussed in this report is of a sensitive and traumatic nature involving gun violence, death, harm of children, and suicide and may be potentially activating for victims and survivors.**

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## INTRODUCTION

On November 30, 2021, at Oxford High School (“OHS”) in Oakland County, Michigan, four OHS students, Madisyn Baldwin (17), Tate Myre (16), Justin Shilling (17), and Hana St. Juliana (14), were shot and killed at the school by another student (the “Shooter”) (15).<sup>1</sup> The Shooter also shot six other students, Phoebe Arthur (14), John Ascitutto (17), Riley Franz (17), Elijah Mueller (14), Kylie Ossege (17), and Aiden Watson (15), and one teacher, Molly Darnell, all of whom survived. Many other students, including Keegan Gregory (15), as well as teachers, administrators, and staff who survived were also victimized that day, for they came in close contact with the Shooter as he rampaged through the school and murdered children. Countless other students and staff, present for the shooting and its immediate aftermath, were also traumatized, many of whom tried to save lives that tragic day. The shooting has devastated the families of the students killed, brutalized the students and teacher who survived, and deeply hurt students, parents, teachers, staff, administrators, board members, and the greater Oxford community, causing lasting grief and leaving many questions.

Soon after the shooting, the Board of Education (the “Board”) of the Oxford Community Schools District (“OCS” or the “District”) learned that before the shooting, several OHS employees had identified concerning behavior, statements, and drawings by the Shooter at OHS the day of the shooting and the day before the shooting, and confronted him at the school, but ultimately allowed him to return to class. Concerns were also raised to the Board about the District’s threat assessment policies, guidelines, and practices — what existed, and whether they were followed. To address these concerns and the circumstances surrounding the shooting, in May 2022, the Board hired the investigative firm Guidepost Solutions LLC (“Guidepost”), through the Board’s investigative counsel Varnum LLP (“Varnum”), to jointly conduct an investigation, entirely independent of the

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<sup>1</sup> We have sought *not* to name the Shooter in this report, pursuant to the campaign that “encourages media, law enforcement, and public information officers to shift their focus from the perpetrators of active shooter incidents toward the victims, survivors, and heroes who stopped them, as well as the communities that come together to help in the healing process.” See active-shooter-incidents-in-the-us-2022-042623 (2).pdf.

Board and the District. The Board asked us to investigate, among other things, the District's: i) interactions with the Shooter before the shooting; ii) actions before, during, and after the shooting; and iii) school safety and security policies, guidelines, practices, and measures in place both *at the time we were hired* and *at the time of the shooting* to minimize the risk of an active shooter at OHS in the future and the damage from any such incident. The Board also sought to provide the results of the investigation to the public and directed us to release the report publicly at the same time it was released to the Board.

Our investigation has resulted in two reports. Our first report was issued in May 2023, and addressed *only* the school safety and security policies, guidelines, practices, and measures in place to minimize the risk of an active shooter at OHS and the damage from any such incident as of the time of the issuance of that first report. That first report did *not* address the District's school safety and security policies, guidelines, practices, and measures in place at the time of the shooting; interactions with the Shooter before the shooting; or actions before, during, and after the shooting. Those areas of investigation are addressed in this report. By objectively investigating, assessing, and reporting on the District, we hope to empower the District, the victims' families, the survivors and their families, and the entire Oxford community to i) heal and recover from the shooting, and ii) properly address and respond to the findings in this report.

Community members have asked about how the report was put together and the role of various parties in the investigation. Although Guidepost and Varnum worked together on this investigation, Guidepost alone controlled the final contents, language, and conclusions of this report, without any influence by Varnum, the Board, or the District. The Board and the District are receiving this report for the first time as it is released to the public.

Although the primary purpose of the District is to educate students, learning cannot be achieved unless the District provides an environment where students are safe and secure. In many ways, the District succeeded in this mission before and when the shooting started. Certain elements of District emergency training and physical security



measures saved lives that day. Hundreds of OHS students followed the training that they had received from OHS to evacuate, lockdown, or otherwise take cover during an active shooter situation, and the door barricading devices installed by the District worked. Moreover, both students and District personnel heroically tried to save lives.

However, as set forth more fully below, in certain critical areas, individuals at every level of the District, from the Board to the Superintendent and his cabinet to the OHS administration and staff, failed to provide a safe and secure environment. Although only the Shooter is guilty of murder and assault, and his parents will be tried for their alleged gross negligence with respect to their son, the District was responsible for keeping Madisyn, Tate, Justin, Hana and all of the other OHS survivors and students safe and secure at OHS on November 30, 2021, but failed to do so.

We correctly blame the Shooter, who pled guilty to murder and attempted murder, and his parents for supplying him with the instrument of death. Our professional obligation, however, to the Board, which hired us as outside independent investigators, and the Oxford community as a whole, has been to seek the truth, and go beyond blame and assess responsibility. But our even more sacred duty remains to the victims. The testimonials that follow show that they made an everlasting contribution and impression in this world.

It is tempting for the District to see this tragedy as a random event – tragic but unavoidable. But if we accept these killings, however vicious, however tragic as somehow random, inevitable, and unavoidable, the pain will continue, but the opportunity to do something about them before and not only after the fact will have been lost.

This report collects what detail we can, to establish what happened. But it can only be a true service to the victims if it helps prevent others from joining that list. In that spirit, we do not seek to cast blame beyond the Shooter, who killed intentionally, and his parents, who recklessly supplied him the instrument with which to do it. But beyond the blame lies responsibility. While we did not find intention, or callousness, or wanton indifference, we did find failure and responsibility by omission. In short, responsibility too often was denied

and shifted elsewhere. Taken together, when responsibility everywhere rests elsewhere, it rests nowhere.

Our investigation has revealed that had proper threat assessment guidelines been in place and District threat assessment policy followed, this tragedy was avoidable. We will always hear of the tragedies that continue and of procedures and actions that fell short, but we will likely never hear of potential shooters who did *not* shoot and kill because of timely awareness and intervention by those in a position to be aware and intervene. We can always number the failures, but never the success of policies and guidelines, however much we approve them. We will never know, nor will we count, the victims who were saved by better plans and procedures, but the failure to have those better plans and procedures leaves an unacceptable vulnerability.

We hope OCS embraces this report in the spirit in which it is written, although we are not naïve enough to believe such a tragedy will never happen again. But each tragedy averted amounts to saving precious human lives, like Hana, Madisyn, Justin, and Tate.

## EXECUTIVE SUMMARY

### Scope of Work

As set forth above, for this report we investigated the District's: i) interactions with the Shooter before the shooting; ii) actions before, during, and after the shooting; and iii) school safety and security policies, guidelines, practices, and measures in place at the time of the shooting to minimize the risk of an active shooter at OHS and the damage from any such incident. Our investigation covered, among other things:

- Board oversight of the District, including the superintendent;
- Superintendent oversight of the District, including his cabinet and OHS administration;
- OHS administration oversight of OHS staff;
- OHS administrators, teachers, and staff, including counselors;
- Student threat assessments;
- Student suicide assessments;
- Searches of students and their bags;
- School physical security, including door barricading devices;
- School public address systems;
- School security personnel, including the school resource officer ("SRO");
- School emergency operations planning, including training and drills;
- School emergency communications, including "Alert, Lockdown, Inform, Counter Evacuate" ("ALICE");
- The Shooter's history at OCS schools;
- Unusual events leading up to the shooting, including the "deer head," "bird head," and "countdown" incidents;
- The Shooter's social media posts;
- OHS personnel's interactions with the Shooter before the shooting;
- Student interactions with the Shooter before the shooting;
- The shooting;
- Actions of OHS personnel before, during, and after the shooting;
- Actions of the SRO before and during the shooting;

- The District's response to the shooting; and
- The victims and survivors.

We were hired by the Board to conduct an internal investigation of the District, including the Board, the superintendent and his cabinet, and OHS and its administrators, teachers, and staff, including the SRO, who is employed by the Oakland County Sheriff's Office ("OCSO") but assigned to OCS, *in connection with the shooting*. Also investigating the shooting are the OCSO and the Oakland County Prosecutor's Office ("OCPO"), as part of the OCPO's prosecution of the Shooter and his parents. Investigations of the shooting are also being conducted by families for the victims and survivors and their families through civil litigation filed against the District and certain current and former District employees. We were not, and are not, involved in those civil and criminal cases. Our work is on behalf of the Board and the Oxford community that elects the Board members.

During our investigation, we were given full – and arguably unprecedented – access to evidence gathered by the OCPO from law enforcement and from other witnesses and sources, on the condition that before we issued this report, the OCPO would review information in our report that came solely from its investigative files, to ensure that our use of that information would not interfere with the ongoing criminal cases. The OCPO has reviewed the information in this report and has not made any redactions or objected to our use of any information in this report. We thank the OCPO for its willingness to share its evidence with us as it was critical in understanding what happened during the shooting. In addition, the Oakland County Sheriff's Office, which gathered much of the evidence for the OCPO, also provided us with important information about the SRO's actions on November 30 and other materials, and we thank it as well.

We also could not have conducted and finished a comprehensive investigation without the leadership of former Board presidents Tom Donnelly and Dan D'Alessandro, and current president Heather Shafer. After the shooting, D'Alessandro pressed for an outside, third-party investigation of the District's actions in connection with the shooting. Donnelly initiated the investigation, fully cooperated with our work, sat for an interview, provided information even after he left the Board, and directed the District to fully

cooperate with our work and provide us with the documents and materials we requested. D'Alessandro continued the Board's cooperation, sat for an interview, and, most importantly, helped our investigative team obtain additional critical information from the District and overcome the refusal of many District employees to cooperate with our investigation. D'Alessandro led by example and convinced many witnesses to speak with us. Shafer continued the Board's cooperation and also sat for an interview.

## **Methodology**

### Documents/Materials

We requested and reviewed thousands of relevant documents and other materials from the District. We also received from the OCPO full access to video footage of the shooting and its immediate aftermath and the "police file." The police file contained hundreds of witness statements from students, teachers, staff, administrators, and law enforcement officers, among others, along with other materials relevant to our work. We also received and reviewed critical information and materials from the OCSO. In addition, we received and reviewed relevant information, documents, and materials from members of the OCS and greater Oxford communities, including students, teachers, staff, and victims and survivors and their families. Finally, we reviewed thousands of pages of transcripts of witness depositions and courtroom hearings for the criminal and civil cases.

### Interviews

In addition to reviewing video, documents, and other materials, we interviewed over 100 witnesses, including:

- Victims, survivors, and their families;
- Parents and current and former students;
- Current and former Board members;
- Current and former District administrators, teachers, and staff;
- Prosecutors;
- Current and former law enforcement officers;
- District security and technology vendors; and

- OCS community members.

Witnesses and sources were given anonymity or confidentiality if requested, appropriate, and permitted by law.

Unfortunately, dozens of witnesses possessing information relevant to our investigation refused to speak with us, including:

- Current and former OHS teachers, an OHS counselor, and an OHS administrator who interacted with the Shooter before the shooting;
- Current and former OCS teachers who taught the Shooter;
- Current and former OCS teachers and staff who were near the shooting or present at OHS during the shooting;
- Current counselors and other staff members with information about the District's threat assessment practices or physical security;
- A former OCS cabinet member; and
- A former Board member who served on the Board at the time of the shooting.

These important witnesses cited different reasons for their refusal to cooperate: trauma; fear of being dragged into or getting colleagues dragged into the civil litigation; hurting colleagues or the District; advice of counsel (the District's litigation counsel); pressure from insurance companies; and direction from the teachers' union. This lack of cooperation hindered and slowed our work and made the investigation more costly for the District.

### Visits to OHS

To supplement the knowledge of OHS and the shooting that we gained from the video footage of the shooting made available to us by OCPO, we made numerous visits to OHS and walked the facility to better understand the building and the shooting.

### Outside Experts and Training

We interviewed threat and suicide assessment experts to confirm our understanding of best practices as to when and how to conduct a threat or suicide assessment. Their

expertise and viewpoints were extremely helpful in reviewing OCS policies, guidelines, and practices and preparing for interviews of OCS administrators and staff members.

We spoke with Dr. Emily Keram, M.D., and Dr. Kathleen Puckett, Ph.D., both experts in violence risk assessments, as well as Dr. Dewey Cornell, Ph.D., a nationally-recognized expert on threat assessments, who teaches and conducts research on threat assessment at the University of Virginia. Dr. Cornell developed the Comprehensive School Threat Assessment Guidelines (“CSTAG”), which are recognized as an effective violence-prevention approach. Dr. Cornell provided us with valuable guidance about behavioral threat assessment, including lessons learned and strategies to incorporate an effective behavioral threat assessment program, and we reviewed the CSTAG in depth.

In addition, Guidepost reviewed threat and suicide assessment guidance developed and published by federal law enforcement agencies and other institutional authorities. Specifically, we examined the United States Secret Service National Threat Assessment Center (“USSS-NTAC”) best practices and guidance from the Federal Bureau of Investigation and the Department of Homeland Security on behavioral threat assessment related to school shootings, and the SIGMA Threat Assessment and Management program (“SIGMA”), which is based on USSS-NTAC principles and has been adopted by the District and the State of Michigan.

Guidepost also attended threat assessment trainings on programs and software that the District is now using. We attended the same NTAC training at Oxford Virtual Academy (“OVA”) that Oxford Threat Assessment Team members were required to take following the shooting. In addition, we attended SIGMA trainings with Oxford Threat Assessment Team members related to the software that the District is now using, which will integrate both the SIGMA and the Columbia Protocol for suicide prevention. Guidepost also reviewed the curriculum materials relating to these trainings.

## **Findings**

Our independent investigation established that the Shooter was not identified as a threat because individuals at Oxford High School failed to recognize on November 30, 2021, that the Shooter’s conduct, statements, and drawings suggested that he might cause

physical harm at the school. As a result, these individuals did not escalate the Shooter's conduct to the OHS principal, as required by District policy, and therefore the school did not perform a threat assessment of the Shooter. If an effective threat assessment had been done on November 30 – a threat assessment that complied with District policy and proper guidelines and was guided by an important District form – the Shooter would have been identified as posing a potential threat of violence. However, the responsibility for this failure does not lie solely with these individuals who interacted with the Shooter on November 30. Individuals at all levels of the Oxford Community Schools also bear responsibility for the tragedy that occurred at OHS on November 30, 2021, as set forth in detail in this report.

#### The District's Interactions with the Shooter Before the Shooting

On November 29, an OHS teacher alerted an OHS administrator and other staff members to certain conduct and classwork by the Shooter in her class. Specifically, the Shooter was seen looking at an image of bullets in his first-hour English Language Arts ("ELA") class. His teacher, Jacquelyn Kubina, was concerned enough about this conduct to report it during second hour to Pamela Fine, the Restorative Practices/Bullying Prevention Coordinator; Nicholas Ejak, the Dean of Students; and Shawn Hopkins, the Shooter's counselor. Fine responded promptly to this report by reviewing the Shooter's disciplinary record in a school database and contacting Hopkins to see what he knew about the Shooter. Hopkins had interacted with the Shooter before in response to a ninth-grade teacher's report of poor classroom performance and a tenth-grade teacher's concerns about the Shooter's emotional state. Fine recalled that Hopkins told her that he had talked with the Shooter earlier that fall about his reported sadness about the death of his dog. To the best of our knowledge, Hopkins did not mention his other touchpoints with the Shooter to Fine.

Shortly thereafter, Fine called the Shooter down to her office to meet with her and Hopkins about the image of bullets the Shooter had been viewing in ELA class. When asked to explain his conduct, the Shooter told Fine and Hopkins that he had gone to a shooting range with his mother over the weekend and that shooting was a family hobby. He said that he had been looking at images of bullets in connection with that hobby. Fine and



Hopkins were aware that shooting and hunting are common pastimes in Oxford; OHS students were often talking at school about guns and hunting in November (hunting season). Accordingly, the Shooter's explanation did not raise any red flag to Fine and Hopkins that he posed a potential threat of violence. In addition, the Shooter's demeanor throughout this meeting was calm, compliant, and remorseful.

Fine and Hopkins told the Shooter that he could not look at any content relating to guns or shooting at school, and he indicated that he understood. After the meeting, Fine left a message for the Shooter's mother, describing the Shooter's conduct in ELA class and the discussion during the meeting between him, Fine, and Hopkins and telling his mother that she could call Fine back if she wished. Fine also told Ejak what had occurred in the meeting, as he had been one of the recipients of Kubina's email that morning.

Later that day, Kubina sent Fine and Hopkins pictures of an index card that the Shooter had created for her class during the first week of school, which included a drawing of a person holding a gun, with the gun erased but still visible. This drawing did not change Fine or Hopkins's view of the Shooter's conduct in ELA class that morning. Because they did not view the Shooter's conduct or classwork as indicative of a potential threat, neither Fine, Hopkins, nor Ejak contacted Principal Steven Wolf about the Shooter on November 29.

Looking objectively at what Fine, Hopkins, and Ejak knew after meeting with the Shooter on November 29 and viewing the drawing that Kubina sent to them, we cannot say that they missed a red flag that day. Hopkins had additional information about the Shooter from his prior interactions with him and reports from several teachers, but none of that information suggested on November 29 that the Shooter was a potential threat. Perhaps Fine and Hopkins could have asked additional questions during their meeting with the Shooter about his hobby or his access to a weapon, but based on the accounts of that meeting, the Shooter did not say anything concerning that would have prompted them to ask such questions. The OHS personnel who interacted with the Shooter on November 29 were not aware of the violent thoughts he expressed in his personal journal or the videos he had recorded of his torture of animals. These troubling signs were not publicly

available to the OHS employees and there is no reason to believe that they could have found these materials even if they knew to look for them.

However, on November 30, the Shooter's conduct in his first two classes of the day was significantly more concerning. First, the Shooter was caught watching a violent shooting video in ELA class, directly disobeying what Fine and Hopkins had told him the day before. His ELA teacher alerted Hopkins and Fine to this conduct before first hour was over. Because Fine was not at OHS that morning, Hopkins told her that he would handle the situation. The Shooter's conduct in his second-hour class was even more troubling. Becky Morgan, his Geometry teacher, noticed that he had written "The thoughts won't stop" and "Help me" on his math assignment, and she immediately thought that the Shooter needed to talk to someone. The Shooter had written several other disturbing phrases on the paper – "Blood everywhere," "My life is useless," "The world is dead" – and had drawn images of a gun and a bleeding body with two bullet holes.

Morgan took a picture of the Shooter's assignment and walked to the front office to alert Fine, leaving her classroom unattended because she thought the matter was that urgent. As noted above, Fine was not there, so Morgan showed the photo to Ejak, the Dean of Students. Ejak alerted Hopkins, who was already aware of the Shooter's watching of a violent video, and Hopkins went to Morgan's classroom to bring the Shooter to Hopkins's office for a meeting. Hopkins obtained the Shooter's math assignment, which the Shooter had altered by scribbling over the drawings, crossing out most of the concerning statements, and adding new eerily-positive phrases (such as "I love my life so much!!!!" and "OHS Rocks!").

Hopkins and Ejak met with the Shooter, and as Hopkins began to ask the Shooter questions about the statements on his math assignment, the Shooter became noticeably sad and quiet. He told Hopkins and Ejak about the deaths of a grandparent and a family pet and mentioned a friend who was no longer attending OHS. The Shooter also told Hopkins and Ejak about the difficult time he had during the COVID school shutdowns and a fight that he had with his parents the night before. Hopkins asked the Shooter if he was a threat to himself or others, and the Shooter indicated that he was not. However, based

on what he saw on the Shooter's math assignment and what the Shooter said during the meeting, Hopkins did not believe the Shooter – Hopkins believed that the Shooter was a threat to himself. Accordingly, Hopkins decided to call the Shooter's parents to ask them to come to school for a meeting. Ejak told law enforcement later that day that he and Hopkins "asked that [the parents] come up to meet at the school *because we didn't feel like it was safe to send him back to class based on the statements he wrote on that paper.*"

When the Shooter's mother called back, Hopkins told her about the Shooter's math paper and some of the things that the Shooter had said; he also sent her pictures of the math assignment, before and after the Shooter altered it. While they waited for the Shooter's mother to arrive, Ejak retrieved the Shooter's backpack from Morgan's classroom and brought it to the Shooter in Hopkins's office.

At this point on November 30, Hopkins and Ejak possessed several new pieces of information about the Shooter and his state of mind. They knew that the Shooter had been seen watching a violent shooting video during first hour, even though Fine and Hopkins had explicitly told him not to view such content in school. They knew that the Shooter had written troubling statements and drawn disturbing pictures on his math assignment, which caused his math teacher to bring that paper directly to the office. They knew that the Shooter had experienced the deaths of a grandparent and a family pet and the loss of a friend who was no longer attending OHS. They knew that the Shooter had fought with his parents the previous night. Hopkins believed that the Shooter was untruthful when he said that he did not intend to hurt himself. These new pieces of information were layered upon what Hopkins already knew about the Shooter – that he had been looking at an image of bullets the day before in class, and that he had visited a shooting range with his mother just days earlier.

At this point, under applicable District policy, Hopkins and Ejak possessed information that suggested that the Shooter intended to cause physical harm or a threatening situation. Accordingly, under applicable District policy, Hopkins and Ejak should have called Principal Wolf or an assistant principal to consult about initiating a threat

assessment. Part of that consultation should have included an analysis of whether there was reasonable suspicion to search the Shooter or his belongings.

The Shooter's mother and father showed up at OHS to meet with the Shooter, Hopkins, and Ejak. During that meeting, Hopkins told the parents that he was concerned about the Shooter's well-being and that he believed that the Shooter needed mental health support. He recommended that they remove the Shooter from school that day and take him to get mental health treatment, providing them with a list of mental health resources. The Shooter's mother said that neither she nor her husband could take their son to get the recommended mental health care that day because they had to return to work. Hopkins responded by telling them that he would like them to secure mental health treatment for the Shooter as soon as possible and that he would follow up to confirm that they had done so.

Hopkins asked the Shooter's mother to confirm some of the statements that the Shooter had made to him and Ejak earlier that day. Although Hopkins was concerned that the Shooter might hurt himself, Hopkins and Ejak did not ask the Shooter's parents or the Shooter if the Shooter had access to a firearm or any other instrument of harm. The Shooter's parents did not tell Hopkins and Ejak that the Shooter's father had purchased a gun just days earlier, a gun that had been used by the Shooter over the previous weekend and that was unsecured in their home.

After the Shooter's parents asserted that they could not take their son to obtain the recommended mental health support that day – an assertion that was undercut by testimony at a court hearing in the criminal case against the parents – the parents asked if their son could remain at school. Because Hopkins believed that it would be better to keep the Shooter among his peers in a controlled, supervised setting, and because Ejak said there was no disciplinary reason that would prevent the Shooter from returning to class, Hopkins and Ejak allowed the Shooter to remain at school.

Hopkins and Ejak had enough concerning information about the Shooter to reach out to Principal Wolf, present Wolf with that information, and allow Wolf to make the decision about conducting a threat assessment and searching the Shooter's backpack. Wolf in

turn could have asked the Shooter's parents for consent to search the backpack, or he could have consulted with the school resource officer as to whether there was reasonable suspicion to support a nonconsensual search. Despite their excuses, the Shooter's parents should have been required to take him out of school and to a mental health professional, as recommended. Instead, Hopkins and Ejak allowed the Shooter to return to class with his backpack, which contained the gun and ammunition he used later that day to gun down students in the hallways of OHS.

## **The Shooting**

On November 30, the Shooter killed four students, wounded six others and a teacher, and terrorized the students and staff who hid or fled for their lives. In less than nine minutes, the Shooter shattered the lives of the victims' families, the idea that OHS was a safe place for students and staff, and the faith that many in the Oxford community had in their school board and educational leaders.

The Shooter emerged from a bathroom in the short south 200 hallway of OHS at approximately 12:51:12 p.m., gun in hand. He raised his arm and fired his weapon at seven children in that hallway within the span of seven seconds, fatally wounding Hana St. Juliana and Madisyn Baldwin and injuring five other students. The students in that hallway ran for their lives, seeking shelter in classrooms or running outside to safety. The Shooter turned the southeastern corner of the 200 hallway, reloaded his gun, and shot at more students who were running away from him in the long 200 corridor. At one point, he held his gun in both hands, aimed down the hallway, and shot Tate Myre. Seconds later, the Shooter wounded another student who was scrambling for safety. The Shooter later shot Tate a second time.

As the Shooter continued his deliberate, deadly walk up the long 200 hallway, he shot into rooms that he passed, endangering the students who were hiding inside. He saw a teacher sheltered in her office and fired three shots directly at her, wounding her. The Shooter stalked the long 200 hallway for three-and-a-half minutes, looking to cause more carnage, but the students and staff of OHS thwarted him by locking down in available rooms and evacuating the building. In reacting quickly to what they saw, using good

judgment to decide what to do, and putting their active shooter training into action, students and staff saved their own lives that day.

OHS administrators and staff also saved lives on November 30 by responding quickly and decisively to the first information they received about gunshots in the school. In the front office, Principal Wolf immediately initiated the emergency lockdown protocol through an announcement to the school over the PA system. Administrative Assistant Melissa Williams called 911 until she was connected to an operator and remained on the line throughout the entire crisis, relaying critical information to first responders. In the hallways, Assistant Principals Kristy Gibson-Marshall and Kurt Nuss checked classrooms to be sure that students were locked inside and out of harm's way. Nuss assisted stranded children in finding places to shelter. After confronting the Shooter in the 200 hallway, Gibson-Marshall sought to save Tate's life, as Nuss and Wolf repeatedly and fruitlessly pleaded for first responders to come to Tate's side and render medical aid.

With no potential victims left in the empty 200 hallway, the Shooter entered a bathroom, where he found two students hiding in a stall. After several minutes, the Shooter ordered Justin Shilling out of the stall and onto the ground, where he executed him with one shot. The Shooter then ordered Keegan Gregory out of the stall, and when Keegan emerged from his hiding place, he ran past the Shooter and out of the bathroom, racing through the hallways to safety at last.

This report provides a detailed narrative of the shooting on November 30. We set forth the facts of the harrowing events, drawn from the available evidence, as well as our views on the immediate OHS response that day. As noted above, OHS administrators and staff acted swiftly in locking down the school, pursuant to the emergency protocol, but in the chaos that had enveloped the school, OHS leaders did not take full advantage of a powerful tool that could have provided them with more information in real time – the OHS surveillance camera system. We discuss this aspect of the OHS response as well as the laudable actions of the OHS team in detail as we recount what happened on November 30.

## **Threat Assessment and Suicide Intervention**

In the threat assessment and suicide intervention section of this report, we cover four areas. First, we assess the District's threat assessment and suicide intervention policies, guidelines, and forms as of November 30, 2021, against best practices. Second, we review how OHS conducted threat assessments and suicide interventions as of November 30, 2021. Third, we assess OHS's application of the District's threat assessment and suicide intervention policies and guidelines, evaluating whether OHS should have conducted a threat assessment or a suicide intervention in connection with the Shooter's conduct on November 29 or 30, 2021. Finally, we provide an overall assessment of the District's application of threat assessment and suicide intervention practices as of November 30, 2021, identifying breakdowns at each level of the District, including the Board, the District's senior administrators, OHS administration, and OHS staff.

### Review of the District's Threat Assessment and Suicide Intervention Policies and Guidelines

As to the District's policies, guidelines, and forms, we start with threat assessment. We find that the District's threat assessment policy (po8400) generally complied with best practices, for the following four reasons:

- First, the policy appropriately directs the Superintendent to create multi-disciplinary, trained threat assessment teams, and the policy correctly mandates that these teams be led by a principal and include school mental health professionals (such as a counselor or school psychologist) and as appropriate, a school resource officer.
- Second, the policy appropriately confirms that the threshold for conducting a threat assessment is relatively low: when a student's communication or behaviors *might suggest* either that an individual may cause physical harm or presents a potential threatening situation, then the conduct must be elevated to a principal to lead a threat assessment evaluation.
- Third, the policy properly authorizes the Superintendent to create guidelines to implement the threat assessment policy, with the policy directing that the

- guidelines (a) require team participants to receive sufficient training, (b) provide instruction on the type of behaviors or communications that should trigger a threat assessment, and (c) create a process for conducting an assessment, from gathering information to completing a threat intervention plan.
- Fourth, the District's threat assessment policy states that it is designed to be consistent with the U.S. Secret Service and Department of Homeland Security's "Enhancing School Safety Using a Threat Assessment Model," a guide distilled from two decades of research and case studies. That guide reinforces the importance of (a) creating multi-disciplinary threat assessment teams led by a senior school building administrator, (b) defining concerning behaviors that warrant a threat assessment, (c) conducting training for all stakeholders, and (d) establishing processes for assessments, including investigation procedures (such as searching social media) and documentation of the threat assessment.

The District also appropriately adopted and published a threat assessment and intervention form, which was available to the District's administration and staff on the District's website. Like a good outline, the threat assessment form reminds threat assessment team members of subjects that should be covered when conducting a threat assessment, including asking about the student's mental state (such as whether the student is showing signs of hopelessness or despair) and the student's capacity to carry out an act of violence (such as whether the student has access to weapons).

While the District adopted a threat assessment policy and published a threat assessment form as of November 30, 2021, that generally complied with best practices, the District failed (at that time) to adopt and implement threat assessment guidelines. Administrative guidelines activate the Board's policies at the school-building level – these guidelines serve as the detailed instructions to building-level administrators about what they need to do to put the associated policy into action at their schools. Threat assessment administrative guidelines would have provided additional practical guidance and directed building-level administrators to ensure that they had threat assessment processes that included the following key components:



- Mandating that threat assessment team members – including counselors – receive sufficient training;
- Instructing team members that the threshold for conducting a threat assessment is low: concerning communications or behaviors that might suggest violence or a threatening situation; and
- Directing team members to complete a threat assessment form, which would prompt members to inquire about a student’s access to weapons.

The absence of threat assessment guidelines is a significant failure, the responsibility for which sits with the Superintendent, the assistant superintendents, and the Board. The Board authorized the Superintendent to create threat assessment administrative guidelines. With the importance of threat assessments to school safety, the Superintendent should have ensured that was done. Superintendent Timothy Throne did not do so. The Board is responsible for ensuring that the Superintendent implements the Board’s policies – in this case, by creating administrative guidelines for the threat assessment policy. The Board did not do so.

We also reviewed the District’s suicide intervention policies and guidelines, which are important to the safety of the entire student population because more than three-quarters of school shooters previously expressed suicidal thoughts. The District failed to adopt a suicide intervention policy as of November 30, 2021. Where the Board has the duty to provide “for the safety and welfare of students while at school,” and where the District is to operate in accordance with its policies, the District should have adopted a suicide intervention policy as of November 30, 2021. This is a failure of not only the Board, but Superintendent Throne as well, for the superintendent is responsible for recommending policies for adoption to the Board.

The District *did* have suicide intervention administrative guidelines that generally complied with best practices. These guidelines provide that (a) a student who appears to be contemplating suicide is not to be left alone, (b) a school staff member must determine if the student has a dangerous instrumentality – such as a weapon – on or nearby his person, (c) the student’s parent must be contacted to come to school immediately, and

(d) school staff must assist the student's parents in contacting a mental health agency for assistance. However, these suicide intervention guidelines, which were adopted in 2011 and never updated, did not meet best practices as of 2021. Best practices had evolved with improved research on preventing suicide. One of the more significant gaps in the District's suicide intervention guidelines is that they did not direct a school staff member to discuss with parents the need to limit the student's access to dangerous items. Current best practices affirm that it is *imperative* that a school staff member ask parents whether the student has access to firearms. The District's suicide intervention guidelines did not provide this direction. Nor did the suicide intervention guidelines provide clear guidance on when parents must be required to take their student from school when a student appears to be contemplating suicide.

#### Application of Threat Assessment and Suicide Intervention Practices at OHS as of November 30, 2021

In the second part of the threat assessment and suicide intervention section, we review OHS's application of threat assessments and suicide interventions prior to November 2021. We found that OHS administrators, faculty, and staff were unaware of the District's threat assessment policy or the District's threat assessment form. That is a significant failure, one that rests primarily with Superintendent Throne, who as the District's chief executive officer is ultimately responsible for ensuring that building-level administrators know about and are following the District's policies. Superintendent Throne assumed that the building-level administrators were following the District's threat assessment policy. Where a policy involves the safety of students and staff, that is not good enough.

We recognize that the Superintendent directs specific policies to assistant superintendents for review and implementation. Based on Throne's statement to us and the records we reviewed, two specific assistant superintendents for student services, Denise Sweat and Jill Lemond, were *involved with* threat assessment policy. Sweat refused to speak with us. As for Lemond, she denied responsibility for overseeing threat assessment policy. In fact, Lemond claimed that she was not responsible for threat assessment even though she prepared a grant application on threat assessments in the spring of 2021. None of the assistant superintendents in the central office as of

November 30, 2021, who we interviewed accepted responsibility for threat assessment. That no cabinet-level administrator accepted responsibility for ensuring that the District's threat assessment policy was being implemented correctly is a serious breakdown.

OHS administrators also bear responsibility for their failure to know about and follow the District's threat assessment policy or use the District's approved threat assessment form. While the Superintendent's office should have educated building-level administrators about the policy and form, the policy and form were publicly available, and the OHS administrators could have reviewed these materials to ensure that their practices complied with them. They did not do so. In the age of Columbine, Sandy Hook, and Parkland, it is incumbent on building administrators to be proactive in ensuring that their practices comply with a school district's threat assessment policy.

While OHS administrators did not know about or follow the District's threat assessment policy, we found that OHS did investigate "threats" that were reported to administrators, in a process known as a "huddle up." The OHS administrators did not use a threat assessment form to guide their investigations. Instead, they would conduct an ad hoc inquiry and log their findings into a school database, PowerSchool. We reviewed relevant PowerSchool records for three school years (2018-19 through 2020-21), which reflected eight threat investigations. According to a national threat assessment expert, the average number of threat assessments for a similarly-sized high school is fifteen threat assessments per year, which equates to an average of 45 assessments over three years. While the eight OHS threat investigations in three years are obviously significantly less than 45, it appears that some conduct that could have been classified under "threat" was logged in different sub-type categories, such as "intimidation behavior" or "harassment," which would in turn increase the number of investigations related to threats. Even including these, OHS conducted fewer threat assessments than a typical school of its size.

We identified four significant deficiencies in OHS's threat assessment practices as of November 30, 2021:

- First, OHS did not effectively establish or communicate to faculty and staff the low threshold for conducting a threat assessment: concerning behaviors or communications that *might suggest* the possibility of physical violence or a threatening situation. Some administrators believed that a threat assessment only occurred when there was a direct threat to harm someone else, which is inconsistent with the District's policy and risks missing concerning conduct or behaviors that could be a precursor to violence.
- Second, OHS did not ensure sufficient training of threat assessment team members, especially of school mental health professionals, many of whom were unaware of a threat assessment process at OHS. OHS sent a handful of staff members to a one-day threat assessment training in 2018, but there was no external training in 2019, 2020, or 2021. Moreover, while OHS instructed staff annually on classroom management behaviors, which included a directive that a threat should be reported to the dean of students, it did not instruct that any concerning behavior or communications that might suggest violence or a threatening situation should be reported to the principal or an assistant principal.
- Third, threat assessment team members failed to use a form to help guide the threat assessment process. Logging information into PowerSchool after a "huddle up" is not a substitute for the use of a threat assessment form, which prompts threat assessment team members to inquire into key areas, including a student's access to weapons.
- Fourth, although OHS Principal Wolf created a behavioral flow chart for managing classroom conduct, OHS did not have a written, defined process for conducting a threat assessment, including one that ensures that concerning conduct or behaviors that might suggest violence are reported to a principal or assistant principal, that a school resource officer is notified of the conduct, and that relevant data is obtained (including from social media) and reviewed.

As to OHS's suicide intervention practices as of November 30, 2021, we found that OHS developed its own suicide intervention protocol. This protocol mostly complied with the

District's suicide intervention guidelines. The protocol provides that a student who appears to be contemplating suicide should not be left alone, directs the school to contact the student's parents, and requires a school mental health professional to conduct a suicide risk assessment.

We also found that OHS's suicide intervention protocol was less effective than the District's suicide intervention guidelines in one respect and improved upon the guidelines in another. OHS's suicide intervention protocol was less effective than the District's guidelines because it did not expressly direct a school mental health professional to talk to the potentially-suicidal student to explore whether the student has a dangerous instrumentality – such as a weapon – on or nearby his person. While OHS's protocol recommends that school mental health professionals inquire about the potential “method” of suicide and whether that “method is available,” it should have specifically directed school mental health professionals to inquire about access to weapons. On the other hand, OHS's suicide assessment protocol was more effective than the District's guidelines because the OHS protocol is clearer in that it requires a parent or guardian to retrieve a student from school where a school mental health professional determines that a student's risk of suicide is moderate or high.

#### OHS's Application of Threat Assessment and Suicide Intervention Policies, Guidelines, Practices on November 29 and November 30, 2021

We evaluated the actions of OHS personnel in connection with the Shooter on November 29 and 30 in light of the District's threat assessment and suicide intervention policies, guidelines, and practices. As of November 29, 2021, we conclude that the Shooter's conduct of which OHS staff were aware – that the Shooter had been looking at an image of bullets in class, that a teacher had previously reported in early November that the Shooter was having a rough time, and that the Shooter and his mother had visited a shooting range days earlier – would *not* have triggered a threat assessment under the District's policies or practices. Based on this conduct, a trained school mental health professional or administrator would not have concluded that these circumstances might suggest a risk of physical harm or a threatening situation. Likewise, the Shooter's conduct

on November 29, 2021, would not have triggered a suicide intervention, because the conduct does not reflect that the Shooter might be contemplating suicide.

The circumstances changed dramatically on November 30, 2021, when the Shooter manifested – and OHS staff observed – concerning behaviors and communications. This concerning behavior started with the Shooter watching a video in school during the first period of the day of a “guy gunning people down.” This conduct occurred *the day after* OHS staff admonished the Shooter for looking at an image of bullets in school. The Shooter was not a student who had a history of being intractable or a serial violator of school policy. That teachers conspicuously observed the Shooter on back-to-back days in the same class watching content connected to violence should have raised red flags.

In the very next class on November 30, the Shooter drew disturbing images of a handgun, a bullet, a crying face, and a body that appeared to have bullet holes in it. Even if some of the Shooter’s drawings could be seen as ambiguous, the deeply-concerning phrases he wrote on the same paper as those images were not: “The thoughts won’t stop,” “Help me,” “My life is useless,” “The world is dead,” and “Blood everywhere.” “Blood everywhere” alone arguably connotes violence or a threatening situation.

We conclude that an appropriately-trained threat assessment team member would conclude that these concerning behaviors and conduct might suggest the potential for violence or a threatening situation, at the very least. More than three-quarters of school shooters expressed suicidal thoughts, and more than two-thirds of shootings involved handguns. Here, the Shooter clearly expressed suicidal thoughts (“The thoughts won’t stop,” “Help me,” “My life is useless”) and made multiple references to firearms, including informing school staff that he had recently been shooting at a gun range, looking at an image of bullets in class, watching a video of a “guy gunning down people,” and drawing a handgun, a bullet, and a person who appears to have been shot. Hopkins and Ejak should have reported this conduct to the principal or an assistant principal. Tragically, they did not.

If the principal *had* been alerted to the Shooter’s conduct, the principal then should have assembled a team to conduct a threat assessment, which would have included notifying

the school resource officer. An appropriately-conducted threat assessment would have involved gathering information about the student, including contacting the student's teachers and (as recommended by the U.S. Secret Service) searching the student's social media accounts. Had a threat assessment team member searched for the Shooter's social media, that team member would have discovered the Shooter's public Instagram account, where only four days earlier he posted pictures of a 9 mm handgun, with the caption, "Just got my new beauty today."

With this information, and in consultation with the school resource officer, the principal may have decided to request consent to conduct a safety search, in part to ensure that the student did not have a dangerous item on or nearby his person. Had the Shooter consented, the gun likely would have been found. Had the Shooter denied the request to search, that would have provided an additional data point from which the principal and school resource officer may have determined that reasonable suspicion supported a search. Even if reasonable suspicion to conduct a search were a close call, conducting a search is supported by common sense when balancing the potential enormous harm that could occur with a student possessing a firearm in school against the minimal invasion of a student's privacy interest. None of this was done because OHS administrators did not conduct a threat assessment, because Shawn Hopkins and Nick Ejak never reported the concerning conduct and behaviors to a principal or assistant principal.

We also conclude that the Shooter's concerning behaviors and communications should have resulted in a suicide intervention. The Shooter's troubling statements – such as "The thoughts won't stop," "Help me," "My life is useless," "The world is dead" – were more than sufficient to conclude that he was contemplating suicide. When conducting a suicide intervention, a school mental health professional must first determine whether the student has any dangerous instrumentality – such as a weapon – on or nearby his person. Hopkins should have asked the Shooter about his access to weapons, especially where the Shooter had recently been to a gun range, had looked at images of bullets in school, watched a violent video in school of a "guy gunning down people," and drew a picture of a handgun and bullet. Potential access to firearms should have been top of mind.

Nevertheless, neither Hopkins nor Ejak asked the Shooter or his parents about the Shooter's access to weapons. And of course, neither the Shooter nor his parents volunteered that information.

Hopkins and Ejak also should not have allowed the Shooter to return to class. Hopkins testified that he believed the Shooter was a threat to himself, despite the Shooter's denial. Likewise, Ejak told the police after the shooting that he and Hopkins asked the Shooter's parents to come to school because they believed it was not safe to send the Shooter back to class. The District's suicide intervention protocol provides that where there is a moderate or high risk of suicide, the student's parents must come and retrieve their student from the school. Here, the Shooter's written statements expressed hopelessness and despair, the Shooter made multiple references to firearms, and Hopkins himself believed that the Shooter was a threat to himself, all of which indicated that there was at least a "moderate" risk of suicide. Under District policy, the parents should have been required to remove the Shooter from the school, notwithstanding their unsupported assertion that they were unable to do so. If the parents refused, Hopkins and Ejak should have elevated the conduct to the principal or an assistant principal.

Unfortunately, we never had an opportunity to interview Hopkins, who refused to speak with us. While we requested that the Board direct Hopkins to speak with us as a condition of his employment, which the Board had the right to do, the Board decided not to do so. Ejak also refused to speak with us. The two people with the most information about the decision to allow the Shooter to go back to class with his backpack refused to cooperate with our investigation.

### Overall Assessment of Threat Assessment and Suicide Intervention

Our review confirmed that there were breakdowns in implementation and execution of the District's threat assessment and suicide intervention policies and guidelines at each level of the District, from the Board to the Superintendent, to the OHS administration, to OHS staff.



Responsibility starts with the Board, which has the duty to ensure that the Superintendent operates the District in compliance with the Board's policies. The Board neglected this duty. It failed to ensure that Superintendent Throne created building-level, trained threat assessment teams, led by a principal and including school mental health professionals and the school resource officer. It also failed to ensure that Superintendent Throne promulgated threat assessment administrative guidelines, which would have guided building-level administrators to ensure they had threat assessment plans that met best practices. And the Board failed to adopt a suicide intervention policy, as well as neglected to ensure that the suicide intervention guidelines complied with best practices.

We believe that the District's senior administration bears the most significant responsibility for the District's failure to implement an appropriate threat assessment and suicide intervention process. Superintendent Throne and his Assistant Superintendents for student services failed in the following five principal ways:

- First, the Superintendent and his administrative cabinet failed to properly communicate the District's threat assessment policy to building-level administrators, let alone ensure that the policy was being followed.
- Second, the Superintendent and his administrative cabinet failed to adopt threat assessment administrative guidelines, which would have required team members to receive sufficient training, defined the low threshold that would trigger a threat assessment, and created a written process for conducting and documenting threat assessments.
- Third, the Superintendent and his administrative cabinet failed to notify building-level administrators of the existence of a threat assessment form, which was available on the District's website, and direct those administrators to use that form at their schools.
- Fourth, the Superintendent and his administrative cabinet failed to ensure that there were trained threat assessment teams in place at each school, led by a principal and including school mental health professionals and school resource officer.

- Fifth, the Superintendent and his administrative cabinet failed to ensure that the District's suicide intervention guidelines were updated, directing that it is imperative for school mental health professionals to ask parents whether the student has access to firearms.

We also believe that OHS administrators bear responsibility. While the Superintendent's office failed to effectively communicate the threat assessment policy to OHS administration, the policy was publicly available. It is incumbent on building-level administrators to be proactive in ensuring that their practices comply with the District's threat assessment policy. OHS administrators also should have ensured more fulsome training of teachers and staff. The OHS administration sent a handful of school employees to a single training on threat assessment in 2018. That is insufficient. And while OHS administrators suggest they instructed teachers and staff on threat assessments, counselors and teachers who spoke with us indicated they were unaware of a threat assessment process.

Finally, we believe that school counselor Shawn Hopkins and Dean of Students Nick Ejak, who directly interacted with the Shooter and his parents on November 30, bear responsibility. Even though it does not appear that Hopkins or Ejak received appropriate threat assessment training, there were sufficient warning signs and red flags on November 30 that should have led them to elevate the Shooter's conduct and communications to a principal or assistant principal. Hopkins also failed to follow the District's suicide intervention protocol. Had Hopkins done so, he would have asked the Shooter whether he had a dangerous instrumentality – such as a weapon – on or nearby his person. Moreover, Hopkins and Ejak should not have allowed the Shooter to return to class. Ejak told law enforcement after the shooting that he and Hopkins called the Shooter's parents to the school because he and Hopkins did not believe that it was safe for the Shooter to return to class. And Hopkins testified that he believed the Shooter was a threat to himself, despite the Shooter's denial. The District's suicide intervention protocol provides that where there is a moderate or high risk of suicide, a parent must be directed to take their student from school. With the Shooter's concerning written statements (“My life is useless,” “Help me,” “The thoughts won't stop”) and the sadness

that Hopkins observed when speaking to the Shooter, there was at least a moderate risk of suicide. Accordingly, Hopkins and Ejak should have required the parents to take the Shooter from the school. If the parents refused, Hopkins and Ejak should have elevated the issue to a principal or assistant principal.

## **Physical Security and Emergency Planning**

In this report, we identify, review, and assess OHS's physical security program and emergency planning as of November 2021. Because the Shooter was an OHS student inside OHS during school hours, we focus our analysis on: (i) what steps OHS took before the shooting, with respect to physical security, to minimize the risk of an active shooter situation involving an OHS student inside OHS during school hours; and (ii) what steps OHS took before the shooting, with respect to physical security and emergency planning, to mitigate the damage caused by such an event.

To understand the governing principles for OHS's physical security program, we provide a brief overview of applicable federal and state laws and regulations. We highlight programs and features that the District was required to implement, with particular emphasis on the Emergency Operations Plan ("EOP") that must be in place for coordinated emergency response. The EOP's section on active shooter threats includes a section on the ALICE ("Alert, Lockdown, Inform, Counter, and Evacuate") protocol that OHS utilizes for active shooter situations. OHS's comprehensive EOP, including the Appendices and ALICE Response Document, complied with the applicable legal standards and provided a solid framework for the program in place on November 30, 2021.

The ALICE Response Document could be improved in several ways. One gap in the ALICE protocol at OHS was the school's failure to assign specific responsibilities to administrators for management of each of the ALICE elements. In particular, no one was assigned or instructed to provide updated information as events unfolded regarding the location of the threat, the type of threat, and the threat's movement – the "INFORM" component of ALICE. This ALICE element could have been achieved by using the tools at the school's disposal, such as assigning an individual to, when safe, immediately and

continuously monitor the video surveillance system (“VSS”) once ALICE was initiated, to provide “INFORM” updates. These updates would allow building occupants to determine their best course of action: whether to evacuate, lock down or take other measures.

Also, while the ALICE response plan developed by OHS contained two active shooter threat scenarios, it did not contain the scenario that unfolded at OHS on November 30 – a threat within school corridors or classrooms. The two active shooter scenarios that the response plan contained concerned a threat inside the main office and threat in the lunchroom, but even these scenarios were deficient. For example, in the case of a threat in the main office, it is likely that most immediate communications and security systems would no longer be accessible there, necessitating that security control be transferred elsewhere. But there was no detailed plan to do so.

With the exceptions noted above, the physical security and emergency operations planning at OHS at the time of the shooting functioned effectively to contain the scope of the tragedy that unfolded. In response to the threat, OHS Principal Wolf activated ALICE as provided in the EOP, and students and staff reacted quickly and effectively, to the best of their ability with the information available to them as events unfolded. Upon hearing gunshots, occupants either locked down in their classrooms or evacuated.

After discussing the EOP and ALICE protocols and implementation on the day of the shooting, we more closely examine relevant portions of OHS’s comprehensive security program in place at the time of the shooting. Although OHS’s security program had many strong facets, as discussed in our first report, some key shortcomings may have limited OHS’s ability to respond effectively to the Shooter. We focus on five important topics in this report: the video surveillance system, public address (“PA”) system, security personnel and staff, lockdown barricading devices, and duress buttons provided by “PrePlan Live” (“PPL”). In each instance, there were gaps in the program or its implementation. Some of these gaps are more apparent through hindsight, and these gaps may not have changed the outcome of the OHS response, but we think it is important to discuss each relevant system, its use and limitations.

First, our analysis revealed that although the video surveillance system functioned adequately, it was a key point of failure on the day of the shooting because no one monitored the VSS immediately and continuously when the shooting started, and it was safe to do so. Because no one was monitoring the cameras, OHS was unable to broadcast ongoing messaging regarding the Shooter's location and movements. Informing the school community about the location of an active shooter is a key part of ALICE. The failure to do that may have affected the decisions made by students and staff as they implemented ALICE on November 30, and delayed identification of the Shooter's location and movements. We recommend training on the VSS and assignment of specific personnel to operate it in the event of an emergency.

Second, as documented in our first report, the PA system at OHS on the date of the shooting was not designed for emergency communications and there were known deficiencies in the sound quality in parts of the OHS building and courtyards. Speakers that are clearly audible and integrated with an emergency alarm system that includes associated visual strobes at entry points are needed throughout the building, including in the bathrooms and in the courtyards. Consistent with OHS's current plan, we recommend installation of a mass notification system adequate for notifications in emergency conditions, which would integrate with emergency response protocols and public safety agencies, enabling seamless coordination and communication with external responders.

Third, at the time of the shooting, both primary security staff members were offsite. This clearly impacted the speed and effectiveness of response measures. Unfortunately, OHS's security staffing protocols did not require designated, armed security staff members to be at OHS at all times during school days. These protocols also did not require substituted staff in the event of an absence. We understand that these protocols have changed, and we recommend better management and coordination of security personnel at the school.

Fourth, we examine the issue of providing barricade and lockdown capabilities in bathrooms and courtyards, where security professionals, education professionals, and first responders typically do not recommend usage for the reasons discussed below.

However, due to the tragic deaths of Justin Shilling (in a bathroom) and Tate Myre (who had just entered an interior corridor from a courtyard), as well as the fact that other students hid in bathrooms and entered from courtyards during the shooting, we felt a special obligation to analyze these difficult and sensitive issues and consider whether more could be done to ensure the safety of students in these areas.

It was reasonable, as of November 30, 2021, for OHS not to provide means to secure the bathrooms from the inside, given the prevailing wisdom of security, education, and first responder professionals. That was, and still is, common practice in high schools nationwide, as it mitigates the risk of assaults and other misconduct in bathrooms. However, there are techniques for installation of a lock in the bathroom that may satisfy the concerns of security and safety professionals and code enforcers, such as a Nightlock® paired with an alarm inside the bathroom and an unlocking tool outside the bathroom near the door. Other schools are also grappling with this issue, seeking options to make bathrooms more secure. Similarly, the District should examine whether it makes sense to diverge from standard practice to provide greater protection to students who hide in a bathroom because they cannot evacuate the building or escape to a lockable room. If it is not possible to install a lock, at a minimum the District should ensure that bathrooms have speakers and emergency communication system strobes so that occupants have visual and audio notification of emergency announcements. Better training should also be provided so that students know not to hide in bathrooms except as a last resort. This training is essential, as other students sheltered in bathrooms on campus at the time of the shooting.

Further, the ingress and egress doors to the OHS courtyards could not be locked in both directions due to the building's design and the fire and building code requirement for emergency egress. As such, it is critical that emergency messages can be heard clearly and consistently throughout the courtyards to minimize the risk that a student walks into a violent situation. Here, however, even if the courtyard from which Tate entered the building had state-of-the-art emergency notification systems, the emergency ALICE alert was not initiated and announced until after Tate was shot.

Fifth, we assess the history and use of duress buttons purchased from PrePlan Live. While our first report defined those functions, in this second report, we discuss PPL's procurement, the fact that it did not work as marketed, and that its duress buttons were not used on November 30, 2021. The District's significant expenditure on a tool that did not work diverted limited school resources from other, proven safety measures and may have provided a false sense of assurance.

Finally, we discuss metal/weapon detection systems and a "clear backpacks" policy. These are two additional security measures that could have been relevant to the prevention and response to the shooting but were not deployed at OHS on November 30, 2021. We find that OHS was reasonable in not using these measures prior to the shooting, because the school is in a low crime area and there was no history of these types of incidents there. We concur with OHS's decision to employ them after the shooting.

## STUDENT TRIBUTES

While the majority of this report focuses on evidence and analysis, we begin by remembering the victims who were tragically lost on November 30, 2021. The following tributes were not written by us, as we believe the victims are more appropriately honored by their family and friends who knew and loved them. These are their tributes to Madisyn Baldwin, Tate Myre, Justin Shilling, and Hana St. Juliana, that first appeared in the District's "Wildcat Review" publication, dated March 24, 2022.

### Madisyn Baldwin



Madisyn was always a bright light in the darkest of days. Her smile and laugh were beautifully contagious. She carried herself with a positive and radiant energy that everyone could feel when she walked into a room. She loved people with her whole heart and was so careful not to leave anyone out.

One of the biggest and most important aspects of Madisyn's life was the love she had for her family. Madisyn cherished them immensely. She was a patient, kind, and compassionate soul who adored children, especially her siblings who led her to become a devoted supporter of autism awareness.

Her studies were important to her, and she aimed for excellence in all she could. She had big plans to graduate high school with all A's and attend college to become a Behavioral



Analyst and to study neuroscience. Madisyn was a gifted artist who loved to draw, take photographs, and creatively write.

Madisyn was very competitive and determined. She would never turn down a challenge. If you challenged her, you better be ready to keep going until she won. She was even learning to ride motocross on weekends and treasured her motocross family. Thanks to her dad and uncle, Madisyn was a Michigan State fan through and through since she was able to talk. Her favorite color was green so it makes sense that this was her favorite team.

To have her as a daughter, granddaughter, niece, friend or girlfriend one should consider themselves lucky as she was an amazing soul.

The world lost an incredible person that day but her spirit lives within us. Everyone that was blessed to meet sweet Madisyn loved her.

Our world will never be the same without Madisyn in it. Spread kindness in her name whenever you can, love hard, dream big, and never settle for less than the best.

## Tate Myre



Tate was a selfless leader who had a contagious love for life. He loved others fiercely - his family, friends, teammates, and classmates. Tate was kind, thoughtful, and genuine to the core. His pursuit to earn your trust was unrivaled. His loyalty, especially to his close-knit family, was unparalleled. He left an unforgettable and inspiring impression on everyone he met.

Tate was driven beyond compare in his work ethic academically and athletically. He had a tireless internal grit to push the pace and become the best version of himself in all facets of life. His example inspired others to challenge their own limitations. He was a stellar athlete who was a two-time wrestling state qualifier and an outstanding football player with a collegiate future ahead of him. While Tate will most definitely be remembered for his athletic ability, his legacy will live on because of the incredible content of his character. Tate was a teammate who everyone liked being around. He always put the team and others before himself.

Tate exuded joy. He loved Christmas - decorating, baking cookies with his mom and gathering with his family - helping his dad around the house with projects; hunting, fishing and the outdoors; wrestling with his older brothers and watching football with them on Sundays. No matter the event, Tate was the life of the party with his sense of humor that could draw a smile out of anyone.

Tate was wise beyond his years. One of the things that he will be most remembered for was his mentorship and dedication to those younger than him whether in the classroom, on the field, on the mat, or the local training facility ETS.

Tate was taken from this world far too soon. Let us carry on his legacy. Pick a trait Tate had that you may lack and implement it into your life. Shine his light. Love others with your whole heart. Make the most of every moment. Be selfless and help others. Strive to be humbly confident. Work hard, be accountable and respectful. Lead with purpose and encourage everyone you come across to become their best self.

## Justin Shilling



If something is worth doing, it's worth doing right. When it comes to life, Justin did it right. We will always be amazed by his work ethic and continuous drive to do the best that he could. It was through his strong determination that Justin was able to succeed on so many levels. Justin always looked wide eyed at the future, eager to get out there and make a difference. The truth is, he already made a difference in the lives of so many just by being who he was. Justin lived by the Golden Rule. Do unto others as you would have them do unto you. A true empath and bright light. His smile and laugh, contagious. His sense of humor and wit, epic. His love of fine dining, classic. His heart and soul, warm and inviting. His mind, sharp yet kind. His personality, dynamic and charismatic. His sense of style, iconic. Justin worked hard and took great pride in all he achieved, including student council, baccalaureate status, WEB leader, freshman mentor, and a lettered athlete. The heart of any team. He loved freely and deeply.

Never hesitating to say I love you. Remember Justin for his love of nature, the sky, photography, and a deep love for his friends and family. Justin humbly and consistently went out of his way to brighten someone's day. Justin always looked out for others, even in his final moments. Never missing an opportunity to use his voice for good. Justin also loved a wide variety of music. He can be quoted saying, "Play Binary Sunset, it's my favorite." You may have caught him singing, as he often would. Noble and wise beyond

his years. He gave the gift of life through organ donation. In the end, only kindness matters. We can all be more like Justin. May his light and legacy live forever!

*I'll fly a starship across the universe divide*

*And when I reach the other side*

*I'll find a place to rest my spirit if I can*

*Perhaps I may become a highwayman again*

*Or I may simply be a single drop of rain*

*But I will remain*

*I am the sunlight on ripened grain. I am the gentle autumn rain.*

*I am a thousand winds that blow. I am the diamond glints on snow.*

*I will miss you. I was needed elsewhere, I had to go.*

## Hana St. Juliana



Hana loved everything, unconditionally. Her heart was too big not to and with that big heart came an equally big smile. Even when her smile alone could brighten a person's day, her presence literally brightened people's lives. She made everyone feel special, and her ability to be so true reflected onto others. She brought laughter everywhere she went and continued to bring out the best in others. Hana always had everyone's back. She was the best listener. She was always perceptive noticing and appreciating the smallest of details. She was the person who always did the right thing.

Hana never failed to express herself, whether it was through her outfits, her gold accessories, her perfectly painted nails, her different Converse, her fun socks, or her little doodles all over her school work.

Her transcendence surpassed every expectation. But it was because of all the hard work she put into it. All the hot summer days she decided to go outside and practice volleyball. It showed when she jumped higher, set better, and hit harder. She brought laughter to a quiet practice, and smiles to pre-practice snack breaks. For basketball season, she was ready to put in that extra work. It is no doubt that with her dedication, passion, and drive she would have made the most excellent lacrosse player as well.

Remember Hana for her contagious smile, that was too infectious. Remember Hana for her humor, the countless times she made you throw your head back and laugh.

Remember Hana for her countless interests, every little new thing she tried. Remember Hana for her love of food, cooking and baking, eating and snacking. Remember Hana for her love of Christmas, the abounding amount of decorations she put up that matched her spirit. Remember Hana for her empathy, being inclusive to everyone, and always there for anyone. Remember Hana for her dedication, the games she played, the points she scored. Remember Hana for her cleverness, sarcastic remarks, and perfectly timed eye rolls. Remember Hana for her love of lights, though she was the beacon for others. Remember Hana for Hana, never changing who she was, always being thoughtful, incandescent, loyal person one couldn't help but love.

Hana is the flower that will forever grow in everyone's heart.

## **I. Terminology**

As we report on the facts and findings related to the shooting, we make choices about what words we use to describe individuals and their relationships to events. In the wake of traumatic events that involve a crime, injuries, and loss of life, the words “victim” and “survivor” are terms that are often used to describe those who were affected by the actions of a perpetrator. There are preferences and arguments for the use of each term. “Survivor” is often used and favored because it is a more positive term and suggests resilience and strength; “victim” focuses on the harm inflicted upon an individual by a perpetrator. There are nuances to both terms that will never accurately describe the complexities of the traumatic events related to this shooting.

In our investigation, we have found that the words “victim” and “survivor” are deeply meaningful to the Oxford community in the wake of the shooting. These words mean different things to different people in the community in the context of the shooting. For example, in the minds of some people, the word “victim” means someone who suffered a physical injury, while others view the term as encompassing non-physical injuries as well. Some people view “victim” and “survivor” as two separate categories of individuals, while others believe that someone can be both a victim and a survivor. Some people reject the word “victim” as applied to someone who is still alive and prefer the term “survivor,” while others find that “victim” is a better word to capture the depth of their trauma. There are many nuanced perspectives on these words, and all are valid under the circumstances.

In this report, we use the word “survivor” to refer to OHS students and staff who were at the high school on the day of the shooting. “Survivor” encompasses students and staff with different degrees of proximity to the Shooter on November 30, 2021, and varying injuries that they suffered as a result of his actions. Some of these students and staff were physically wounded by the Shooter, some of these students and staff were present in the hallways that the Shooter roamed with his gun or behind the classroom walls and doors that he shot at, and some of these students and staff were taking cover in more distant classrooms. Some of these students lost close friends and family members. One survivor was terrorized by the Shooter in a bathroom and witnessed the Shooter murder



another student. Other students were next to friends when they were murdered by the Shooter. All are survivors as we have defined that word for this report.

We use the word “victim” to refer to the four students who were killed at OHS on November 30: Madisyn Baldwin, Tate Myre, Justin Shilling, and Hana St. Juliana. We understand that the six students and one teacher who were shot and survived are also victims under Michigan state law, which contains a broader definition of victim. Under Michigan law, a “victim” is an individual “who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime.”<sup>2</sup> This definition would apply to many survivors, as we use that word in this report.

In defining these words in this way, for the purposes of this report, we do not intend to discount or devalue the experience, emotions, and/or trauma experienced by any individual who was present anywhere at OHS at the time of the shooting, nor do we discount or devalue the countless other community members who were not present at OHS but have been significantly affected by the shooting. We are simply trying to find words to identify the different categories of people who were impacted by the shooting as we explain what happened on November 30.

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<sup>2</sup> MCL 780.751, *et seq.* The Oxford Survivors Fund offered compensation to individuals who were “physically present within the designated area . . . at the time of the shooting” (that area being the 200 hallway, except the northern most corridor), or “present on campus and either provided direct assistance to a gunshot victim, or took extraordinary action to prevent the loss of life.” National Compassion Project, Oxford Survivors Fund, “Final Protocol Overview” at 3 (Mar. 29, 2022). The heirs of the four deceased victims were eligible for the highest compensation payments under the distribution protocol. *See id.*

## **II. Independence of Varnum/Guidepost Engagement and Obstacles to Investigation**

In the days, weeks, and months following the shooting, OCS students, parents, staff, and members of the wider Oxford community repeatedly demanded an investigation into the shooting, events leading up to the shooting, and the school's response.<sup>3</sup> The public understandably wanted answers as to why this tragedy occurred, and whether there was anything that anyone at OHS could have or should have done to prevent it.

The Board decided in May 2022 to engage Varnum LLP, a Michigan law firm, and Guidepost Solutions LLC, a New York-based investigations firm, to conduct an independent investigation into the shooting, the response to the shooting, the District's policies and processes related to the safety of the District's students, staff, and the broader Oxford community. The scope of the investigation was limited to the actions by OHS and District personnel, as well as policies and procedures in place related to school safety. Varnum and Guidepost were not engaged for the purposes of investigating the conduct of first responders to the shooting and did not investigate – and have reached no conclusions about – first responder conduct.

Varnum was initially engaged by the Board on May 24, 2022 to conduct the independent investigation. When conducting independent investigations, it is a best practice that the firm engaged to conduct the investigation does not have a prior client relationship with the subject of the investigation, avoiding even the appearance of a potential conflict of interest. Consistent with this, Varnum had not previously represented the Board or the District and had no preexisting relationship with the OCS administration. As part of its engagement, Varnum advised the Board that it would hire Guidepost to conduct the investigation along with Varnum. Like Varnum, Guidepost did not have a preexisting relationship with the Board, the District, or OCS administration.

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<sup>3</sup> See., e.g. Lily Altavena, Detroit Free Press, "Oxford school district reverses court, hires firm for independent review of shooting," Detroit Free Press, (May 17, 2022); Peter Maxwell, "Oxford School Board hires independent firms to conduct investigation on Nov. 30 tragedy" WXYZ Detroit (May 18, 2022).

Such arrangements, where attorneys are engaged to conduct investigations and then directly engage consultants like Guidepost to assist, are standard practice for internal investigations. By conducting the investigation with the protections of the attorney-client privilege, the investigators can conduct the investigation without interference and disruption from third parties, including subpoenas for investigation materials. Conducting the investigation with the protection of the attorney-client privilege also helps ensure that investigation materials can remain confidential to protect the integrity of the investigation and ensure that knowledgeable individuals feel comfortable speaking with investigators.<sup>4</sup>

However, the attorney-client privilege has not and was never intended to limit the release to the public of the investigation's independent and objective factual findings. To that end, neither the Board, any District official, nor the District's litigation counsel in connection with the civil cases has ever directed any portion of the investigation or exercised any influence over Guidepost's methods or conclusions. Further, neither the Board, nor any District personnel, have been briefed at any time on the substance of the investigation findings.

To that end, and to further confirm the independence of the investigation, Varnum and Guidepost, and the Board signed an addendum to Guidepost's engagement letter on September 7, 2023, which was approved by the Board on September 12, 2023. That addendum confirmed that (1) the Board would be provided with this report at the same time as it was released to the public; (2) the final contents, language, and conclusions of this Report would be controlled and approved by Guidepost, without influence by the Board, the District, or Varnum, and (3) interview memoranda and certain documents collected in connection with the investigation would be maintained by Guidepost for one year following the issuance of this Report.

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<sup>4</sup> Other sensitive and high-profile investigations have similarly been conducted by law firms, with the assistance of consultants. See Report of the Independent Investigation: The Constellation of Factors Underlying Larry Nassar's Abuse of Athletes (conducted by Ropes & Gray, LLP); Report of Independent investigation: Allegations of Sexual Misconduct Against Robert E. Anderson (conducted by Wilmer Cutler Pickering Hale and Dorr LLP).

### **III. Investigation Methodology**

As set forth above, we were hired to investigate the events that occurred before, during, and after the shooting. Our investigation provides an objective assessment of (a) the school environment and the knowledge and actions of school district employees (including OCS leaders and OHS administrators, counselors, teachers, and other staff) prior to the shooting; and (b) the actions of those individuals and others on the day of the shooting itself and thereafter.

#### **A. Investigative Team**

The investigative team included former federal investigators and former federal and state prosecutors with decades of experience in conducting independent investigations, several of whom are also experts in risk and emergency management and compliance. The investigative team also included school and corporate security experts, who are well versed in typical security systems and protocols used in public school districts. In addition, we leveraged our skilled information analysts, who are proficient in research, information, and case management.

All Guidepost interviewers have been trained in trauma-informed interviewing techniques, which include treating people with respect, allowing a witness to tell his or her history, respecting boundaries, and communicating in a manner to avoid re-traumatization.

A core principle of our engagement and our team's mindset was independence. We brought an independent perspective to this engagement, unencumbered by politics or community ties. At all times, our team was guided by the principle that we would follow the facts wherever they led, without any underlying motive or bias or influence by any community constituency, including the Board, OCS employees, unions, insurance companies, and any attorneys involved in any aspect of any legal proceeding stemming from the shooting.

#### **B. Documents**

A key early part of our investigation was our analysis of relevant documents that we received from several different sources, as set forth in more detail below. At the outset of

our engagement, we undertook extensive background research into the events surrounding the shooting and other school shootings. Among other sources, our research into publicly-available documents included online media outlets, public court filings, and social media platforms. In addition, we reviewed commissioned reports on other mass-casualty school shootings, such as the reports analyzing the Parkland and Sandy Hook shootings. We also searched for any publicly-available documents relating to the work of the OCS Board of Education, such as meeting minutes and agendas.

In addition to these publicly-available materials, we collected approximately 74,000 documents from a variety of non-public sources that are described below. To effectively manage and analyze this volume of data, we uploaded nearly all evidentiary materials received to secure data platforms for document storage, review, and management. Within these platforms, our investigative team ran keyword searches and other targeted queries to identify, analyze, and categorize relevant documents.

We first sought a variety of documents from Oxford Community Schools, submitting an initial document request to the District on or around June 2022. In that request, we asked OCS to provide certain documents from OCS, OHS, OMS, Oxford Virtual Academy (“OVA”), and the Board, including but not limited to organizational charts and staff lists; teaching assignments; meeting minutes; policies, guidelines, procedures, forms relating to threat and suicide assessment, search and seizure, emergency operations, crisis management and other relevant subjects; student handbooks; student records; threat and suicide assessments, attendance records; technology resources; legal filings relating to the events of November 30, 2021; deposition transcripts; preliminary hearing records; plea and sentencing hearings, and correspondence. The time frame of our request covered not only the documents that existed the day of the shooting, but also earlier versions of certain documents (such as policies, guidelines, procedures, and forms); for documents relating to specific employees, we asked OCS to search for documents dating back to their earliest association with the District, up until the date of the document request.

In response to this comprehensive document request, OCS began to produce the requested documents on a rolling basis in July 2022. Many of the requested documents were produced in electronic form, and our data experts worked with the OCS IT liaison to process and transfer electronic data located on the OCS file servers to our data platforms. After our first (and most voluminous) document request, Guidepost submitted additional document requests to OCS as we learned of the potential existence of additional relevant documents in the course of our investigation.

In addition to requesting and receiving documents from OCS, we asked the Oakland County Prosecutor's Office for access to certain documents and other evidentiary material gathered in the course of the criminal investigation of the Shooter and his parents. We submitted a targeted document request to the OCPO in September 2022 and received a production of documents and reports shortly thereafter, on October 5, 2022. In an extraordinary act of cooperation and trust, the OCPO promptly provided Guidepost with access to key evidence from its criminal case, including notes of witness interviews, written witness statements, police reports, photographs, records, video footage, court transcripts, and other records. Like the documents that we received from OCS, the materials that we obtained from the OCPO were uploaded to our secure electronic storage platforms for review and analysis by the investigative team. In addition, with respect to certain extremely sensitive evidence that the OCPO was reluctant to allow to leave its office (such as video footage of the shooting), the prosecution team allowed members of the Guidepost team to review that evidence on site at the OCPO on several occasions, with the assistance of an OCPO legal assistant.

We are grateful to the OCPO for its willingness to open its files to our team. In the experience of many of the former prosecutors on the Guidepost team, this access to important, non-public investigative materials during pending criminal matters (i.e., the cases against the Shooter and his parents) is unprecedented. The information that the OCPO has provided has also been crucial in our effort to accurately report the facts of what happened on and before November 30, 2021 and again, we are grateful for the prosecution team's openness and interest in helping to provide the Oxford community

with answers. Consistent with the terms of confidentiality under which we received these materials, we have not retained them and, at the OCPO's request, we have not referenced the materials in footnotes.

We also received relevant documents and electronic evidence from Oxford community members, including OHS students who were at the high school during the shooting, families of OCS students, and other individuals. Significantly, we received documentation of emails and text messages that were sent in real time (or near real time) to some of the events discussed in this report, as well as records of social media posts from the fall of 2021. These contemporaneous records were invaluable in our investigation of the sequence of certain events. In addition, we received news articles and correspondence pertaining to administrative actions taken by OCS, the Board, and the OHS administration and staff before, during, and after November 30, 2021.

Finally, Giarmarco, Mullins & Horton, P.C. ("GMH"), the law firm representing the defendants in civil lawsuits arising out of the shooting provided us with transcripts of the depositions taken in those legal proceedings. These deposition transcripts were an important source of information for us. Multiple defendants in these lawsuits declined to be interviewed by Guidepost, and as a result, we had to rely on information elicited by lawyers during the depositions of these defendants. Those lawyers generally had different goals than we had, and the questions asked in the depositions did not include all of the questions we would have asked had we had access to the witnesses. In our view, therefore, the deposition transcripts are not the best evidence for our investigative purposes. Nevertheless, in the absence of interviews, the deposition transcripts are the most complete accounts that we have from critical participants in the events of November 29 and 30, 2021 as to what happened on those days, and we relied on those transcripts to establish many of the facts set forth in this report. We also do not cite to the deposition transcripts in footnotes as those transcripts are not publicly available.<sup>5</sup>

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<sup>5</sup> While protective orders have been entered in the civil matters, the deposition transcripts provided to us were not designated as "confidential" pursuant to those orders.

### **C. Oxford Community Interviews**

Our interviews of individuals in different segments of the Oxford community composed another critical part of our investigation. Our objective was to interview all individuals who might have relevant information about the events before, during, and after the shooting, as well as OCS and OHS policies, processes, and procedures relating to threat assessment and suicide assessment as they existed at OHS at the time of the shooting.

Over the course of 14 months, we used varied outreach methods to try to secure interviews with as many witnesses as possible. In some cases, we approached victims and survivors (or their family members), directly or through their legal counsel, and asked them to speak to us because we knew they had relevant information to provide. In other situations, we made broad appeals to the general public in Oxford through traditional media and social media, asking community members to contact us if they believed they had relevant information to give us. Our specific outreach methods and the different categories of Oxford community witnesses are described in more detail below.

In addition to our own efforts to find witnesses, we received invaluable outreach assistance from the families of victims, survivors, and the students who were murdered on November 30, 2021, who sent out a plea to their own personal and social media networks asking witnesses to contact Guidepost. We are grateful to these families for their help, which led us to useful information that we would not have otherwise obtained.

In total, we interviewed over 100 individuals over the course of 14 months. We engaged with these interviewees in a variety of ways, including in-person meetings, telephone or video conferences, and email (i.e., receiving written responses from witnesses to specific questions). Any interviewee who wished his or her attorney to be present during an interview was allowed to do so, without any need for explanation. Our first interview took place on July 21, 2022, and our last interview occurred on September 27, 2023. In that time frame, we spoke with current and former OCS employees at all levels of the school district, current and former Board of Education members, parents of victims, students who were at OHS and survived the shooting, family members of those survivors, and community members who had knowledge of relevant events.



Many of the witnesses we interviewed continue to experience trauma of varying degrees as a result of the shooting. Guidepost understood that participating in the investigation interview process could create additional or renewed stress related to underlying trauma. Our desire was to provide these witnesses with a safe and confidential space to debrief and process their interviews and participation in our investigation. Thus, we were mindful during the investigation of communicating with victims' families, survivors, and survivors' families in a trauma-informed manner. All Guidepost interviewers have been trained in trauma-informed interviewing techniques, which include treating people with respect, allowing a witness to tell his or her history, respecting boundaries, and communicating in a manner to avoid re-traumatization. In addition, victims' families, survivors, and survivors' family members were welcome to have a support person of their choosing present for the interview.

#### **1. Current and Former OCS Administrative, Teaching, and Other Staff**

Working with an initial contact list given to us by OCS, and with the help of an OCS liaison administrative assistant, we first reached out to 66 individuals who either worked in administration at the district or high-school level, were present at OHS in the months leading up to the shooting and/or on the day of the shooting, or had any contact with the Shooter at any point in his journey through the OCS system. Specifically, each of the 66 people were sent an email in which we advised them of the scope of the investigation and our role and asked them to participate in an interview with members of our investigative team. This contact list expanded over time to over 130 individuals as the investigation identified new questions for additional people and interview refusals prompted Guidepost to direct questions toward others. In our contact, we explained that to conduct a fair, comprehensive, and independent investigation and assessment of the District's actions in connection with the shooting, we needed to speak directly with everyone possessing firsthand, relevant information. We further explained that the requested interviews were a two-way street, providing interviewees with the opportunity to say whatever they wanted to say and express their opinions or recommendations as to how OCS could be a safer environment going forward.

The response to our initial 66 interview request emails was disappointing. More than 80% of these individuals were unresponsive or denied the interview request in the month following the request. We understood this to be a result of the ongoing lawsuits against District personnel causing fear in personnel not listed in the suits, advice from lawyers and union leadership not to participate, and trauma from the shooting. As Guidepost expanded its contact list, the refusal to participate continued with the new contacts until Guidepost agreed to release an initial report evaluating only the present physical security and threat/suicide assessment infrastructure in place for the 2022-2023 school year. This pivot slowed Guidepost's progress toward a complete investigation into the shooting on November 30, 2021, but it was the only way to get key figures to participate in an interview. Still, Guidepost did not receive adequate participation from OHS personnel crucial to the present safety and security infrastructure leading us to expand the contact list to include personnel at the elementary and middle school levels. These interviews during the 2022-23 school year for the first report were often restricted to discussions of topics pertaining only to the present state of the District because witnesses refused to discuss the status of security and safety on November 30, 2021, and prior, though Guidepost's investigation into the shooting persisted.

After the publication of our first report, in or around May 2023, in the face of ongoing refusals by current OCS employees to cooperate with our investigation, we asked the District to consider requiring such employees to cooperate as a condition of their ongoing employment. The District declined to do so. Instead, the District's superintendent agreed to send an email to all OCS employees asking them to voluntarily contact Guidepost with any information they might possess about the shooting (as noted above), and this communication led to additional current or former OCS employees contacting Guidepost to arrange an interview. For key personnel with knowledge pertinent to a complete and thorough report who required a more direct interview request, Guidepost further enlisted the assistance of school board and administration leadership, and other interviewees who offered to use their relationships to encourage their colleagues to participate.

Guidepost communicated with 143 current or former OCS employees at all levels about participating in an interview. Ultimately, we were able to interview 51 of those 143 current or former employees, or approximately 35.6% of the OCS individuals who we wanted to interview. In addition, 24 teachers and one counselor responded to an email from Guidepost asking them to either provide any information they had about the Shooter from their interactions with him or detail their experience near the shooting. Some current and former OCS employees turned down our interview request because they felt that they did not possess relevant information, while others simply declined without giving a reason. Other current and former OCS employees did not respond at all to any interview requests.

There are several current and former OCS employees who were directly involved in key events before, during, and after the shooting, many of whom are defendants in the civil lawsuits filed by victims' families and survivors and their families. Guidepost attempted to speak to every one of these key individuals. Our repeated interview requests were communicated to these current and former OCS employees through attorneys at GMH, the District's law firm, who informed us who was willing to speak to us and who would not.<sup>6</sup> Here, we highlight some of the employees who played a significant role in the events under investigation (with defendants in the civil lawsuits identified by an asterisk) and note who we interviewed and who declined our interview requests:

- Interviewed by Guidepost: Pamela Fine,\* Kristy Gibson-Marshall, Jill Lemond, Kurt Nuss, James Rourke, Timothy Throne,\* Kenneth Weaver,\* Steven Wolf\*.<sup>7</sup>
- Declined to be interviewed by Guidepost: Nicholas Ejak,\* Shawn Hopkins,\* Allison Karpinski,\* Jacqueline Kubina,\* Becky Morgan,\* Diana McConnell, Kimberly Potts.\*

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<sup>6</sup> We further inquired of counsel of both Plaintiffs and Defendants in the civil lawsuits whether they would like to meet with us or provide information that they felt was important to our investigation. None of the attorneys took us up on that offer.

<sup>7</sup> The former OHS school resource officer, former Deputy Jason Louwaert of the OCSO, also agreed to meet with Guidepost, but he is not an OCS employee. Louwaert's participation in our investigation is discussed in the law enforcement section.

As noted above, any interviewee could have an attorney present during an interview if desired. Attorneys from GMH attended nearly all of the interviews that Guidepost conducted with the key individuals listed above.

We included another important category of OCS witnesses for interviews – individuals involved in different dimensions of threat assessment in the District. Because, as set forth more fully below, there were no formal, standing threat assessment teams in place at OHS at the time of the shooting, we sought to interview OCS personnel who could speak to best practices relating to threat assessment. We also sought to speak with administrators, counselors, and student support staff, and security personnel who currently serve on the threat assessment teams at OMS and OHS; current employees knowledgeable about the data and resources used by the threat assessment teams; and third-party trainers and professionals currently engaged by OCS to work on threat assessments. Twenty-one relevant individuals refused an interview, most of whom were involved with threat/suicide assessment at the high school and middle school levels. Ultimately, Guidepost interviewed 34 OCS employees whose roles touch upon threat assessment, although many of those interviewees were in positions at the elementary school level and would only speak about threat assessment practices that were instituted after November 30, 2021. Several members of the current OHS threat assessment team would only be interviewed for 90 minutes in a group setting, with legal counsel from GMH present.

## **2. 2021-2022 School Board Members**

The OCS Board of Education consisted of seven individuals during the 2021-2022 school year, and we asked all of them to meet with us. We interviewed six of those individuals in person in Oxford: Thomas E. Donnelly Jr., Chad Griffith, Korey Bailey, Mary Hanser, Heather Shafer, and Dan D'Alessandro. Only one Board member from the 2021-2022 school year, Erick Foster, did not respond to our requests for an interview.

In addition to cooperating with our investigation by sitting for interviews, these Board members, and those who followed, assisted our team by coordinating interview rooms and other logistical matters. We thank them for their cooperation in this investigation.

### **3. The Former OHS School Resource Officer and Other Law Enforcement Officers**

We worked cooperatively with the Oakland County Sheriff's Office and Nicole B. Tabin, an attorney in the Department of Corporation Counsel for Oakland County, to arrange interviews of five current and former deputies of the OCSO, one of whom (Louwaert) was the school resource officer at OHS at the time of the shooting. The OCSO initially declined to allow its deputies to participate in interviews due to the pending criminal litigation against the Shooter. In the interim, the department offered to provide written responses to Guidepost's questions. On October 24, 2022, the Shooter pleaded guilty to all 24 charges pending against him, and we renewed our request to interview the five current and former OCSO deputies. All five individuals agreed to meet with us, and we completed those interviews by February 15, 2023. Ms. Tabin was present for all of these interviews.

In addition, in June 2023, Ms. Tabin and Lieutenant Timothy Willis, the lead OCSO investigator in the criminal investigations of the Shooter and his parents, met with members of the Guidepost team at the OCSO Oxford Substation to review requested police records and other evidence. We appreciate the time and effort expended by the current and former OCSO officers, and Ms. Tabin in assisting us with our investigation.

### **4. Victims' Family Members**

After we reached out to their attorneys to request interviews, the parents of Tate, Justin, and Hana agreed to meet with us; we spoke with these parents in person in Oxford in April 2023. In addition, an aunt of Madisyn contacted Guidepost at our dedicated email address and asked to meet with us; this individual also has a son who was present in a classroom in the hallway where the shooting began. Our team interviewed Madisyn's aunt and uncle in May 2023.

We are deeply grateful to these family members for speaking with us and we were moved to hear stories and memories of their loved ones. These family members are in the unique and terrible position of being able to speak about what could and should be done for

families who have suffered the indescribable losses that they have endured, and we value their opinions and recommendations.

## **5. Student Survivors and Their Family Members**

We also appreciate the many student victims and survivors and their families who met with us to provide information about the shooting and the time frame before and after this tragedy. Each survivor whom we interviewed had a unique and personal story to tell us about their experience and we are thankful for their participation and the participation of their family members in this investigation.

We connected with student victims and survivors and their families in several different ways. Some student victims and survivors and their families were known to us by name because they are plaintiffs in the civil lawsuits instituted against OCS and certain OCS employees; we requested interviews with these individuals by contacting their attorneys. In addition, some student victims and survivors and their family members contacted us in response to our community outreach.

Ultimately, we spoke with over 40 student victims and survivors and their family members over the course of the investigation. Some victims and survivors and family members who contacted us chose not to participate in an interview, but still contributed to our investigation by providing information, documentary evidence, and their views and recommendations about the district and its schools.

We learned about the experiences of students through testimony at the Shooter's sentencing hearing. We thank them for their testimony, which was valuable in preparing this report, as was our interview with the parents of Keegan Gregory.

## **6. General Community Members**

Members of the general Oxford public wrote to our dedicated email address and asked to meet with us. Many of these individuals wanted to share their opinions and concerns about the current environment at OHS, school and district leaders, and other aspects of student and school safety. Some of these people ultimately decided not to sit for an

interview, but still assisted with the investigation by providing information, evidence, opinions, and recommendations. We thank the members of the general Oxford community for their help.

## **7. Anonymity**

In this discussion of our witness interviews, we wish to explain how we dealt with requests by interviewees to remain anonymous. To encourage the broadest participation possible, we offered victims' families, student survivors and their families, and community members anonymity if requested. If a witness of this type asked to remain anonymous, we agreed that we would not identify that witness by name in any report or written notes of their interview. If a witness requested anonymity, we assigned a Guidepost witness number to that witness, and all mentions of that witness in our interview notes and in any report refer to that witness number only. Nobody from the District was given access to the names or identifying information of victims' families, student survivors, student survivors' family members, or other witnesses.

Some witnesses did not ask to remain anonymous but did request confidentiality because they were concerned about public backlash if they were publicly cited as the source of the information they provided. If we agreed to these witnesses' request for confidentiality, we included their names in our written interview memos, but we are not attributing information to them in our reports. This is our usual practice in our investigative reports.

However, there is a significant exception to this usual practice in this investigation. Guidepost was engaged to conduct an independent investigation of the events before, during, and after the shooting, and in particular, the actions and knowledge of District and OHS employees related to those events, as well as the overall school safety regime at OCS institutions. We cannot tell the story of what happened on November 30, 2021 without describing the actions and knowledge of key current and former District and OHS administrators and staff, such as Superintendent Throne, Deputy Superintendent Weaver, Assistant Superintendent Lemond, Principal Wolf, Dean of Students Ejak, Counselor Hopkins, Restorative Practices/Bullying Prevention Coordinator Fine, teachers Kubina, Karpinski, and Morgan, and SRO Louwaert, among others. All of these individuals and

many other current and former OCS administrators and staff are identified by name, and information that they provided to us in interviews or to litigants in depositions is specifically attributed to them.

A few current or former OCS employees who did not play a key role in the events that culminated in the shooting on November 30, 2021 requested confidentiality when speaking to us about sensitive and important aspects of the culture and operations of OHS and the District and certain key individuals employed at OHS. We granted these requests because the information these OCS-affiliated individuals provided was important to include in the report. We emphasize that the OCS-affiliated individuals who received a pledge of confidentiality were not significantly involved (if involved at all) in the events leading up to the shooting.

## **8. Sworn Testimony, Unsworn Statements, and Law Enforcement Accounts**

Finally, before moving on from this discussion of information obtained from witnesses, we would like to note the important difference between sworn testimony by witnesses during official proceedings and information provided by individuals during interviews. Throughout this report, there are references to statements that individuals made in different settings, including police interviews, Guidepost interviews, court hearings, and civil depositions. In court hearings and civil depositions, the witnesses were placed under oath, meaning that they swore to tell the truth during their testimony. If a witness fails to tell the truth while under oath, that witness could be charged with perjury, which is a crime.

On the other hand, in interviews with the police and Guidepost, individuals did not take an oath to tell the truth under penalty of perjury. However, in Michigan, lying to the police could result in the untruthful individual being charged with a crime. There are no criminal penalties for lying to investigators such as Guidepost interviewers.

We highlight these distinctions between sworn testimony during official proceedings and unsworn testimony during interviews with the police and Guidepost because it may have



impacted the truthfulness of the witnesses and individuals who participated in those official proceedings and the more informal interviews. Because of the risk involved in lying under oath, witnesses who have taken an oath before testifying may have more incentive to tell the truth.

We note that there is an important difference between intentionally-false statements and inadvertent mistakes. In our review of some accounts of interviews with witnesses in the immediate aftermath of the shooting or in the days following the shooting, we noticed what we believe are factual errors. We believe that these are unintentional errors that arose out of the chaos that followed the shooting, and that these unintentional errors are attributable to misunderstandings or inadvertent misstatements. We believe that the witnesses were doing their best to remember what happened and those taking notes of those interviews were doing their best to record statements accurately. In some circumstances, we were able to determine what we believe to be the correct factual premise, based on context and other information that we found.

#### **D. Video Footage from OHS**

Video footage captured by the OHS video surveillance system, the network of interior and exterior security cameras at OHS, was a critical source of information in our investigation. After the shooting, the District provided the OCSO with video footage that captured key events and individuals' movements before, during, and after the shooting. On November 30, 2021, the VSS was set to record on motion (i.e., movement triggered the cameras to start recording), which is a common, recognized, and acceptable practice to maximize system storage capacity. The video was provided to law enforcement following the shooting.

Members of the Guidepost investigation team viewed this video footage at the OCPO on several occasions, and we appreciate the OCPO's sharing of this important evidence. Our team viewed video footage from multiple camera perspectives that showed concurrent events as they unfolded in different areas of the school on November 30, 2021, beginning with the morning student drop-off and progressing through the shooting and its aftermath. We saw video of the Shooter as he was dropped off at OHS at 7:46 a.m. and

continuing through key points of his school day, such as his removal from his second-hour class for a meeting with Hopkins and Ejak, his exit from a bathroom and his opening fire in the hallway, the murders he committed, and his apprehension by OCSO officers outside another bathroom. We also saw footage that showed SRO Louwaert and an OCSO deputy arriving at OHS when the Shooter was still at large, as well as video of armed OCS employee Potts as she moved along the 200 hallway before the Shooter's apprehension. We saw footage of extraordinary acts of bravery and kindness by OCS personnel such as Assistant Principal Gibson-Marshall, who tried to keep Tate Myre alive, Assistant Principal Nuss, who frantically directed first responders to aid wounded students, and then-Deputy Superintendent Weaver, who comforted injured students as they lay in the hallway.

Through our review of this video footage, we better understand the sequence of events of November 30, 2021. This firsthand, real-time video footage allowed us to establish (as accurately as we could) a timeline of events.

#### **E. Visits to OHS**

We supplemented the knowledge we gained from the video footage with visits to the OHS campus. The video footage from each camera shows only certain areas within the camera's coverage, with each camera showing a different area. It is difficult from the video footage alone to get a sense of the length and width of the hallways and courtyards and the distances between certain doors, rooms, hallway intersections, and office areas. Accordingly, as part of our investigation of the shooting itself, members of our investigative team walked the hallways, bathrooms, courtyards, and exterior areas of the high school, which helped us to put the different pieces of video footage in place and understand how the Shooter, OHS personnel, students, and law enforcement moved through the school on November 30, 2021.

In addition, as recounted in our first report, early in our engagement, we visited the OHS campus to inspect the physical security measures in place as part of our assessment of the post-shooting state of OHS physical security. Based on these initial site visits, we provided recommendations to OCS without delay, for we did not want to wait to alert the

District to improvement opportunities that could be promptly addressed. On subsequent visits to OHS, our physical security experts evaluated the District's implementation of our recommendations and considered the need for additional improvements. A complete account of our physical security assessment and our recommendations can be found in our first report issued in May 2023.

#### **F. Social Media Communications**

Given the high school setting of this investigation and high school students' use of social media, we knew that social media platforms could potentially provide important evidence related to the shooting – such as posts by the Shooter that may have been discoverable by OHS personnel prior to the shooting on November 30, 2021. Accordingly, Guidepost searched for publicly-available social media postings related to the events that occurred before, during, and after the shooting. In reviewing the Shooter's school-issued Gmail account, we identified several social media accounts seemingly associated with the Shooter on Instagram, Facebook, Twitter, Discord, and YouTube.

The OCPO obtained records for an Instagram account under the Shooter's name and shared those records with us. This Instagram account was public. This was the only Instagram account followed by the Shooter's parents, and it contained a post from the Shooter about obtaining a new gun and going to the shooting range only days before November 30, 2021; these facts indicate that this account was an actual account used by the Shooter as opposed to a fake Instagram account created by someone other than the Shooter either before or after the shooting, which is what other accounts containing the Shooter's name or a variation of it appear to be. In addition, the Shooter's Twitter account was publicly available, but it did not contain any pertinent information.

#### **G. Threat and Suicide Assessment Expertise**

Guidepost team members met virtually with threat and suicide assessment experts to confirm our understanding of best practices as to when and how to conduct a suicide or threat assessment. Specifically, we spoke with Dr. Emily Keram, M.D., and Dr. Kathleen Puckett, Ph.D., both experts in violence assessments, and Dr. Dewey Cornell, Ph.D. a

nationally recognized expert in threat assessments who developed the Comprehensive School Threat Assessment Guidelines ("CSTAG"). Their expertise and viewpoints were extremely helpful in preparing for interviews of staff members as well as formulating our recommendations.

In addition, Guidepost reviewed threat and suicide assessment guidance developed and published by federal law enforcement agencies and other institutional authorities. Specifically, we examined the United States Secret Service National Threat Assessment Center best practices and FBI and DHS guidance on behavioral threat assessment related to school shootings, as well as the SIGMA Threat Assessment and Management program, which is based on USSS-NTAC principles and has been adopted by the District and the State of Michigan.

Guidepost also attended threat assessment trainings on programs and software that the District is now using. On October 26, 2022, a Guidepost team member attended the same NTAC training at Oxford Virtual Academy that Oxford Threat Assessment Team members were required to take. In addition, that same Guidepost team member attended SIGMA trainings with Oxford Threat Assessment Team members related to the Navigate360 software that the District is now using, which will integrate both the SIGMA and the Columbia Protocol for suicide prevention. Guidepost also reviewed the curriculum materials relating to these trainings.

## **H. Outreach and Engagement Throughout the Investigation**

At the outset of our investigation, we established a dedicated webpage with information about the investigation, including details about the scope of the investigation and links to press releases.<sup>8</sup> We updated this webpage routinely as new information became available for public distribution, including updates posted on October 26, 2023; August 8, 2023; July 19, 2023; May 5, 2023; April 11, 2023; March 6, 2023; January 27, 2023;

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<sup>8</sup> See Guidepost Solutions, Oxford Community Schools Board of Education Independent Investigation, available at <https://guidepostsolutions.com/oxford-community-schools-board-of-education-independent-investigation/>.

September 12, 2022; and July 28, 2022. OCS provided regular updates on its own website as well.

Guidepost also created an investigation-specific email address, to allow any individuals to directly contact our investigative team; we publicized this email address on Guidepost's home webpage and OCS also posted it on its website. Over the course of the investigation, we received approximately 180 emails at this address. In addition, community members often emailed members of the investigative team directly and called the main Guidepost telephone number. People contacted us for various reasons: to request interviews, to provide information and evidence, to express concerns or opinions, to ask about certain aspects of the investigation, and to request updates on the progress of the investigation. We responded to all communications and provided as much information as possible. At times, we could not provide requested information because it was not yet public knowledge or disclosure would impact the ongoing investigation.

We were also present and visible in Oxford throughout the course of the investigation. Investigative team members attended community events including OCS Board meetings, public meetings, and a community forum. Guidepost leaders attended four public Board meetings to provide updates and/or were available to respond to questions posed by the Board or community members attending.

In addition, over a three-day period in mid-October 2022, Guidepost organized a community forum in which community members could meet with our investigative team for private discussions. Specifically, Guidepost invited anyone who wanted to speak with us to sign up for a meeting at their convenience on October 12, 13, and 14 at two different locations in or near Oxford. Virtual interviews were also an option. Guidepost and OCS publicized this opportunity and posted the sign-up schedule on their respective websites. There were 20 available interview slots from October 12 to 14, and five individuals signed up and met with us in person in that time frame.

Over the months that followed, we continued our efforts to reach out to people who might have relevant information. At the public meetings described above and in statements

posted on our dedicated webpage, Guidepost urged current and former OCS employees with direct knowledge or involvement in events relating to the shooting to contact us and meet with our team; we also encouraged anyone else with potentially-relevant information to reach out to us.

It seemed that over time, as the general Oxford community learned more about our team and our investigation, people were more willing to meet with us or simply provide information to us, and we were heartened by this increasing responsiveness. We made one last broad push for additional people to come forward in May 2023, when we put an advertisement in *The Oxford Leader* asking anyone with any information relevant to the investigation to contact us.<sup>9</sup> Of course, our communication methods have remained open for any additional individuals who wished to reach out to us.

Furthermore, after Guidepost issued its interim report on the current state of physical security and threat assessment in the District (on May 8, 2023), we scheduled a series of public meetings in Oxford to discuss that report and answer questions. Guidepost, OCS, and local news outlets publicized these 90-minute meetings, which were held in Oxford on May 11, 2023, at 11:00 a.m., 3:30 p.m., and 6:30 p.m. These meetings were moderated by the OCS superintendent, who served as a facilitator to ensure that the sessions were run fairly and efficiently, and four Guidepost investigative team members were present to answer questions. To provide attendees with a fair and equal opportunity to ask questions and to avoid duplicate inquiries, the District asked attendees to write their questions on an index card and submit the cards to the facilitator to pose to the Guidepost team. All questions submitted for Guidepost's response were addressed during each session and recorded in an FAQ document published by OCS following the meetings.

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<sup>9</sup> Don Rush, "Looking to expand their reach," *Oxford Leader* (May 24, 2023).

#### **IV. Civil and Criminal Actions Related to the Shooting and Effects of Pending Litigation on the Investigation**

There have been numerous legal actions filed in response to the Shooting, all of which remain pending. The status of these actions is summarized below. This Section further outlines the effects of the pending criminal and civil litigation on our investigation including, most critically, important witnesses' refusal to participate in the investigation based on advice of their litigation counsel.

##### **A. Criminal Actions**

###### **1. The Shooter**

In October 2022, the Shooter pleaded guilty to 24 criminal charges, including four counts of first-degree murder, and multiple counts of terrorism, assault with intent to murder, and weapons offenses. Because the Shooter was a minor at the time he committed the shooting, the Court held a hearing to determine whether he had the potential for rehabilitation. On September 29, 2023, the Court determined that the Shooter was eligible for the most serious punishment under Michigan law: life imprisonment without the opportunity for parole. Sentencing is scheduled for December 8, 2023.

###### **2. The Shooter's Parents**

The Oakland County prosecutor charged the Shooter's parents with four counts of involuntary manslaughter. The district court determined that sufficient evidence existed to bind the parents over for trial on these charges, a decision which has been appealed. The Michigan Court of Appeals affirmed the district court's decision to bind the case over for trial. *People v. [Shooter's Parents]*, Nos. 362210, 362211, 2023 WL 2617524 (Mich. Ct. App. March 23, 2023). The Michigan Supreme Court rejected the parents' appeal of that order on October 3, 2023.

## **B. Civil Actions**

### **1. State Court Actions**

At least four civil suits related to the shooting have been filed in Oakland County Circuit Court, naming the District and various OHS employees as Defendants:

- *Myre v. Fine, et al.* Case No. 2022-192262-NO;
- *Watson v. Oxford Community Schools, et al.*, Case No. 2022-195663-NO;
- *Poblette v. Throne, et al.*, Case No. 2022-194891; and
- *Feltz v. Throne, et al.*, Case No. 2022-196849.

The plaintiffs in these suits allege that OCS and its employees were negligent in how they interacted with the Shooter, and that this negligence caused the shooting. The plaintiffs also alleged that OCS and its employees violated the State of Michigan's Child Protection Act, MCL 722.621. In March 2023, the Circuit Court granted immunity from civil liability to all government employees and institutions named as defendants in *Myre* and *Watson*. The plaintiffs have appealed this decision to the Michigan Court of Appeals, and briefing is ongoing in both cases.

In August 2023, the Oakland County Circuit Court granted summary disposition in favor of the defendants in both *Poblette* and *Feltz*. No appeals have been filed in these cases.

On October 2, 2023, Steve St. Juliana, father of Hana St. Juliana, filed an action in the Michigan Court of Claims, against the Michigan State Police and the State of Michigan, alleging dereliction of duty and failing to protect her from allegedly-known risks of violence occurring at OHS. As of the date of this report, neither the State nor the State Police have responded to the Complaint.

### **2. Federal Court**

At least ten civil lawsuits have been filed in federal court:

- *Franz v. Oxford Community School District, et al.*, Case No. 2:21-cv-12871 (E.D. Mich. filed Dec. 9, 2021);
- *Asciutto v. Oxford Community School District, et al.*, Case No. 2:22-cv-10407 (E.D. Mich. filed Feb. 24, 2022);



- *St. Juliana v. Oxford Community School District, et al.*, Case No. 2:22-cv-10805 (E.D. Mich. filed April 14, 2022);
- *Myre v. Oxford Community School District, et al.*, Case No. 2:22-cv-11113 (E.D. Mich. filed May 22, 2022);
- *Beausoleil v. Oxford Community School District, et al.*, Case No. 2:22-cv-11250 (E.D. Mich. filed June 7, 2022);
- *Ossege v. Oxford Community School District, et al.*, Case No. 2:22-cv-11251 (E.D. Mich. filed June 7, 2022);
- *GLJ v. Oxford Community School District, et al.*, Case No. 2:22-cv-11360 (E.D. Mich. filed June 17, 2022);
- *Cunningham v. Oxford Community School District, et al.*, Case No. 2:22-cv-11398 (E.D. Mich. filed June 23, 2022);
- *Mueller v. Oxford Community School District, et al.*, Case No. 2:22-cv-11448 (E.D. Mich. filed June 28, 2022);
- *Watson v. Oxford Community School District, et al.*, Case No. 2:22-cv-11959 (E.D. Mich. filed Aug. 21, 2022).

In these cases, plaintiffs alleged that OCS and its employees violated their substantive-due process rights by creating an environment in which the Shooting could occur, and that OCS failed to adequately train its staff to act upon warning signs like those displayed by the Shooter. Although the Court has not formally consolidated these cases, the Court has, for all intents and purposes, presided over all these cases on a single track.

On May 12, 2023, the Court dismissed most of the claims advanced in these suits. Only certain claims survived against Shawn Hopkins, Nicholas Ejak, and the District, related to Ejak and Hopkins permitting the Shooter to return to class on November 30, and against the District for failing to train and supervise Hopkins and Ejak. The remaining defendants and plaintiffs have appealed the Court's decision to the United States Court of Appeals for the Sixth Circuit, and the trial court has stayed all proceedings pending appeal. The Sixth Circuit has consolidated these cases.

### **3. Effects of Pending Civil and Criminal Matters on the Investigation**

The ongoing civil and criminal litigation related to the Shooting had significant effects on this investigation.

As noted above, despite the ongoing criminal cases against the Shooter and his parents, the Oakland County Prosecutor's Office and the Oakland County Sheriff's Department provided us with extraordinary access to their investigative materials, which greatly benefited our investigation. Unfortunately, the ongoing civil litigation had drastic effects on this investigation and ultimately impeded our ability to conduct the investigation efficiently and effectively. As outlined above, the District and various current and former District employees were named as Defendants in numerous civil matters in connection with the Shooting. As noted above, the District and its employees are represented in the various civil cases by Giarmarco, Mullins & Horton, P.C., outside litigation counsel hired by the District's insurers SET SEG and Sedgwick.

From the outset of the investigation, GMH advised District employees not to speak with us, suggesting that providing additional statements could potentially lead to difficulties in the litigation.<sup>10</sup> This included directly advising many of the critical witnesses not to cooperate, including teachers Allison Karpinski, Jacquelyn Kubina, and Becky Morgan, counselor Shawn Hopkins, Restorative Practices/Bullying Prevention Coordinator Pamela Fine, and Dean of Students Nick Ejak.<sup>11</sup> Of those individuals, all of whom were involved in key interactions with the Shooter on November 29 and 30, only Fine cooperated with us.<sup>12</sup> To Fine's credit, she cooperated with us despite pressure not to do

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<sup>10</sup> Jennifer Chambers, "Lawyers told Oxford school employees not to cooperate with shooting investigation, email shows," Detroit News (Aug. 7, 2023).

<sup>11</sup> Jennifer Chambers, "Lawyers told Oxford school employees not to cooperate with shooting investigation, email shows," Detroit News (Aug. 7, 2023).

<sup>12</sup> In seeking cooperation, it also became apparent that the District and certain employees were concerned about risking their insurance coverage by conducting or cooperating with the investigation. The Michigan Legislature may consider enacting legislation preventing insurers from denying, or threatening to deny, coverage, indemnification, or advancement to public schools and their employees if they voluntarily cooperate with or participate in independent investigations with public reporting related to school shootings.

so. GMH further advised attorneys and representatives of the teachers' unions that their members should not participate in interviews.<sup>13</sup> Union attorneys, in turn, advised their members not to participate in the investigation.<sup>14</sup>

In addition to the pressure from GMH and the unions, our ability to interview witnesses was further limited by the Board's decision to make participation in interviews voluntary for OHS faculty and staff. Despite having the ability to do so, the Board decided against making participation a condition of employment or even stating that the Board expected District employees to participate.<sup>15</sup>

On July 14, 2022, then-Superintendent Weaver and Board President Donnelly sent an email to OCS employees regarding the investigation, stating that "interviews are necessary for a full and comprehensive report" and that their "cooperation is appreciated and encouraged by the Board of Education," but that the interviews were voluntary and not required for employment with OCS.<sup>16</sup> Then-Board President Donnelly noted that the District "did not want to put compulsion on the request," but later blamed GMH for going behind the Board's back and advising union attorneys and representatives to discourage their members from participating.<sup>17</sup>

Notwithstanding the Board's decision not to make participation in the investigation a condition of employment, the Board, under Presidents Donnelly and D'Alessandro, and the District, under Superintendents Weaver and Vickie Markavitch, eventually took steps to encourage participation, and witness cooperation improved later in the investigation.

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<sup>13</sup> Jennifer Chambers, "Oxford's unionized teachers, officials advised not to talk to investigators," Detroit News (Sept. 20, 2022).

<sup>14</sup> Jennifer Chambers, "Oxford's unionized teachers, officials advised not to talk to investigators," Detroit News (Sept. 20, 2022).

<sup>15</sup> July 13, 2021 E-Mail from Weaver and Donnelly. While Guidepost cannot reveal privileged information provided by individual Board members related to the advice of outside litigation counsel, the interference in the investigation has been publicly reported.

<sup>16</sup> July 13, 2021 E-Mail from Weaver and Donnelly.

<sup>17</sup> Jennifer Chambers, "Two ex-Oxford Board members fight to speak openly without legal threat," Detroit News (Mar. 1, 2023).

Despite that encouragement, approximately 70 of the 161 individuals with whom we requested to speak either refused or would not respond to requests for interviews. For example, of the 26 teachers whose rooms were located in the 200 hallway where the shooting occurred, 16 never responded to requests for interviews or responded that they had no information to share. Of the 40 teachers who taught the Shooter during his time in OCS, only 3 agreed to be interviewed in connection with the investigation with another 3 providing information via email; 34 teachers either refused, did not respond, or reported that they had nothing to share. The refusal to cooperate even extended to District employees who had *no* connection to the Shooter or the shooting.

The combination of the Board's decision to make participation in the investigation voluntary, as well as the advice from GMH and the teacher's unions against participation, hindered our ability to conduct the investigation efficiently. Individuals with critical background information were not willing to provide it. We were instead forced to seek that information from other sources, adding time and complication to the process.<sup>18</sup> We were further unable to question many of the most important witnesses, including Hopkins, Ejak, and Kim Potts, and were instead limited to the statements they made to law enforcement in the criminal matters, and in their depositions in the civil matters. This meant that, although our purpose in conducting the investigation is wholly separate from the purpose of law enforcement investigations and the civil litigation matters, we were left with only the prior statements of the most important witnesses without the ability to follow up, ask different questions, or cross-examine. There is no doubt that the lack of participation in interviews caused substantial delay to our investigation and significant additional expense to the District.

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<sup>18</sup> We note that, while Michigan Attorney General Dana Nessel offered to conduct the investigation on several occasions, the Department of the Attorney General ("DAG") would have been similarly limited by witness's refusal to participate. The DAG has no authority to compel testimony outside of a properly-commenced criminal or civil investigation, and could not have forced witnesses to participate in an independent investigation.

## V. Introduction to Oxford Community

### A. Oxford Community Schools District

The Oxford Community Schools District serves not only Oxford Township and the Village of Oxford, but also five other townships and two other villages.<sup>19</sup> Geographically, it is one of the largest school districts in Michigan. The District comprises 11 schools: five elementary schools (Clear Lake Elementary School, Daniel Axford Elementary School, Lakeville Elementary School, Leonard Elementary School, and Oxford Elementary School); one middle school (Oxford Middle School); one high school (Oxford High School); two alternative schools (Oxford Bridges High School and Oxford Crossroads Day School); one virtual school (Oxford Virtual Academy); and one early-learning school (Oxford Early Learning Center).

Thousands of students of varying backgrounds attend these eleven schools, which are staffed by teachers, administrators, and other professionals and employees. At the time of the shooting, in the 2021-2022 school year, the District enrolled 5,919 students and employed 1,019 people, including 392 teachers, 32 administrators, and 423 non-instructional staff.<sup>20</sup> For the five-year period leading into the 2021-22 school year (2017-21), while the recorded approximate median income for households with a student enrolled in the District was \$130,231,<sup>21</sup> approximately 27% of students in the District were identified as economically-disadvantaged.<sup>22</sup> For the same time period, the vast majority

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<sup>19</sup> "About Our District," Oxford Community Schools, 2023 ([https://www.oxfordschools.org/district/about\\_our\\_district](https://www.oxfordschools.org/district/about_our_district)).

<sup>20</sup> "Oxford Community Schools (63110)," MI School Data, 2023 (<https://www.mischooldata.org/district-entity-view-page/?LocationCode=63110>).

<sup>21</sup> "ACS-ED District Demographic Dashboard 2017-21 | Oxford Area Community Schools, Michigan," *Education Demographic and Geographic Estimates*, National Center for Education Statistics (<https://nces.ed.gov/Programs/Edge/ACSDashboard/2627240>).

<sup>22</sup> "Student Enrollment Counts Report," MI School Data, 2023 (<https://www.mischooldata.org/student-enrollment-counts-report/>). In educational policy, the term "economically disadvantaged" is used to describe a category of students whose family incomes are low enough, or whose living situation is stressed enough, that their situation would affect their ability to succeed in school, making them a subgroup of special concern to school administrators. Under current Michigan and Federal rules, "economically disadvantaged" includes students qualifying for school lunch program assistance, either because of an application or because of participation in another program that automatically enrolls them

of the parents of District students (89%) worked in the labor force and most District parents (56.4%) had a bachelor's degree or higher.<sup>23</sup>

The District is governed by the Board of Education (the "Board") and the Superintendent. Board members (formally known as "trustees") are elected by school district residents to four-year terms. Entering the 2021-2022 school year, Board members were President Thomas Donnelly; Vice President Chad Griffith; Treasurer Korey Bailey; Secretary Mary Hanser; Trustee Dan D'Alessandro; Trustee Erick Foster; and Trustee Heather Shafer.

One of the Board's duties is to appoint and evaluate the Superintendent, who in turn manages a cabinet of Deputy and Assistant Superintendents. Entering the 2021-2022 school year, the Superintendent was Timothy Throne, and his cabinet included Ken Weaver, Deputy Superintendent of Curriculum & Instruction; Anita Qonja-Collins, Assistant Superintendent of Elementary Education; Sam Barna, Assistant Superintendent of Business & Maintenance; David Pass, Assistant Superintendent of Human Resources; and Jill Lemond, Assistant Superintendent of Student Services. Lemond replaced former Assistant Superintendent of Student Services Denise Sweat after Sweat retired at the end of January 2021.

At the time of the shooting, OCS safety and security were not managed by a single cabinet member. The District did not have a formal chief safety/security officer. Although Superintendent Throne was ultimately responsible for safety and security at OCS, day-to-day responsibility for the different elements of safety and security was split among assistant superintendents as applicable to their positions.

Sam Barna, as the Assistant Superintendent of Business & Operations, oversaw OCS physical security because it involved spending District money on physical security elements, like video cameras and door locks and, as discussed later in the report, the

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in the lunch program. The household income for these students may be above or below the poverty line. *For more information see: MCL 388.1631a.*

<sup>23</sup> "ACS-ED District Demographic Dashboard 2017-21 | Oxford Area Community Schools, Michigan," *Education Demographic and Geographic Estimates*, National Center for Education Statistics (<https://nces.ed.gov/Programs/Edge/ACSDashboard/2627240>).

emergency response elements known as PrePlan Live and Stop the Bleed. Barna also drafted the OCS Emergency Operations Plan, with input from other OCS cabinet members, and submitted the EOP, with Throne's approval, to the State of Michigan.

Denise Sweat, as the Assistant Superintendent for Student Services until her retirement, was responsible for the District's Traumatic Event Crisis Intervention Plan ("TECIP"), which was a response plan for the aftermath of a crisis, including student suicide. She was also responsible for the District's student suicide assessment procedures and was involved with the District's student threat assessment procedures, according to former Superintendent Throne. After Sweat retired at the end of 2021, Jill Lemond became responsible for threat assessments, according to former Deputy Superintendent Weaver.

Lemond was the Assistant Superintendent of Student Services at the time of the shooting. She took on that role and its responsibilities, except for special education, after Sweat retired. Lemond first became involved with school security at the District in 2019, when she coordinated District physical security assessments mandated by the State of Michigan. She also assisted Barna with the District's EOP. According to Lemond, before the shooting, she was never responsible for OCS student threat assessments. It was not clear to her who was responsible for or managed the threat assessment program. According to Weaver, he too was not responsible for the District's threat assessment program.

Finally, the District did have a "safety committee," whose meetings were attended by all of the superintendent's cabinet, many of the District's principals, and Barna's direct reports. The purpose of the committee and their meetings was to ensure that the District was following best practices for security, to the best of their ability. They had an open dialogue about safety, and the content of the meetings primarily revolved around physical security and ALICE.

## **B. Oxford High School**

At the start of the 2021-2022 school year, OHS enrolled 1,802 students and employed 423 people, including 99 teachers and 73 non-instructional staff members.<sup>24</sup> In 2021-22, OHS was led by Principal Steve Wolf, who was supported by a team of administrators that included Assistant Principal Kristy Gibson-Marshall; Assistant Principal Kurt Nuss; and Dean of Students Nick Ejak. Ejak was new in his role in the 2021-2022 school year.

OHS had counselors and student services staff members who provided academic, social, and behavioral support to students in both the general education and special education populations.<sup>25</sup> At the start of the 2021-2022 school year, the four counselors who worked with the general student population were Shawn Hopkins, Ashley Finkley, Tabitha Garon, and Stephanie Brevik. OHS staff members associated with student services other than traditional counseling included Pam Fine, Restorative Practices/Bullying Prevention Coordinator; Laura Farwell, Career Navigator; David Caponi, Social Worker; and Christine Ellis and Ashley Sees, Family-School Liaisons (“FSLs”).

OHS building security personnel included two armed individuals: police officer Jason Louwaert, OCS School Resource Officer; and former police officer James Rourke, Security Guard. Also armed at OHS, but not formally part of the security team, was former police officer Kim Potts, Student Monitor. After school hours, Security Guard Jeff Ford would move from Oxford Middle School to OHS to provide security coverage.

Other OCS employees whose jobs included security at OHS included Tony Sarkins, Director of Maintenance; Saso Vasovski, Director of Cybersecurity & Operational Technology; Trevor Marshall, District Computer Technician; and Brad Smith, Technology Manager. The District also had a contracted security vendor, Eagle Security Fire & Life Safety, Inc. (“Eagle”), for which the District’s point of contact was Argon Poti, the

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<sup>24</sup> “About Our District,” Oxford Community Schools ([https://www.oxfordschools.org/district/about\\_our\\_district](https://www.oxfordschools.org/district/about_our_district)).

<sup>25</sup> In our interviews, we learned that staff who support special education students do not work with general education students, and vice versa.



company's president. Eagle installed and maintained the District's security cameras, access control system, and other security technology.

## **VI. Structure of Oxford High School in November 2021**

### **A. Governance Summary**

The District's written policies, administrative guidelines, and forms were obtained and adopted over many years from Neola, an educational consulting firm that has partnered with the Michigan Association of School Boards ("MASB") to provide policies and related materials to public schools that are members of MASB. The District is a member of MASB.

Neola notifies the District when policies and related materials are updated, giving the Board the opportunity to vote on or otherwise adopt changes recommended by Neola. "Policies" are the policies of the Board and contained in a Policy Manual. Policies are added, removed, or edited through a majority vote of the Board. "Administrative Guidelines" are the Superintendent's administrative guidelines and are contained in the Administrative Guideline Manual. Guidelines are not voted on by the Board but adopted and implemented by the Superintendent in accordance with the Board's policies. "Forms" are adopted and implemented by the Superintendent and contained in the Forms Manual; forms are intended to record actions taken pursuant to the District's policies and administrative guidelines.

The Board adopts policies and mandates that they be followed by the District. The Superintendent must implement the policies. The Superintendent implements the policies through administrative guidelines and forms adopted by the Superintendent. Each school, led by its principal must follow the policies, administrative guidelines, and forms.

The Board hires and evaluates the Superintendent. The Superintendent makes hiring recommendations for principals to the Board and evaluates each principal. Each principal recommends for hire to the Board and evaluates his/her staff.

## **B. OHS Leadership – Summary and Reporting**

The principal, assistant principals, and the dean of students are responsible for implementing the District's policies, guidelines, and forms at the building level, enforcing each school's Code of Conduct, and supporting the Student Handbook. This includes administering Positive Behavior Intervention and Supports ("PBIS") and its sub-system Multi-Tiered System of Supports ("MTSS") across the school to wholly support all students' learning and paths to graduation. Each principal oversees all building-level staff, including teachers, counselors, support staff, and security staff.

## **C. OHS Teachers**

OHS's 99 teachers were organized by department and ultimately reported up to Principal Wolf for the 2021-22 school year. For 2021-22, OHS's departments included Career & Technical Education ("CTE"); Health & Physical Education; Language & Literature ("Language Arts"); Mathematics; Science; Individuals & Societies ("Social Studies"); Visual, Performing & Technical Arts; World Languages; and General Electives. In addition to these curriculum-focused departments, teachers had goals and responsibilities associated with International Baccalaureate, Oxford Schools Early College, or the Oxford Dance Conservatory, and other programs as applicable. Teachers are evaluated by the school's administration, either the principal or one of the assistant principals, who then reports to the principal. CTE teachers reported directly to the Career Focused Education Director, and for the 2021-22 school year, Lisa Butts held that position.

## **D. OHS Counseling and Student Services**

At OHS, counseling and student support services were housed under the broad umbrella of academics. Counseling was its own department, while student support services housed many different positions, including occupational therapist, physical therapist, psychologist, social worker, special education teacher, special education teacher consultant, speech and language pathologist, and family school liaisons. While counseling and student support services overlapped in relation to social, emotional, and

behavioral programming, they were separate entities with different responsibilities and reporting structures.

In addition to addressing social, emotional, and behavioral issues as they arise for the approximately 400 students on their caseload, counselors were responsible for scheduling courses, providing career resources, tracking graduation eligibility, preparing students for college, and other academic/future-ready programming. Counselors reported to the principal of OHS, and at the time of the shooting, Counselors Shawn Hopkins, Stephanie Brevik, Ashley Finkley, and Tabitha Garon reported to Principal Steve Wolf. Separately, Mark Suckley was the OCS Early College Counselor and supported students enrolled in the early college program. The counseling department was further supported by administrative assistants Kendrea Shenfeld and Alanna Weber.

Student support services addressed individualized student needs identified by a student, parents/guardians, counselor, and/or teacher. These student needs may be permanent or semi-permanent, such as an individualized education plan ("IEP") or special education class enrollment, or more short-term, such as coordinating with a student's assigned FSL to address how a new issue at home is impacting the student's learning or a special education teacher consultant evaluating a student suspected of having a disability. Student services personnel reported up to the district level, the Executive Director of Special Education Pamela Biehl and Assistant Superintendent of Student Services Jill Lemond.

We gained insight into the working culture and environment of the counseling department through interviews of OHS staff who have worked in or tangentially to the department. Views of the department were generally positive, and issues relayed were largely attributed to the counselors being overwhelmed by the quantity of work per counselor. Some OHS staff believed that the already-high workload per counselor was further exacerbated during and after COVID quarantines, due to learning loss and social-emotional stunting. Some OHS staff thought that prior to the shooting, the counseling department was resistant to change, nonuniform in practice, reactive in nature, and opposed to creating permanent, negative records for students.

Some OHS staff members believed that counselors were reluctant to implement new processes or datapoints because of their heavy caseloads. It was communicated to Guidepost that each counselor's practice with students was different, including responsiveness and how students were pulled into the office for meetings. While this is not inherently negative, it led to similar situations being handled differently by each counselor within the same department.

Some staff members believed that an unspoken philosophy throughout the District was to refrain from giving a student a negative permanent record. To the extent there is any truth to that belief, the lack of proper documentation could inhibit faculty and staff's ability to serve students as they move through the school system. A record is especially important when determining a student's eligibility for special education programming or establishing a student's IEP. Counselors, teachers, and any other position that interacts with students must be provided with and abide by clear instructions on how and when to input documentation for a student.

#### **E. Security and Monitors**

In November 2021, Security Guard Jim Rourke and Student Monitor Kim Potts reported to Principal Steve Wolf. School Resource Officer Jason Louwaert was responsive to directives from OHS's administration but ultimately reported to the Oakland County Sheriff's Office. When they were all in the building, the three shared the security office located adjacent to the OHS assistant principals' offices in the front office. Security Guard Jeff Ford was assigned to Oxford Middle School during the school day but would cover OHS after school hours.

Each position – SRO, full-time security guard, and part-time student monitor – had different defined roles with some overlapping job duties. The SRO's contract for the 2021-2022 school year defined the role's purpose:<sup>26</sup>

*The purpose of the SRO is to provide for and maintain a safe, healthy, and productive learning environment, emphasizing the use of restorative*

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<sup>26</sup> "Oxford Community Schools District School Resource Officer Interlocal Cooperation Agreement," Oxford Township, Jul. 2021.

*approaches to address negative behavior, while acting as a positive role model for students by working in a cooperative, proactive, problem-solving manner between the TOWNSHIP and the SCHOOL DISTRICT.*

The contract further listed the SRO's duties as identifying safety concerns within the schools; developing a comprehensive safety plan with the schools; collaborating with school administrators and staff; maintaining familiarity with all procedures that may be activated during an emergency response; being involved with school discipline; participating in trainings; and handling criminal issues that arose at school and/or with students, among other things.<sup>27</sup>

Similarly, the OHS security guard helped manage school security, but also handled disciplinary issues and related investigations, whereas the SRO took the lead on all criminal matters. The SRO and the security guard were included in OHS's emergency response planning and procedures, such as ALICE drills, whereas Student Monitor Potts was not.<sup>28</sup> Jim Rourke served as the "unofficial district liaison for security concerns;" monitored the schools cameras from the security office; received relevant safety training; and addressed reports of harassing texts/social media, ballooning anger in community groups, accusations and rumors involving the school, students facing legal trouble, and unhealthy student home situations.<sup>29</sup> Rourke's investigations were often cited in student disciplinary tribunals and disciplinary letters.<sup>30</sup>

The student monitor supported the security guard's efforts regarding discipline, but was not directly involved with safety, emergency response planning and procedures, nor any investigations as the SRO and security guard were. Principal Wolf explained Potts' position as student monitor to the OHS student newspaper in an email on January 28, 2020:<sup>31</sup>

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<sup>27</sup> "Oxford Community Schools District School Resource Officer Interlocal Cooperation Agreement," Oxford Township, Jul. 2021.

<sup>28</sup> "Office ALICE Response Team," Oxford High School, 2021.

<sup>29</sup> "Job Reclassification Request for Jim Rourke," Steve Wolf, 2014.

<sup>30</sup> "School Crisis Response Team," Steve Wolf, 2018.

<sup>31</sup> Email from Steve Wolf re "Re: Mrs. Potts—Newspaper," Jan. 31, 2020.

*We decided to hire Mrs. Potts because of her previous work as a school resource officer. She has experience building relationships with students and staff and is very familiar with a school environment. However, keep in mind—Mr. Potts is not a security officer like Mr. Rourke and Mr. Ford. While Mrs. Potts has a similar background, her role is strictly monitoring students in the cafeteria and hallways. After retiring from the police force, Mrs. Potts also involved herself part time as a substitute teacher. She loves students and most definitely considers herself an educator. We feel the same and that is a big reason why we're fortunate to have someone with her background and passion for students. I can certainly see some of the confusion because she borrowed one of Mr. Rourke's vests that reads 'OHS Security'. There was no intention to fool students—we just wanted her to have some OHS gear while we waited for her gear to arrive. 😊 Mrs. Potts responsibility is to monitor students so they continue to meet school-wide expectations. Mrs. Potts is considered a staff member just like every other adult in the building, so her efforts are centered towards earning mutual respect. We have great kids at OHS, so I'm confident they will listen to her requests. If for some reason we feel that has not taken place, then Mr. Moore may have to get involved.*

Examples of Potts's job duties included monitoring the cafeteria and bathrooms for student misbehavior, escorting students in the hall as required, helping the security guard locate students as requested, and completing COVID home visits for students who were not showing up to virtual classes.<sup>32</sup> These home visits were not wellness checks but categorized under discipline because these students were identified as skipping class as opposed to a more dire issue. In June 2021, Potts was invited by the District to attend the Schools, Educators, Police Liaison Association ("SEPLA") three-day conference, which is self-described as "three days of focused information & essential training to better protect Michigan's schools & communities."<sup>33</sup> She attended with Assistant Superintendent Sam Barna, OMS Security Guard Jeff Ford, and SRO Jason Louwaert.<sup>34</sup> Jim Rourke had attended in previous years.

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<sup>32</sup> Email from Kim Potts re "Activities from 02/21/20 and 02/28/20, Feb. 29, 2020; Email from Kim Potts re "Home Visits from 12/17/2020," Jan. 2, 2021.

<sup>33</sup> "SEPLA – Schools, Educators, Police Liaison Association," (<https://www.seplainstitute.org/>).

<sup>34</sup> 2021 SEPLA Roster.

Guidepost's interviews of District and school personnel confirmed both the delineation and overlap of job duties as discussed above. In addition, Guidepost gained insight into how staff viewed each individual in the aforementioned security-related roles and their purpose. According to current and former OHS administrative staff, SRO Louwaert was involved in every instance of actual or possible criminal activity, including threats to OHS. At the direction of front office staff, including administrative personnel and counselors, Louwaert would be the one asked to do wellness checks on students at their homes. Louwaert was not involved in all or even most disciplinary issues at OHS, and this caused some at OHS to view him as withdrawn, but others argued that discipline was outside of his scope, with his scope being criminal activity. If a certain issue was determined not to be a criminal matter, then Louwaert would end his involvement. Rourke would then take over the investigation to determine whether discipline may be needed.

Some school staff cited the investigation of the "bird head" incident set forth below as an example of Louwaert, as a law enforcement officer, quickly dismissing an issue that some school staff believed warranted more investigation. Witnesses explained how Louwaert was somewhat "unpopular" after this quick dismissal. Teachers and general school staff were more familiar with Rourke when asked by Guidepost about security personnel at OHS. By some, he was even referred to as the "head of security," rather than simply a security guard. Teachers and staff were most aware of Rourke because he was at OHS full-time, frequently in the hallways, and would pull students out of classrooms as requested, interacting with the teachers.

It was reported to Guidepost that OHS's deans of students, the school's lead disciplinarian, had different working relationships with Rourke. Dean of Students Ejak and his mentor for his position Restorative Practices/Bullying Prevention Coordinator and former dean Pam Fine were described as opting to handle situations by themselves, involving Rourke or Louwaert only if they needed something.

When there were threat assessment "huddle-ups" (meetings/discussions), Rourke and/or Louwaert were usually included but not Potts. Furthermore, Louwaert and Rourke each described how they worked well with each other, but neither mentioned a clear working relationship with Potts other than having to meet the same requirements associated with

being armed in a school environment. Teachers and general staff knew Potts as the lunchroom monitor and knew she would leave after the last lunch block each day. They knew Potts was armed because she wore a blue vest indicating she was armed, but they did not consider her as security. When OHS was seeking to hire a student monitor and subsequently recommended Potts to be hired, it was described as a “bonus” that she could carry a gun, as it was not an attribute a candidate needed to have to fill the position. Rourke explained that as student monitor, Potts was never supposed to be in a position where she would have to respond as security personnel as she had to do on November 30, 2021, because either Rourke or Louwaert would be expected to do that.

While Kim Potts was not formally employed nor regarded as security personnel, she was considered part of the school’s security apparatus because she carried a gun and was intended to utilize her experience as a former police officer. Furthermore, the delineation between “security personnel” or “general staff” was often blurred regarding Potts; indeed, District records reflect Potts being referred to by Principal Wolf as both security personnel<sup>35</sup> and general staff<sup>36</sup> on different occasions. The ambiguity of her role was also evident in Guidepost’s interviews of District and OHS employees. Most interviewees did not consider Potts as part of the security team but on November 30, 2021, she was the only other armed individual in the building when the Shooter opened fire, as set forth more fully below.

## **F. COVID-19 Pandemic**

On March 11, 2020, COVID was declared a national emergency, and the following day the State of Michigan closed PreK-12 schools through June 1, 2020. Oakland County, home to Oxford, was in Region 1 (Detroit region) of Michigan’s Economic Recovery Council Reporting regions, which were used to implement different COVID-related directives. OCS was virtual for the remainder of the 2019-2020 school year beginning on March 12, 2020. On June 30, 2020, the state mandated that school districts adopt a

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<sup>35</sup> Email from Steve Wolf, “RE: Team O Update,” Mar. 13, 2020: “Will our Science Lab tech and security personnel (Jim Rourke, Jeff Ford and Kim Potts) be paid during the 2 weeks? -Steve.”

<sup>36</sup> Email from Steve Wolf, “Re: Mrs. Potts—Newspaper,” Jan. 31, 2020.



state-approved COVID Preparedness and Response Plan for the upcoming 2020-2021 school year, so that clear protocols were in place for students to transition between in-person and virtual classes as needed.

OCS adopted a plan that followed the Michigan Governor's Safe Start Plan, which had been published in May 2020,<sup>37</sup> and commenced a hybrid school year on August 31, 2020. OCS's plan was also in place for subsequent school years but became less relevant over time as COVID was less prevalent in Oakland County and the Oxford community. The plan consisted of six phases of differing COVID responses and planning, with phase one being applicable when COVID was the most uncontrollable and prevalent, and phase six being "post-pandemic," mirroring the Michigan Safe Start Plan.<sup>38</sup> Phases one through three called for virtual schooling and phases four through six outlined plans for in-person instruction. The plan included details about daily student life, including lunch, recess, passing in hallways, and more. The District could move between phases daily if needed, explaining, "We hope we can provide in-person instruction as long as possible. With that being said, we are also prepared to treat each day as having the possibility to move to remote/distance learning if local health conditions change." The decision to move between phases could be made at the Oakland County level or at the OCS level.

Families were given the option to transfer their student(s) to the Oxford Virtual Academy for the school year, as well. It was reported to Guidepost by District leadership, building leadership, and OCS staff that staying open as much as possible throughout the pandemic exhausted school resources, shifted employees' focus away from their normal job duties, and thwarted professional development training for staff on unrelated topics. The 2021-2022 school year commenced on August 25, 2021, and the District's COVID Preparedness and Response Plan was still in effect, though it was much rarer for schools to switch to virtual instruction or be required to abide by more stringent social distancing.

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<sup>37</sup> "MI Safe Start," Governor Gretchen Whitmer, (May 7, 2020) ([https://content.govdelivery.com/attachments/MIEOG/2020/05/07/file\\_attachments/1446147/Governor%20Whitmer%27s%20MI%20Safe%20Start%20Plan.pdf](https://content.govdelivery.com/attachments/MIEOG/2020/05/07/file_attachments/1446147/Governor%20Whitmer%27s%20MI%20Safe%20Start%20Plan.pdf)).

<sup>38</sup> "2020-21 COVID-19 Preparedness & Response Plans," OCS ([http://web.archive.org/web/20210812084220/https://www.oxfordschools.org/district/safety\\_and\\_security/coronavirus/2020-21\\_c\\_o\\_v\\_i\\_d-19\\_preparedness\\_\\_\\_response\\_plans](http://web.archive.org/web/20210812084220/https://www.oxfordschools.org/district/safety_and_security/coronavirus/2020-21_c_o_v_i_d-19_preparedness___response_plans)).

Further, more students made the full return to in-person rather than opting to transfer to OVA. Still, masking was in effect for the 2021-2022 school year.

## **VII. Key Personnel**

### **A. Shawn Hopkins**

Hopkins was a counselor at OHS in November 2021, serving students with last names beginning with letters “A” through “Di.” His tenure in the District began in the 2014-15 school year, when he served as an intern in the counseling department at OHS; OCS then hired Hopkins as the OHS international student counselor for the 2015-16 school year. After that, Hopkins transitioned to serving a caseload of approximately 400 general education students. As one of four OHS counselors, Hopkins worked with students on their transitions to high school and post-secondary education, class scheduling, and social/emotional well-being.<sup>39</sup> Hopkins testified that he had experience working with students expressing suicidal ideation and students contemplating suicide, and while he would evaluate students utilizing his experience, knowledge, and training, he testified that he did not undertake formal suicide assessments on students.<sup>40</sup>

Hopkins graduated from Spring Arbor University in 2009 with a degree in youth ministry and a minor in psychology. After graduating college, he worked as youth pastor at Oxford Free Methodist Church beginning in 2009. In 2014, Hopkins passed the National Counselor Exam, and he has held a school counselor license since at least 2015. In 2015, Hopkins received his master’s degree in counseling from Oakland University.<sup>41</sup>

As of August 2023, Hopkins is a counselor at an alternative high school in the District. Hopkins refused multiple requests from Guidepost for an interview, and he was not forced by the District to cooperate with us as a condition of his employment, as he could have

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<sup>39</sup> Hopkins Prelim. Exam. Tr. at 104.

<sup>40</sup> Hopkins Prelim. Exam. Tr. at 112.

<sup>41</sup> Hopkins Prelim. Exam. Tr. at 104.

been. He was deposed under oath on September 14, 2022, in connection with the civil lawsuits filed by victim families. Hopkins also testified under oath at the preliminary examination hearing for the Shooter’s parents on February 24, 2022. In addition, he was briefly interviewed by the police on November 30, 2021, in the immediate aftermath of the shooting.

## **B. Pamela Fine**

At the time of the shooting in November 2021, Pam Fine was the restorative practices/bullying prevention coordinator for OHS. Fine has held different jobs in the District for over a decade. She joined OCS during the 2011-12 school year as a bullying prevention coordinator based at OHS but working across grade levels and schools, including the elementary schools and OMS. After three years in this position, Fine became the Dean of Students and she held this job for one year before returning to the bullying prevention coordinator position, with the added role of restorative practices/bullying prevention coordinator. Fine later served as the interim Dean of Students due to a sudden vacancy in that position but reassumed the role of restorative practices/bullying prevention coordinator when the District hired a new dean.

As of August 2023, Fine is one of three family school liaisons at OHS.<sup>42</sup> She entered this role at the start of the 2022-23 school year.<sup>43</sup> According to OHS, the role of a family school liaison is to “help support the growing social and emotional needs of our students while working in conjunction with the family and community to cultivate educational success. The FSLs proactively assist students who are having social, emotional, or behavioral difficulties that impact their learning. The FSLs provide a link between home, school, and community.”<sup>44</sup>

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<sup>42</sup> “Staff Directory,” Oxford Community Schools, 2023 ([https://www.oxfordschools.org/staff\\_directory](https://www.oxfordschools.org/staff_directory)).

<sup>43</sup> “July 18, Staffing Changes at OHS,” Oxford High School, 2022 ([https://oxfordhigh.oxfordschools.org/parents\\_\\_students/2022-23\\_building\\_communications/july\\_18\\_\\_staffing\\_changes\\_at\\_o\\_h\\_s](https://oxfordhigh.oxfordschools.org/parents__students/2022-23_building_communications/july_18__staffing_changes_at_o_h_s)).

<sup>44</sup> “Student Support Services,” Oxford High School, 2023 ([https://oxfordhigh.oxfordschools.org/academics/student\\_support\\_services](https://oxfordhigh.oxfordschools.org/academics/student_support_services)).

Fine received a bachelor's degree in special education from Central Michigan University. She began her teaching career as a special education teacher for multi-handicap students in Cincinnati, Ohio. In addition, Fine founded a children's grief center in Cincinnati and served as its executive director for seven years before returning to school to pursue her master's degree at Xavier University. After earning her master's degree in education, Fine worked at Xavier University as an adjunct faculty member, supervising graduate-level counseling students. At the graduate level, Fine logged work hours in bullying prevention and restorative practices. In addition, she was trained in the Olweus Bullying Prevention approach (and trained others on this approach) and has participated in programming developed by the International Institute for Restorative Practices.

She then obtained a school counselor license and was hired as a school counselor at the elementary and middle school levels in Cincinnati, working in school counseling for approximately five years. For the 2010-11 school year, Fine joined the Lake Orion School District in Michigan as the district-wide bullying prevention coordinator before joining OHS in 2011, as set forth above. While at OHS, Fine allowed her school counselor license to expire because she was no longer serving in that role.

Acting against the advice of her attorneys, Fine agreed to be interviewed by Guidepost. That interview occurred at the OVA on January 19, 2023, in the presence of the District's attorneys. Fine was also deposed under oath on September 19, 2022, in connection with the civil lawsuits filed by victim/survivor families. In addition, Fine was briefly interviewed by the police on November 30, 2021, in the immediate aftermath of the shooting; she also met with the police and/or prosecutors. Fine fully cooperated with our investigation.

### **C. Nicholas Ejak**

Ejak was the Dean of Students at OHS in November 2021. He was new to the high school and to the District; he began work at the high school in August 2021, just three months before the shooting. Immediately before working at OHS, Ejak worked in a Lake Orion middle school as a long-term substitute during COVID. Before that position, he served as the Dean of Students at Wyoming High School, an alternative high school in the Wyoming School District in Michigan.

In that role and in other positions earlier in his career, Ejak had experience working with at-risk students with academic, behavioral, social, and family issues. Specifically, Ejak was an intervention specialist in the Brandon School District in Ortonville, Michigan, where he was responsible for the entire at-risk population and served as a bridge between school administration and the counseling department. Ejak testified at his deposition that he had experience with students bringing weapons to school, at OHS and at his prior schools; he stated that on three or four occasions, he had dealt with students who had brought knives to school.

Ejak was employed as a student support specialist at Oxford Crossroads Day School for the 2022-23 school year.<sup>45</sup> Ejak is no longer employed by the District.

Ejak received a Bachelor of Arts degree in Sociology from Oakland University in 2014, and a Master's Degree in Education from George Washington University in 2019. Ejak refused multiple requests from Guidepost for an interview, and he was not forced by the District to cooperate with us as a condition of his employment, as he could have been while he was still employed there. He was deposed under oath on September 14, 2022, in connection with the civil lawsuits filed by victim families. In addition, Ejak was briefly interviewed by the police on November 30, 2021, in the immediate aftermath of the shooting.

#### **D. Jacquelyn Kubina**

At the time of the shooting in November 2021, Jacquelyn Kubina taught English Language Arts (“ELA”) to OHS students in grades 10 and 12, including the Shooter. After graduating from OHS herself in 2005, Kubina attended Grand Valley State University, where she majored in English (with a minor in Psychology) and received a bachelor’s degree in secondary education in 2011. She was hired by OCS as a long-term substitute teacher after her college graduation and became a full-time OHS teacher in the 2012-2013 school

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<sup>45</sup> “Oxford Crossroads Day School 2022-2023 Course Catalog,” Oxford Community Schools, 2022 ([https://cdnsm5-ss8.sharpschool.com/UserFiles/Servers/Server\\_735761/Image/7Oxford%20Crossroads%20Day%20School%20Course%20Catalog%202022-2023.pdf](https://cdnsm5-ss8.sharpschool.com/UserFiles/Servers/Server_735761/Image/7Oxford%20Crossroads%20Day%20School%20Course%20Catalog%202022-2023.pdf)).

year. In 2018, Kubina received her Master of Teaching degree in reading and language arts. As of August 2023, Kubina remains a language and literature teacher at OHS.<sup>46</sup>

Kubina refused multiple requests from Guidepost for an interview, and she was not forced by the District to cooperate with us as a condition of her employment, as she could have been. She was deposed under oath on September 13, 2022, in connection with the civil lawsuits filed by victim families. In addition, Kubina was briefly interviewed by the police on November 30, 2021, in the immediate aftermath of the shooting, and again on December 20, 2021 to clarify several points from her initial police interview.

#### **E. Allison Karpinski**

In November 2021, Allison Karpinski was a special education teacher at OHS and co-taught the Shooter's ELA class with Kubina.<sup>47</sup> Karpinski was hired by the District as a special education teacher in January 2020 after graduating from Alma College in 2019 with a degree in special education and elementary education and teaching.<sup>48</sup> In addition to her teaching responsibilities, at the time of the shooting, Karpinski also served as a case manager for a group of students with individualized education programs. Karpinski is no longer employed by the District.

Karpinski refused multiple requests from Guidepost for an interview, and she was not forced by the District to cooperate with us as a condition of her employment, as she could have been. She was deposed under oath on September 20, 2022, in connection with the civil lawsuits filed by victim families, and was interviewed by law enforcement on November 30, 2021 after the shooting.

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<sup>46</sup> "Staff Directory," Oxford Community Schools, 2023 ([https://www.oxfordschools.org/staff\\_directory](https://www.oxfordschools.org/staff_directory)).

<sup>47</sup> According to Karpinski, approximately one-third of the students in co-taught classes at OHS – which are led by a subject-matter teacher and a special education teacher – have an individualized education program ("IEP") in place.

<sup>48</sup> LinkedIn, Allison Karpinski, (<https://www.linkedin.com/in/allison-karpinski-03b251113>).

## **F. Becky Morgan**

At the time of the shooting in November 2021, Morgan taught math and psychology at OHS; she was the Shooter's geometry teacher. Morgan began teaching math at OHS in May 2001 and has taught psychology as well at times. She earned her associate's degree from Oakland Community College in 1998 before transferring to Eastern Michigan University, where she earned a Bachelor of Science degree in math education, with a minor in psychology, in 2001. As of August 2023, Morgan remains a math teacher at OHS.<sup>49</sup>

Morgan refused multiple requests from Guidepost for an interview, and she was not forced by the District to cooperate with us as a condition of her employment, as she could have been. She was deposed under oath on September 20, 2022, in connection with the civil lawsuits filed by victim families. In addition, Morgan was briefly interviewed by law enforcement on November 30, 2021, in the immediate aftermath of the shooting and again on January 11, 2022.

## **G. Diana McConnell**

In November 2021, Diana McConnell was a Spanish teacher at OHS, where the Shooter was one of her students. McConnell previously taught English in addition to Spanish when she was first hired by the District in September 1993. McConnell began her teaching career as a substitute teacher at North Branch High School in North Branch, Michigan. She was then a teacher for Lapeer Community Schools before joining the District. She earned her bachelor's degree in Spanish from the University of Michigan-Flint and her master's in teaching from Marygrove University. She retired from OCS on July 1, 2022.

McConnell refused multiple requests from Guidepost for an interview. She was deposed under oath on December 5, 2022, in connection with the civil lawsuits filed by victim families. In addition, McConnell was interviewed by the police on December 23, 2021, about her interactions with the Shooter.

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<sup>49</sup> "Staff Directory," Oxford Community Schools, 2023 ([https://www.oxfordschools.org/staff\\_directory](https://www.oxfordschools.org/staff_directory)).

## **H. Steven Wolf**

Steve Wolf was the principal of OHS from July 2017 until June 2022, when he transitioned to the role of assistant superintendent of secondary instruction for OCS.<sup>50</sup> Before joining the District, Wolf served as an assistant principal in Grosse Pointe, Michigan and an assistant principal and teacher in Wake County, North Carolina. As of August 2023, Wolf remains the assistant superintendent of secondary instruction for OCS.<sup>51</sup>

Wolf graduated from Central Michigan University in 2005 with a Bachelor of Arts degree in science education. He later earned a master's degree in school administration from North Carolina State University and an education specialist degree in educational leadership from Oakland University.

Wolf agreed to be interviewed by Guidepost. That interview took place on February 9, 2023, at the offices of the District's attorneys, who were present for the interview. Wolf was also deposed under oath on December 16, 2022, in connection with the civil lawsuits filed by victim families. Wolf fully cooperated with our investigation.

## **I. Kristy Gibson-Marshall**

At the time of the shooting, Gibson-Marshall was one of two assistant principals working at OHS. She has been employed by the District for approximately 28 years, beginning in 1995 as a health and physical education teacher at the elementary and high school levels. In 2005, Gibson-Marshall moved into an administrator role when she became an assistant principal at OMS. Two years later, she became the principal of Lakeville Elementary School where she remained for 11 years; she knew who the Shooter was from his time as a student at Lakeville. In 2018, Gibson-Marshall moved to OHS as an interim assistant

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<sup>50</sup> "June 2, Announcement of District Staffing Changes," Oxford Community Schools, 2022 ([https://www.oxfordschools.org/for\\_parents\\_students/2021-22\\_district\\_communications/june\\_2\\_announcement\\_of\\_district\\_staffing\\_changes](https://www.oxfordschools.org/for_parents_students/2021-22_district_communications/june_2_announcement_of_district_staffing_changes)).

<sup>51</sup> "Staff Directory," Oxford Community Schools, 2023 ([https://www.oxfordschools.org/staff\\_directory](https://www.oxfordschools.org/staff_directory)).



principal before earning that position permanently. As of August 2023, Gibson-Marshall is one of three assistant principals working at OHS.<sup>52</sup>

Gibson-Marshall received her bachelor's degree in education, with a minor in health and physical education, from Wayne State University. She received her master's degree in athletic administration, also from Wayne State University. In addition, Gibson-Marshall earned a K-12 certificate in health education through Saginaw Valley State University and completed post-graduate courses at Central Michigan University. Later, she earned a specialist degree in school administration from Oakland University.

Gibson-Marshall agreed to be interviewed by Guidepost jointly with Kurt Nuss, the other OHS assistant principal. That interview took place on February 17, 2023, at OHS, in the presence of the District's attorneys. Gibson-Marshall was interviewed by law enforcement on November 30, 2021, after the shooting. Gibson-Marshall was also deposed under oath on December 12, 2022, in connection with the civil lawsuits filed by victim families. In addition, she testified under oath at the Shooter's Miller hearing on July 28, 2023. Gibson-Marshall fully cooperated with our investigation.

#### **J. Kurt Nuss**

As noted above, Nuss was the other assistant principal at OHS at the time of the shooting in November 2021. Nuss first joined the District in 1994.<sup>53</sup> As of August 2023, Nuss is one of three assistant principals working at OHS.<sup>54</sup>

Nuss earned a bachelor's degree in history and political science from Eastern Michigan University; a master's degree in curriculum, instruction, and educational leadership from Saginaw Valley State University; and a specialist degree in educational leadership and curriculum supervision from the University of Michigan at Flint.

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<sup>52</sup> "Staff Directory," Oxford Community Schools 2023 ([https://www.oxfordschools.org/staff\\_directory](https://www.oxfordschools.org/staff_directory)).

<sup>53</sup> "Assistant Principal, Mr. Nuss," Oxford Community Schools, 2023 ([https://oxfordhigh.oxfordschools.org/administration/assistant\\_principal\\_\\_mr\\_\\_nuss](https://oxfordhigh.oxfordschools.org/administration/assistant_principal__mr__nuss)).

<sup>54</sup> "Staff Directory," Oxford Community Schools, 2023 ([https://www.oxfordschools.org/staff\\_directory](https://www.oxfordschools.org/staff_directory)).

Nuss agreed to be interviewed by Guidepost jointly with Kristy Gibson-Marshall. That interview took place on February 17, 2023, at OHS, in the presence of the District's attorneys. Nuss fully cooperated with our investigation.

#### **K. Jason Louwaert**

In November 2021, Louwaert was the school resource officer for OCS. At the time, Louwaert was a deputy in the Oakland County Sheriff's Office, with approximately 20 years' experience as a law enforcement officer. Louwaert was hired as the SRO at the beginning of the 2016-17 school year, when the District revived this position after approximately 12 years without an SRO. Louwaert continued to be a police officer when he became the District's SRO, as the school job was a "special assignment" within the OCSO.<sup>55</sup> When he was the SRO, Louwaert was assigned to the Oxford Substation of the OCSO, where he reported to the substation commander (a lieutenant); he also responded to directives from school administrators.

As the District's SRO, Louwaert participated in several trainings that were specific to school safety and his work as a school law enforcement officer, including basic school resource officer training from the Michigan State Police and training from the Schools, Educators, Police Liaison Association ("SEPLA"). In addition, over the course of his tenure as an OCSO officer, Louwaert was a sniper and a patrol rifle instructor and served as a member and trainer of the Special Weapons and Tactics (SWAT) team.

As of August 2023, Louwaert is a senior lead consultant at Secure Education Consultants (SEC), a school-security consulting firm. SEC was retained by the District's insurance company, SET SEG, on November 30, 2021, to assist with security questions related to the shooting. SEC was later retained directly by the District to review the District's safety and security procedures and practices after the shooting.<sup>56</sup>

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<sup>55</sup> According to an attorney for Oakland County, Oxford Township contracts with Oakland County to obtain certain police services. In turn, OCS contracts with Oxford Township to procure the services of the SRO. The District pays for part of the SRO's salary, with Oxford Township paying the rest.

<sup>56</sup> "About Us," Secure Education Consultants, 2023 (<https://secureed.com/about-us/>).

Louwaert agreed to be interviewed by Guidepost. That interview took place at the Oxford Substation of the OCSO on February 10, 2023, in the presence of an attorney for Oakland County. Louwaert was also deposed under oath on December 8, 2022, in connection with the civil lawsuits filed by victim families. In addition, Louwaert wrote narratives on November 30, 2021, and December 8, 2021, detailing his response to the shooting, which were included in the OCSO file. Louwaert was fully cooperative with our investigation.

#### **L. James Rourke**

In November 2021, Rourke was an armed security guard at OHS who reported to Wolf, the principal. He was hired by the District in September 2011 to run the security office at OHS. His responsibilities included managing the camera monitoring system, monitoring the halls, searching lockers and backpacks at the direction of administrators, undertaking investigations at the direction of administrators, assisting with lockdown and safety drills, escorting students when necessary, and assisting with school traffic flow. When we interviewed Rourke, he explained the informal division of student matters between the security officer (Rourke) and the SRO (Louwaert); the security officer handled school discipline matters (i.e., when a student broke school rules) and the SRO handled any potential criminal matters. At the outset of his tenure at OHS, Rourke did not carry a weapon, but in or around December 2012, the shooting at Sandy Hook Elementary School in Newtown, Connecticut prompted the District to allow Rourke to carry a firearm.

Before joining the District, Rourke served as a police officer for 20 years at the Isabella County Sheriff's Office and Oak Park Public Safety, attaining the rank of lieutenant before he retired in 2010. In that role, he received SWAT and firearms training. Rourke served on the SWAT team for a decade at Oak Park Public Safety, commanding the team for five of those ten years. As the commander, he led SWAT training and wrote the active shooter response policy for the department. As of August 2023, Rourke remains armed security personnel at OHS.

Rourke earned an associate's degree in law enforcement in 1981 and then served in the Marine Corps from 1983 to 1987.

Rourke agreed to be interviewed by Guidepost. That interview took place at OHS on January 4, 2023. Rourke was also deposed under oath on December 7, 2022, in connection with the civil lawsuits filed by victim families. Rourke fully cooperated with our investigation.

**M. Kimberly Potts**

At the time of the shooting in November 2021, Potts was a retired OCSO deputy who had worked as a student monitor at OHS since January 2020. Although Potts was not a formal member of the security team at OHS, she had a concealed pistol license (i.e., permission to carry a concealed weapon) and she carried a firearm with her when she worked at OHS. Accordingly, Potts was viewed by District and OHS administrators as providing a further level of protection at OHS. Potts wore a vest that indicated she was armed and also wore a body camera.

Potts's primary responsibility at OHS was supervision of the cafeteria during breakfast and lunch. In addition, she was often asked to assist with various matters related to the conduct of female students, such as monitoring the girls' bathrooms and searching female students' belongings for contraband. Potts began work at OHS at 7 a.m., before breakfast, and ended her day at 1 p.m., after the last student lunch period.

Potts worked as a deputy for the OCSO 28 years (1991-2019) before retiring. Potts had experience working as an SRO; from approximately 2001 until 2003, while she was a deputy, Potts served as the SRO for elementary schools in the Huron Valley Schools District and the Clarkston Community Schools District. In this role, Potts received SRO-specific training. After retiring, Potts worked as a security guard at the elementary school level. Specifically, in September 2019, Potts joined Premier Security, a private security company that serves schools, and was assigned as a security guard at Oakwood Elementary in the Brandon School District. She was in this position only for a few months before she was hired by the District in January 2020 to work at OHS. Potts received

active shooter training through SEPLA while working at OHS. Potts's employment with the District ended in June 2022.<sup>57</sup>

Potts refused multiple requests from Guidepost for an interview. She was deposed under oath on January 25, 2023, in connection with the civil lawsuits filed by victim families. In addition, Potts was interviewed by the police on December 16, 2021 for nearly 40 minutes; this interview was recorded on video.

#### **N. Timothy Throne**

Throne was the Superintendent of OCS at the time of the shooting in November 2021. He first joined OCS in 2000 as the technology director for the District, and he later held the position of Executive Director of Strategic Initiatives. In 2014, Throne was promoted to Deputy Superintendent and he ascended to Superintendent in May 2015. In October 2021, Throne announced his intent to retire, and he left the District in early 2022.

Throne earned a bachelor's degree in business administration and economics from Kalamazoo College in 1989 and returned to Kalamazoo College to earn his master's degree in business administration in 2009. Shortly thereafter, Throne obtained his Central Office Certification from Oakland University. He later received his superintendent's endorsement from the Michigan Association of School Administrators.

As superintendent, Throne was supported by a deputy superintendent and several assistant superintendents. At the time of the shooting, Throne's cabinet was composed of: Kenneth Weaver, Deputy Superintendent of Curriculum & Instruction; Anita Qonja-Collins, Assistant Superintendent of Elementary Education; Samuel Barna, Assistant Superintendent of Business & Operations; Jill Lemond, Assistant Superintendent of Student Services; and David Pass, Assistant Superintendent of Human Resources. Lemond replaced Denise Sweet in that position after Sweet retired before the 2021-22 school year.

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<sup>57</sup> LinkedIn, "Kimberly Potts," 2023 (<https://www.linkedin.com/in/kimberly-potts-5627aa192/>).

Throne was interviewed by Guidepost on April 26, 2023, with counsel for the District present on his behalf. Throne was also deposed under oath on January 23, 2023, in connection with the civil lawsuits filed by victim families. Throne fully cooperated with our investigation.

#### **O. Kenneth Weaver**

As noted above, Weaver was Deputy Superintendent of Curriculum & Instruction in November 2021. He joined the District in 2003 as an assistant principal at OHS and moved to OMS in 2006 to become the principal there. In August 2014, Weaver joined the superintendent's cabinet as the Assistant Superintendent of Curriculum & Instruction. When Throne retired as Superintendent, Weaver succeeded him in that position in March 2022. Weaver resigned in November 2022.<sup>58</sup>

Weaver graduated from Central Michigan University in 1990 with a bachelor's degree in history and a minor in political science and economics. Following his graduation, Weaver was hired as a teacher in Utah, where he earned an English endorsement to his undergraduate degree at the University of Utah. Weaver continued his teaching career at Cooper Hills High School in West Jordan, Utah before earning his master's degree in educational administration from Brigham Young University. Weaver returned to Michigan to become a middle school assistant principal in Sturgis, where he remained for two years before joining OCS in 2003. In or around 2008 or 2009, Weaver obtained an education specialist degree in school administration. In December 2022, Weaver earned a doctorate degree in organizational leadership.

Weaver was interviewed by Guidepost on February 10, 2023, with counsel for the District present on his behalf. Weaver was also deposed under oath on January 25, 2023, in connection with the civil lawsuits filed by victim families. In addition, Weaver was

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<sup>58</sup> "November 22, Letter from Ken Weaver," Oxford Community Schools, 2022 ([https://www.oxfordschools.org/for\\_parents\\_students/2022-23\\_district\\_communications/november\\_22\\_letter\\_from\\_ken\\_weaver](https://www.oxfordschools.org/for_parents_students/2022-23_district_communications/november_22_letter_from_ken_weaver)).

interviewed by the police on November 30, 2021 in the immediate aftermath of the shooting. Weaver fully cooperated with our investigation.

**P. Jill Lemond**

At the time of the shooting in November 2021, Lemond was the Assistant Superintendent of Student Services for OCS, a position she had held since February 2021, when she replaced Denise Sweat in that role after Sweat retired. Lemond's responsibilities in this role included new enrollments, discipline tribunals, accounting, the international program, transportation, and communications, among other things. In addition, although there was no single person in the superintendent's cabinet who oversaw safety matters before March 2022, Lemond was involved in various types of school security matters as the Assistant Superintendent of Student Services. For example, she was jointly responsible for the District's Emergency Operations Plan and she managed the Traumatic Event Crisis Intervention Plan team. As she became more involved in safety-related issues, Lemond received safety-related training and helped to arrange such training for the District, including instruction relating to Stop the Bleed, active shooter preparedness (ALICE), and behavioral threat assessments.

Lemond also worked on school safety issues in prior OCS positions. Her first foray into safety and security was in 2019, when Lemond coordinated a state-mandated Critical Building Assessment, which reviewed detailed physical aspects of building safety and related processes and procedures; Lemond was the Director of Education Solutions at the time. She also worked on the District's critical crisis communication plan and emergency communication plans.

Lemond was hired by OCS in 2010 as an English as a second language ("ESL") teacher and program coordinator. From there, Lemond filled various roles within the District, including director of the District's international academy, director of strategic initiatives/innovative programming, director of the District's cyber charter school, and executive director of educational solutions.

Lemond graduated from Michigan State University in 2008 with a bachelor of arts degree in English, secondary education, and TESOL (teaching English to speakers of other languages). She earned her teaching certificate in 2009 and became teacher at an English language school in Haikou, China before joining OCS. Lemond later earned a Master of Business Administration from Capella University in 2020. Lemond was interviewed by Guidepost on June 8, 2022, and September 8, 2022. Lemond was also deposed under oath on December 9, 2022, in connection with the civil lawsuits filed by victim families. In addition, she served as an OCS point of contact for the OCSO in their investigation of the shooting. After the shooting, in March 2022, Lemond became the Assistant Superintendent of Safety and School Operations. She resigned from this position effective September 15, 2022, and now works as a director of education market development at Evolv, the company that provided the weapons detection systems installed at OHS after the shooting.<sup>59</sup>

**Q. Denise Sweat**

Denise Sweat was the Assistant Superintendent of Student Services for OCS from 2008 until January 31, 2021, when she retired and was replaced by Jill Lemond. Sweat first joined the District in 1995 as a teacher consultant and child find coordinator but left to be the Director of Special Education for Lake Orion Community School from 2001 to 2007 before returning to OCS in 2008. Sweat first began her career in education in 1983 as a special education teacher.<sup>60</sup>

Sweat was the first person to hold the position of Assistant Superintendent of Student Services in OCS when it was created in 2008. The position was created by combining the District-wide responsibilities of special education, enrollment, and pupil accounting into one cabinet position. By November 2021, the position's responsibilities had grown to include student safety and online programming as a result of COVID, and less recent

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<sup>59</sup> "School Safety Part 1: Inviting Student Voices into the Safety Planning Process," Evolv, Jan. 2023 (<https://www.evolvtechnology.com/resources/blog/inviting-student-voices-into-the-safety-planning-process>).

<sup>60</sup> James Hanlon, "Assistant Oxford Supt. Sweat retiring Jan. 31," Oxford Leader (Jan. 6, 2021)(<https://oxfordleader.com/assistant-oxford-supt-sweat-retiring-jan-31/>).



additions such as TECIP management, disciplinary tribunals, and international student programming. In light of these responsibilities, it appears as if this position would have also included the oversight of threat and suicide assessment protocols throughout the District and regular Emergency Operations Plan (“EOP”) updates. When Sweat retired, special education was transitioned to an Executive Director for Special Education who works under student services.

Sweat refused multiple requests from Guidepost for an interview.

#### **R. Sam Barna**

In November 2021, Sam Barna was the Assistant Superintendent of Business and Maintenance, a title he assumed in February 2021 when Jill Lemond was promoted to Assistant Superintendent of Student Services. Prior to February 2021, Barna’s title was Assistant Superintendent of Business & Operations, and the title change was the result of Lemond assuming certain duties pertaining to the District’s operations including transportation and food service. Lemond and Barna worked together to secure and implement safety and security funding and hardware for the District, where all purchases fell under Barna’s purview. Barna’s title returned to Assistant Superintendent of Business & Operations in January 2023 when Superintendent Vickie Markavitch entered her current role. No matter his title, Barna has always been considered the “chief financial officer” of the District since he joined in August 2015. In November 2021, Barna’s role included managing all funds, all expenditures, insurance, contracts, land acquisitions, the accounting team, the comptroller, and maintenance. The directors of transportation, food services, and maintenance indirectly reported to Barna. As of August 2023, Barna remains as the Assistant Superintendent of Business & Operations.

Barna earned his bachelor’s degree in finance and his master’s degree in finance and marketing from Michigan State University. He then worked in finance and operations across a multitude of industries before entering the education field when he joined

Dearborn Public Schools as the executive director of business and operations before joining OCS.<sup>61</sup>

Barna was interviewed by Guidepost on March 17, 2023, with counsel for the District present on his behalf. Barna fully cooperated with our investigation.

## **VIII. The Shooter's Record at Oxford Community Schools**

### **A. Overview**

As set forth above in the discussion of the scope of Guidepost's engagement, we were asked to investigate what relevant information the District – and specifically, OHS – possessed or should have possessed about the Shooter leading up to and at the time of the shooting, and the Shooter's school history over time is a key aspect of that inquiry. Accordingly, in this section, we focus on the Shooter's academic and behavioral record at three OCS schools: Lakeville Elementary School ("Lakeville"), OMS, and OHS.

Community members have speculated that school staff at OHS knew information about the Shooter prior to November 30, 2021 that should have led them to realize before that day that the Shooter posed a potential threat. In this section, we examine the Shooter's school records from the time the Shooter entered the District in fourth grade until November 2021 to understand if those records would have raised any red flags in a threat assessment of the Shooter, if a threat assessment had been done on November 29 or 30. This section focuses only on the Shooter's academic and behavioral record at OCS schools from his entry into the district until November 2021, when his academic performance plummeted because he simply stopped doing his classwork and homework. In separate sections later in this report, we discuss the information that OHS gathered on the Shooter on November 29 and November 30, 2021 in detail, as well as certain events that occurred at OHS in November 2021 that many believe are linked to the Shooter and the shooting.

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<sup>61</sup> Trevor Keiser, "Meet Sam Barna: Oxford Schools new business, operations guy," Oxford Leader (Jul.15, 2015) (<https://oxfordleader.com/meet-sam-barna-oxford-schools-new-business-operations-guy/>).

To understand the Shooter's history in OCS, we asked the District to provide his complete OCS record, and the discussion that follows is based on the records we received. Specifically, we received and reviewed academic, behavioral, and social assessments; quarterly and semester report cards; standardized testing results; disciplinary and counseling records; academic intervention and support information; PowerSchool records; teachers' comments on the Shooter's classroom behavior and his academic strengths and weaknesses; behavioral history; internal communications among school staff regarding the Shooter's academic performance, emotional state, and behavior; communications from school personnel to the Shooter's parents; extracurricular activities and coaches' statements; notable classroom and homework assignments in ninth and tenth grades; and attendance records.

In analyzing the Shooter's school records, we focused on information that may be relevant to a threat assessment team conducting a threat or suicide assessment of the Shooter on November 29 or 30, if such an assessment had been conducted. As explained in the threat assessment discussion in a later section, when undertaking a threat or suicide assessment, team members gather information on the student in question as they try to determine whether that student poses a threat to himself or others. A student's academic performance, attendance record, disciplinary history, and behavioral issues could be relevant in a threat or suicide assessment. Accordingly, we looked for any aspects of the Shooter's academic, social, or behavioral performance at any point in his OCS history that would lead anyone at OHS on November 29 or 30 to believe that he posed a potential threat to others.

We did not find anything in the Shooter's elementary and middle school records that would signal to anyone that the Shooter posed a potential threat. While he was a below-average (and at times, failing) student, it seems unlikely that the Shooter's academic struggles in elementary and middle school would have influenced a threat assessment on November 29 or 30, if such an assessment had been done. The Shooter had only one disciplinary problem noted in his PowerSchool discipline log, which appears to have been a minor incident in sixth grade, described in further detail below. Pam Fine recalled seeing this disciplinary entry when she checked the Shooter's PowerSchool account, and it did not

influence her perception of the Shooter's conduct on November 29, nor do we believe it should have.

The Shooter's academic struggles continued in high school. In ninth grade, the Shooter's grades and standardized test results indicated that he needed academic support. In addition, in the spring of ninth grade, two of his teachers reached out to the Shooter's counselor, Shawn Hopkins, to ask Hopkins to meet with the Shooter and discuss their concerns about his classroom performance. In isolation, the fact that the Shooter was simply not a high-achieving academic performer would not have raised any red flags; being a poor student, on its own, is not a sign of a student in crisis.

By early November 2021, there was a noticeable decline in the Shooter's academic performance. Specifically, there were clear signs in several classes that the Shooter had simply given up on doing his assigned work. As recounted in detail below, beginning in early November 2021, several of the Shooter's tenth-grade teachers were giving him failing grades on assignments that were incomplete or simply not done at all. This failure to do the assigned work was a noticeable change in the Shooter's classroom performance.

The Shooter's Spanish teacher emailed Hopkins, the Shooter's counselor, on two occasions in the fall of 2021 to ask Hopkins to reach out to the Shooter, but she did not alert Hopkins to the declining academic performance of the Shooter in her class. And other than these emails, we did not see any indication that the teachers who saw that the Shooter had stopped doing the work in their classes escalated this issue.

#### **B. Lakeville Elementary School, 2015-2017: Fourth and Fifth Grades**

The Shooter enrolled in Lakeville when he was nine years old, entering the OCS system as a fourth grader in the 2015-2016 school year. The records that OCS received from the schools that the Shooter attended in kindergarten through third grade indicated he had issues with math and paying attention but no significant behavioral problems.

Guidepost reviewed the Shooter's fourth and fifth grades report cards from Lakeville. At the elementary school level, students do not receive letter grades. Instead, teachers evaluate students on this numbered scale:

- 1 = limited mastery of grade level standards
- 2 = partial mastery of grade level standards
- 3 = on track to mastery of grade level standards
- 4 = mastery of grade level standards

At the outset of both fourth and fifth grade, the Shooter achieved "partial mastery of grade level standards" in core elementary school subjects like reading and math. He was "on track to mastery of grade level standards" in certain aspects of writing and in the arts, but showed "limited mastery of grade level standards" in other aspects of writing and in foreign language, and partial mastery of science standards. The Shooter ultimately achieved several mastery levels skills in fifth grade, although he still struggled with math. At the end of fifth grade, OMS informed the Shooter's parents that he would be enrolled in a "math lab" course at the middle school for his upcoming sixth-grade year.

Behavior-wise, the Shooter's elementary school teachers documented his problems with concentration, noting that he frequently needed redirection to stay on task and needed to be separated from friends and distractions. We did not see any documentation of any concerning behavioral issues.

Email correspondence between the Shooter's mother and his teachers in both fourth and fifth grades shows that his mother expressed concerns that the Shooter was being bullied, and both teachers helped to resolve the issue. Guidepost sought to speak with the Shooter's fourth and fifth grade teachers to see if they could provide us with any additional information about potential bullying or anything else they remembered about the Shooter, but they refused to talk to us.

### **C. Oxford Middle School, 2017-2020: Sixth, Seventh, and Eighth Grade**

Academically, the Shooter continued to struggle in middle school, receiving failing grades in core academic subjects like math, English Language Arts, and Spanish – and warning letters about those failing grades – at various points throughout his time at OMS.

Beginning in middle school, OCS students receive letter grades, with “A+” representing the best possible grade and “E” representing a failing grade. Teachers could also enter “comment codes” on a student’s progress reports to describe the student’s academic and behavioral performance.

In sixth grade, the Shooter’s ongoing difficulty with math continued, despite his enrollment in a math lab in addition to his regular math class; in addition, for the last ten weeks of the school year, he received math intervention from a different teacher. The Shooter’s performance in other core academic subjects such as ELA and Spanish also began slipping in the second quarter of sixth grade. As a result, the school mailed Academic Concern Notice letters in the second, third, and fourth quarters of the year to notify his parents he was in danger of failing one or more classes. Except for Spanish, the Shooter managed to raise his failing grades enough to pass his classes each semester.

In seventh grade, the Shooter’s grades in math, Spanish, and ELA fluctuated between Cs and Ds for most of the year, which once again triggered three Academic Concern Notice letters to his parents throughout the year. The Shooter finished the year with a D+ in math and Spanish. His grades in his other classes ranged from As to Cs throughout the year. At the end of seventh grade, OMS sent a letter to the Shooter’s parents explaining that the Shooter would be enrolled in the Academic Intervention Advisory Course for the upcoming eighth grade school year.

In eighth grade, the Shooter’s marks dramatically improved, and he was named to OMS’s academic honor roll for the first two quarters of the year. At the end of the first semester, the Shooter had earned an A- in his regular math and math lab classes, a B+ in ELA, and a B+ in Spanish, along with an A in history, a B+ in science, and a B in computer programming. When COVID forced OCS to move school online in March 2020, the District’s grading system changed to pass/fail for the remainder of the year. The Shooter received passing grades in all his eighth-grade classes and was on the OMS academic honor roll student both semesters.

The Shooter’s scores on standardized tests in elementary and middle school were consistent with what his teachers observed in their classrooms. Generally speaking, the

Shooter scored below grade-level expectations on various standardized assessments in ELA, reading, math, social studies, and science in fourth through eighth grade.

As noted above, OMS teachers could enter “comment codes” in student report cards; they were not obligated to do so, and for the most part, OMS teachers did not enter comments on the Shooter’s performance in middle school, with only a few exceptions. In sixth grade, the Shooter’s regular math teacher consistently entered the comment codes for “lack of attention or participation,” “does not use time wisely,” and “poor test scores.” He also entered the code for “needs to improve self control,” as did the Shooter’s math lab teacher. One of the Shooter’s seventh-grade teachers commented that the Shooter was “[s]howing good effort,” while one of his eighth-grade teachers observed that he was “[s]howing initiative and interest.”

To get a deeper understanding of the Shooter’s classroom demeanor in middle school, Guidepost sent emails to all of the Shooter’s middle school core academic teachers, asking them to provide us with their recollections about the Shooter. One teacher agreed to an interview, in which he recalled that the Shooter was a quiet, average student. Three other teachers provided their recollection of the Shooter by email. One teacher recalled only that she taught the Shooter for one semester in math lab. Another teacher reported that the Shooter was an academically-average student who was shy. She did not recall the Shooter having a set group of friends in class, but he was appropriate and had positive interactions with other students that were usually initiated by others. The third teacher recalled that it was very challenging to keep the Shooter on task and to get him to collaborate with other students; she also had the impression that the Shooter was experiencing some bullying or exclusion.

Other teachers responded by email stating that they did not have any relevant information to share about the Shooter, while other teachers did not respond at all. One teacher responded by stating: “Because the District is involved in pending litigation, the district’s attorneys have advised me not to make any unnecessary statements. Since this requested interview is voluntary, I decline based upon that advice.”

Although most of the Shooter's middle school teachers refused to speak with us, many of these teachers were interviewed by the OCSO after the shooting and provided their recollections about the Shooter. Many teachers said that he was a quiet kid, with some using the phrase "under the radar." Several teachers remembered the Shooter as a student who struggled academically and was somewhat indifferent about his grades. Several teachers recalled that the Shooter generally did not interact with other students, but others recalled that he had friends at school over the years. None of the teachers said that the Shooter was a disciplinary problem, with one teacher describing him as respectful and another characterizing him as sweet and never disrespectful.

In addition to teachers, law enforcement spoke to three middle school administrators: the OMS principal, assistant principal, the Dean of Students; and the Shooter's middle school counselor. None of them had any specific memories of the Shooter outside the events documented in his school file, other than one of them recalling his name from intervention lists. Although Guidepost interviewed the OMS principal, assistant principal, and the Shooter's middle school counselor, this group interview was restricted to OMS's present-day threat assessment protocols and no discussion of the shooting or events preceding it.

When law enforcement spoke to the OMS Dean of Students (who would not speak to Guidepost) after the shooting, he was asked about the entry from sixth grade recorded in the Shooter's PowerSchool disciplinary log. That entry, which is dated January 11, 2018, indicates that the OMS Dean of Students spoke to the Shooter "in regards to behavior in class by scaring a student by charging at him when the student accidentally ripped his work." The Dean of Students and the Shooter "discussed making better choices and getting an adult to assist in solving the problem." The OMS Dean of Students told law enforcement that he did not recall the Shooter until he saw this disciplinary entry and he was unable to provide any additional details about the incident.

We also reviewed emails that OMS personnel sent to the Shooter's parents about his classroom behavior. Again, we did not see any evidence of significant behavioral or disciplinary issues in this correspondence; the emails primarily informed the Shooter's



parents about usual middle-school classroom behaviors that needed improvement. For example, in sixth grade, his math lab teacher reported to his parents that he was exhibiting poor effort, being disruptive, and not paying attention. The Shooter received lunch detention for his behavior, and it reportedly improved thereafter.

One email from the school to home stood out from the rest. The Shooter's geography teacher reported a somewhat unusual statement by the Shooter on a classroom quiz – that he had deliberately done poorly on the quiz to get his parents' attention. The body of that email stated:

I am contacting you in regards to an incident that occurred in geography class today. [The Shooter] took his geography quiz today during class. We checked it together. As I was collecting, I noticed that [the Shooter] had received a 70%, and he had written the message, "I did it on purpose." When I asked [the Shooter] about this note, he said that he wanted you to notice his geography grade. He thought he would get your attention by receiving a low score on the quiz, even though he knew all of the correct answers. [The Shooter] will be able to fix and repair this quiz for an improved score of 80% next week, but I felt that you should be aware of [the Shooter's] actions today.

We sought to interview the teacher who sent this email to the Shooter's parents, but she stated that she did not have any relevant information to share, and she refused to speak with us.

#### **D. Academic Support Provided to the Shooter in Elementary and Middle School**

The District's Multi-Tiered System of Support sets forth a structure of different levels of intervention to support students with their academic and non-academic needs.<sup>62</sup> Students are categorized into three tiers based on a holistic evaluation of their academic, social-emotional, and behavioral performance, as well as their school attendance. This holistic evaluation identifies the appropriate level of intervention for a student. The District's MTSS provides for more rigorous intervention for "Tier 3" students, who need

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<sup>62</sup> OCS has created a handbook that contains detailed information about MTSS in the District. See "MTSS Handbook Philosophy & Definitions," last edited June 20, 2018.

the most help; that intervention should include one-on-one meetings with a counselor and daily intensive assistance from a special education teacher or similar instructor either individually or in a small group of similarly-situated students. For “Tier 2” students who do not need such intensive intervention but still need support, MTSS calls for a classroom teacher or interventionist to meet with these students several times per week, in a small group setting with similarly-situated students, for up to 20 weeks.

The Shooter’s universal assessment scores, in combination with his classroom grades, indicated that he needed Tier 2 or Tier 3 intervention in certain academic areas.<sup>63</sup> School records show that the Shooter received some degree of extra support in elementary and middle school, beginning in fifth grade. School records show that at some point during fifth grade, the Shooter participated daily in a reading intervention program with other students and worked with a math interventionist as well.

In middle school, the Shooter received five different interventions during his three years at OMS, with three of those interventions focused specifically on improving his math performance. In sixth grade, the Shooter was enrolled in a math lab course in addition to his regular math class. His math lab teacher told law enforcement after the shooting that she assigned the Shooter to a seat close to her desk because he needed extra attention to stay on task. She also remembered that the Shooter would make disrupting noises in class, which led her to contact his parents and send him to lunch detention (as noted above). In addition, for the last ten weeks of sixth grade, the Shooter was placed in a more intensive math intervention class. This teacher told law enforcement that the Shooter showed her that he was trying and he passed her class. She characterized him as quiet and not disruptive.

In seventh grade, the Shooter was enrolled in an academic intervention class in addition to his regular subject-matter classes. When interviewed by law enforcement after the shooting, the teacher of this class explained that it was intended to serve as a support

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<sup>63</sup> The District uses several standardized assessments provided by FastBridge, an education platform, to evaluate students’ command of core academic skills and/or subjects such as reading, math, and ELA. The FastBridge assessments are designed for use within MTSS.

system for any of the Shooter’s academic classes in which he needed extra help. He recalled that the Shooter did his work in class and required some redirection to stay on task, but no more than the rest of the students. This teacher said that the Shooter was not a disciplinary problem in class.

In eighth grade, the Shooter was enrolled in an academic intervention advisory course for the year. He was also enrolled in a math lab course (in addition to his regular math class), which was a small-group setting. His math lab teacher told law enforcement that the Shooter did not like math or math lab class, but his math grades improved when he was in her class. She said that the Shooter did not engage with her, but he had a friend in the class.

It is possible that some of the extra academic support described in the preceding paragraphs may have been considered Tier 2 support, but we did not see any formalized plan as contemplated by the MTSS Handbook. The OCS records we reviewed do not document any Tier 3 intensive interventional support for the Shooter in reading, ELA, or math, even though several of his test scores and classroom performance would appear to call for Tier 3 support at times.

## **E. Oxford High School, 2021-2021: Ninth and Tenth Grades**

### **1. Ninth Grade: 2020-2021**

After the school shutdowns in the spring of 2020, OHS returned to in-person schooling for the 2020-2021 school year, following the District’s state-approved plan outlining proper COVID safety protocols and its hybrid model allowing online learning at any time.<sup>64</sup> On an individual level, students were required to revert to remote learning throughout the school year if they had COVID or were in close contact with someone infected with COVID. At times, the entire student body participated in virtual learning because infection rates for the school or the entire District were high.

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<sup>64</sup> “2020-21 COVID-19 Preparedness & Response Plans,” Oxford Community Schools, ([http://web.archive.org/web/20210812084220/https://www.oxfordschools.org/district/safety\\_and\\_security/coronavirus/2020-21\\_c\\_o\\_v\\_i\\_d-19\\_preparedness\\_\\_\\_response\\_plans](http://web.archive.org/web/20210812084220/https://www.oxfordschools.org/district/safety_and_security/coronavirus/2020-21_c_o_v_i_d-19_preparedness___response_plans)).

It appears as if the Shooter struggled with both in-school COVID protocols and virtual learning, like many other students. With social distancing and masking requirements in place at OHS, several of the Shooter's ninth-grade teachers recalled that many of the students in their classes were quiet and seemed isolated, including the Shooter. During his ninth-grade year, his mother told school personnel that the Shooter had difficulty with online school, and the Shooter's parents noted this again when they met with school personnel on November 30, 2021 (as described in a later section). The Shooter's grades in his first year at OHS perhaps reflect his reported struggles, as those grades were lower than the letter grades he received in eighth grade (prior to the COVID shutdown and shift to a pass/fail grading system), as set forth below.

**a. Demeanor at School**

Guidepost sought to speak with the Shooter's ninth-grade teachers about any recollections they had about the Shooter. Most of the teachers responded by stating that they did not have any relevant information to share about the Shooter. Three teachers simply declined our interview request, with two of those teachers providing the following response: "Because the District is involved in pending litigation, the District's attorneys have advised me not to make any unnecessary statements. Since this requested interview is voluntary, I decline based upon that advice."

Although they would not speak with us, the Shooter's ninth-grade teachers were interviewed by law enforcement after the shooting and provided their impressions of the Shooter. As noted above, several teachers recalled that the Shooter (like other students) was quiet and seemed isolated during classes. Several teachers said that the Shooter did not participate in class and did not interact with classmates. In several classes, the Shooter did just enough work to pass the class and was often late in handing in his assignments. None of the teachers interviewed by law enforcement reported any disciplinary issues.

After the shooting, a few OHS students who were interviewed by law enforcement stated that they had had known the Shooter in middle school and recalled that he was quiet,

awkward, and introverted. Some students who were in ninth-grade classes with the Shooter stated that they did not know or socialize with him.”

### **b. Academic Performance**

At OHS, a student’s PowerSchool records include not only the overall grade that a student received in a class for the quarter and the semester, but also the result on each graded assignment that the teacher chooses to record and count toward a student’s grade in the class. We reviewed these assignment-level PowerSchool records for the Shooter, which provide a more comprehensive picture of his day-to-day classroom performance. At times, the Shooter’s teachers recorded not only the grade he received on his assignments, but their comments or observations of his work.

In the first semester of ninth grade, the Shooter passed all seven of his classes, but with average or below-average grades for the most part. His lowest grade was a D in biology, his highest grade was a B- in health, and his grades in the remaining five classes were in the C range. The assignment-level data in PowerSchool indicates that the Shooter generally completed his assignments in each class and received a grade for those assignments – in other words, the Shooter was doing the assigned work and receiving grades for that work, with the assignment grades ranging from A to E in most classes.<sup>65</sup>

The Shooter’s ELA and algebra teachers entered a few comments in PowerSchool in connection with some of the Shooter’s assignments in the first semester. Generally speaking, these comments indicated that the Shooter submitted incomplete or incorrect work at times, submitted assignments past the due date at times, and was given second chances to submit assignments. In addition, the Shooter’s computer science teacher wrote a comment commending him for doing a good job on an assignment.

In the second semester of ninth grade, the Shooter’s academic performance deteriorated. Although his biology grade improved to a C, the Shooter’s grades in his remaining

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<sup>65</sup> To the best of our understanding, an assignment with a score of E in PowerSchool indicates that the assignment was likely not completed. An assignment with a score above 0 and an E or a D indicates that the assignment was likely completed and the grade of E or D was given for poor performance or poor effort.

subjects declined from the first semester. He failed computer science, received Ds in Spanish and Algebra, and earned a range of Cs in his other classes.

This assignment-level data shows that the Shooter was still completing most of his assignments in his classes but earning worse grades on assignments compared to the first semester of ninth grade. Once again, some of the teachers entered comments in PowerSchool about the Shooter's assignments; these comments noted incomplete or poorly-completed work, a failure to follow directions, and offers of extra help to the Shooter.

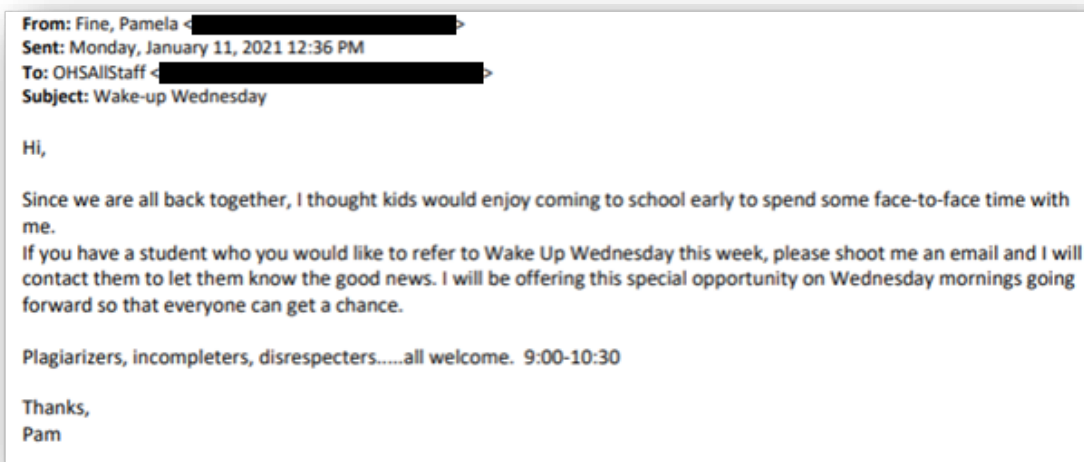
The Shooter's performance on standardized tests in reading and math in ninth grade followed the same trend as his academic performance in the classroom. He did better on reading and math assessments in the first semester of ninth grade than in the second semester. The Shooter initially achieved grade-level results on his ELA standardized tests, but his performance significantly declined on one such test in the second semester. In math, the Shooter initially performed below grade level and finished the year significantly below grade level. Similarly, the Shooter's scores on the PSAT 8/9 test, which all ninth-grade OHS students took in the fall and the spring of the 2020-2021 school year, declined from the first semester to the second.

It appears as if the Shooter's standardized test scores, in combination with his poor classroom performance in algebra, should have led OHS to provide him with at minimum Tier 2 support in this area as the year progressed, under the MTSS. However, we did not see any documentation that the Shooter was provided with such intervention. We recognize that the upheaval that the COVID shutdowns inflicted on schools across the nation may have impacted OHS's student support systems in this time frame.

**c. Communications Between OHS Personnel About the Shooter**

The Shooter's declining academic performance over the course of his first year at OHS caused several teachers to bring him to the attention of the school's student support staff. First, in January 2021, the Shooter's computer science teacher responded to a school-wide offer of extra support for struggling students. On January 11, 2021, Fine, the

school's Restorative Practices/Bullying Prevention Coordinator, sent an email to all OHS staff alerting them to her "Wake Up Wednesday" program, a student group that she led on Wednesday mornings before school, and asking them to refer any students who needed extra support:



In response, the Shooter's computer science teacher (who had also been one of his middle school teachers), identified the Shooter and seven other students who might benefit from Fine's program:

**To:** Fine, Pamela [REDACTED]  
**From:** Monkevich, Kim [REDACTED]  
**Sent:** Mon 1/11/2021 1:26:30 PM (UTC-05:00)  
**Subject:** RE: Wake-up Wednesday

Is there a limit? I've never used this before. However, I feel that these kids may benefit from someone other than me nudging them ☺ Emails were sent to parents before break and not much response. This may be a great incentive for them prior to the end of the semester. Do I need to do anything on my end other than provide you names?

**The Shooter**

Kim Monkeich  
Classroom [REDACTED]  
Google Text: [REDACTED]  
7<sup>th</sup> Grade English Language Arts  
8<sup>th</sup> Grade Intro to Programming  
OHS CTE Computer Programming Teacher (CSP & CSA)

It is unclear if the Shooter attended any “Wake Up Wednesday” session with Fine. Fine did not recall ever meeting the Shooter before November 29, and the Shooter indicated on that day that he did not know Fine either, as described in a later section of this report. In any event, the computer science teacher followed up with Fine on Tuesday, January 26, 2021 telling Fine *not* to include the Shooter in that week’s meeting:



**To:** Fine, Pamela [REDACTED]  
**From:** Monkevich, Kim [REDACTED]  
**Sent:** Tue 1/26/2021 6:39:55 AM (UTC-05:00)  
**Subject:** My kids

I sent an email last night and am going to reach out to them again in class today also. You could skip **the Shooter** right now. It may push them over the edge. Long story short, [REDACTED] thinks everything is in but is too lazy (I don't know what else to call it) to speak to me in class. I'm holding him to speak with him during lunch today.

Honestly, you could skip them all for this Wednesday because I think we are all ready for the fresh start!

Kim Monkevich  
7th Grade English Language Arts  
8th Grade Intro to Computer Programming  
OHS CTE Computer Programming Teacher

Fine responded to this email:

**From:** "Fine, Pamela" [REDACTED]  
**Date:** January 26, 2021 at 6:51:12 AM EST  
**Subject:** Re: My kids

I can do it either way, but to take an E when you have the chance to pass just by doing one assignment seems ridiculous.

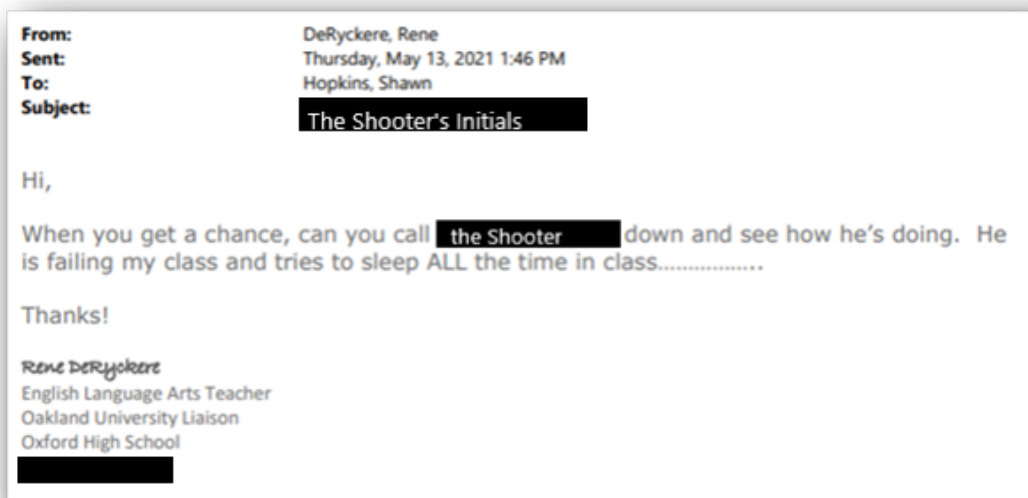
You have bent over backwards. I hope they decide to pass

Sent from my iPhone

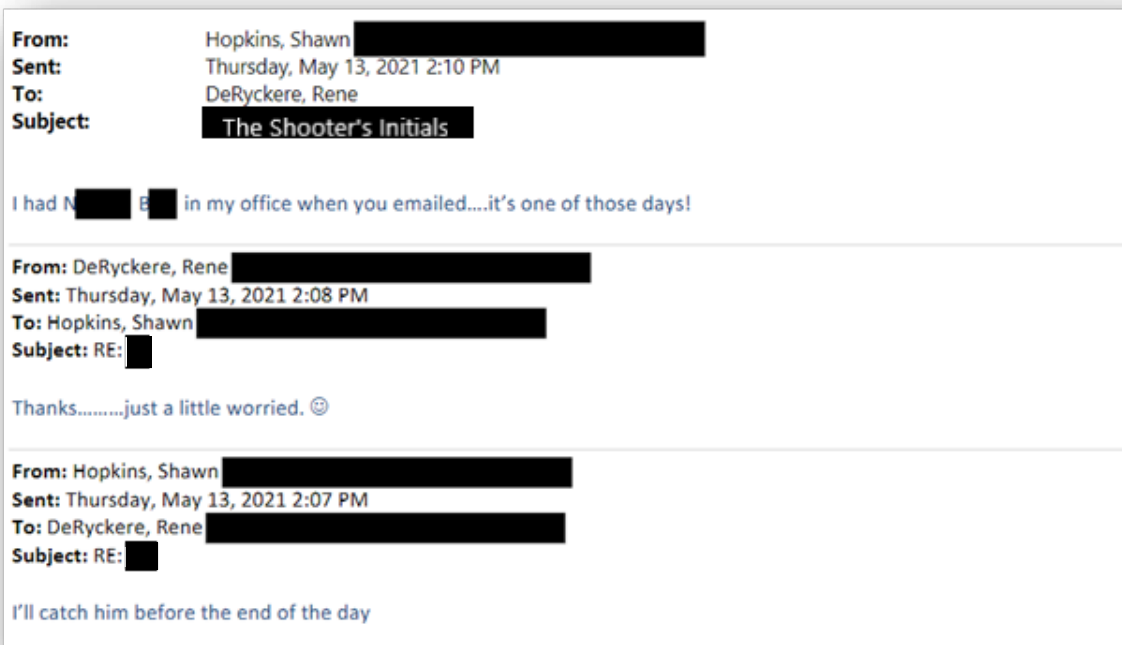
As noted above, Guidepost sought to speak to the Shooter's computer science teacher (and all of his ninth-grade teachers), but she refused our interview request.

On May 13, 2021, in the spring of the Shooter's first year at OHS, two of the Shooter's teachers contacted Hopkins, the Shooter's counselor, about their concerns about the Shooter's classroom performance.

First, the Shooter's ninth grade ELA teacher, Rene DeRyckere, emailed Hopkins at 1:46 p.m. and asked him to meet with the Shooter:



Hopkins replied to DeRyckere's email about 20 minutes later:



As stated in the email, after Hopkins said that he would catch up with the Shooter, DeRyckere told Hopkins that she was “just a little worried” about the Shooter. At her deposition, DeRyckere was not specifically asked about her email to Hopkins on May 13, but she testified that she referred the Shooter to Hopkins because he was failing her class and sleeping in class on a regular basis. DeRyckere testified that she did not speak to Hopkins about the Shooter after this referral email because “[t]he situation had rectified itself” and the Shooter ultimately passed her class.

Guidepost requested an interview with DeRyckere to ask her about the Shooter's performance in her class and her interactions with Hopkins about the Shooter, but she refused to speak with us.

An email from another teacher indicates that Hopkins called the Shooter down to his office on May 13, 2021 for a meeting, as Hopkins told DeRyckere he would do. At 2:21 p.m., that same day, the Shooter's biology teacher wrote to Hopkins about the Shooter's refusal to re-take a test with the rest of the class (a test on which the entire class had done

poorly). The email indicates that Hopkins called the biology teacher and asked her to send the Shooter down to his office, just minutes after the biology teacher had confronted the Shooter about re-taking the test:

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From: Bonkowski, Kristie  
Sent: Thursday, May 13, 2021 2:21:26 PM  
To: Hopkins, Shawn  
Subject: Your timing is crazy.

I just have to tell you... **the Shooter** just refused to retake a test he got a 47% on. We spent an hour preparing for it. He told me he would rather fail Biology and retake it again next year. I told him that we were going to have to set up a meeting with his counselor and parents because I think he is better than that. Not even three minutes.... You called asking for him. :O

As indicated in this email, Hopkins called the biology teacher “[n]ot even three minutes” after she told the Shooter that she would be contacting Hopkins and the Shooter’s parents about his refusal to re-take this test. It appears that Hopkins called the Shooter out of biology class on May 13 in response to DeRyckere’s email (above), and it was a coincidence that the biology teacher had an issue with the Shooter that same day.

In an interview with law enforcement after the shooting, the biology teacher explained that Hopkins had called her to send the Shooter to his office, which was not uncommon. She did not want to embarrass the Shooter by describing to Hopkins over the phone his refusal to re-take the test, so she sent Hopkins the above email after she sent the Shooter to his office. We did not see any response from Hopkins to the biology teacher’s email, but it is possible that he addressed the Shooter’s refusal to re-take the biology test in the meeting that he and the Shooter apparently had that day, if he read the biology teacher’s email before meeting with the Shooter.

When interviewed by law enforcement after the shooting, Hopkins did not appear to recall meeting with the Shooter in May 2021. An investigator asked Hopkins, “Would you say

during freshman year, did you have really any interaction with him?” and Hopkins replied, “Not really.”

**d. Communications Between OHS and the Shooter's Parents**

We reviewed email correspondence from several of the Shooter’s ninth-grade teachers to his parents alerting them to missing assignments, some of which were significantly impacting the Shooter’s overall grades in their classes. In addition, the school sent an email to the Shooter’s parents in May 2021 alerting them to the possibility that he would be required to attend summer school because he was failing three classes at that time. The Shooter’s parents generally responded to these emails.

**e. Notable Classwork**

At the high school level, many of the assignments in the Shooter’s classes were saved online in his OHS Google Drive. The District provided us with documents saved on the Shooter’s OHS Google Drive and we highlight some of the Shooter’s school documents from ninth grade that stand out in retrospect after November 30. Before we review this work, however, we explain our understanding of who would have been able to see these files, other than the Shooter.

Broadly speaking, a file that is stored on a student’s OHS Google Drive is visible only to that student, unless and until the student shares it with a teacher, often by “turning in” the document to the teacher through the teacher’s Google Classroom or adding the file to an assignment within the teacher’s Google Classroom.<sup>66</sup> If a teacher, counselor or school administrator wanted to see a file on a student’s school Google Drive that has not yet been shared by the student, the teacher or counselor or school administrator would have to enlist the help of IT personnel to gain access to the student’s school Google Drive. In other words, a student’s OHS Google Drive is not accessible to a teacher, counselor, or school administrator without assistance from IT – none of these individuals would be able

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<sup>66</sup> We are focusing only on the Google environment at OHS because it is most relevant to the documents we reviewed; there may be other ways in which teachers allow students to submit assignments.

to go into a student's Google Drive and search its contents unless they were granted access by IT.

If a student turned in a file to a teacher through that teacher's Google Classroom or added the file to an assignment within that teacher's Google Classroom, then the teacher *would* be able to view and edit the file. Due to built-in restrictions that limit IT administrators' access to individual OHS teachers' Google Classrooms, we were unable to determine if certain documents found on the Shooter's OHS Google Drive were submitted to a teacher. In some cases, we were able to cross-reference a file from the Shooter's Google Drive to a graded assignment listed in his PowerSchool records, which suggests that the file was submitted to a teacher, but we cannot be certain.

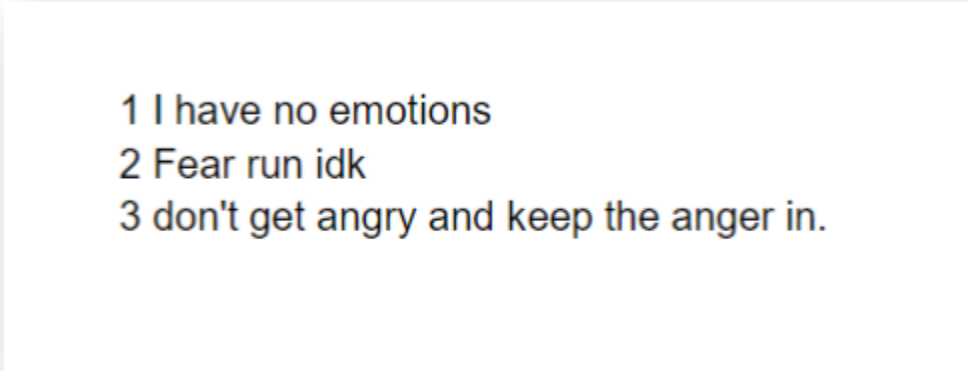
In chronological order, we highlight some of the Shooter's school documents from ninth grade that stand out in retrospect after November 30. As set forth below, some of these documents indicate that the Shooter was struggling with his social/emotional health at the time he filled them out.

One of the documents that indicated that the Shooter was struggling with aspects of self-esteem and well-being was a "Wellness Inventory" survey that was saved on the Shooter's OHS Google Drive on September 10, 2020. This survey consisted of 90 true/false questions and five essay-style questions, with many questions relating to mental health and well-being. The survey answers were then plotted on a "Wellness Wheel." The Shooter responded "false" to the following statements:

- "I am happy most of the time."
- "I have a number of people in my life who I care for, and who care for me."
- "I can share with others my feelings and concerns."
- "I feel good about who I am and what I am."
- "I can go to sleep easily."
- "I like my body."
- "I can develop friendships when I move to a new place."
- "I can go to a party and have a good time."
- "I like people."
- "I am not overly worried about the future."
- "I can accurately assess my strengths and weaknesses."
- "I care about what happens to my fellow man and woman."
- "I trust my ability to make good decisions."

Based on the available evidence, it appears as if the Shooter completed this inventory as part of an assignment for his health class. The Shooter's PowerSchool records for ninth-grade health class show that he submitted an assignment entitled "Wellness Wheel," which had a due date of September 14, 2020. It is unclear whether the Shooter submitted both the "Wellness Wheel" and the underlying "Wellness Inventory" to his health teacher, or if he only submitted the "Wellness Wheel," which did not include the specific questions and answers listed above. Accordingly, we cannot say whether the Shooter's health teacher saw how he responded to each of the 90 survey questions. The Shooter's ninth-grade health teacher refused to speak with us.

On October 2, 2020, the Shooter saved two documents to his OHS Google Drive that suggest he was in a troubled emotional state at that time. First, at 7:51 a.m. on October 2, 2020, the Shooter saved an untitled document on his school computer drive that contained the following statements:



- 1 I have no emotions
- 2 Fear run idk
- 3 don't get angry and keep the anger in.

At 9:17 a.m. that same day, the Shooter saved a document entitled, "Stress reflect thing" on his Google Drive, which consisted of the following:

I really have no stress at all, I am a stress free person, I have never had stress in my life as far as I know. I really don't think puberty is a stress thing as it does not affect me in any way. I do get about 3 to 4 hours of sleep a night and that is perfect for me because I have sleep deprivation and I get full rest with those hours, so it is less than 8 hours of sleep but it is not putting any stress on me so really I think my stress level should be 0 but it is what ever I don't really care. I never care about anything and that it helps me not really have stress I guess.

The Shooter's ninth-grade PowerSchool records for that class show that he submitted a graded assignment entitled "Emotions Poster" and another graded assignment entitled "Stress Level," both with due dates of October 3, 2021. The two documents described immediately above appear to fit those titles and time frame. However, we cannot be certain that the documents we found in the Shooter's Google Drive are the same documents he ultimately submitted to his teacher to be graded. Again, we were unable to ask the Shooter's ninth-grade health teacher about these assignments.

Toward the end of the first semester, the Shooter completed another self-assessment in his health class, which is the second document that suggests that he was struggling with aspects of his emotional well-being. We know that the Shooter's health teacher saw this document, because she remembered one of his responses and she later provided the assignment to law enforcement after the shooting. Specifically, in an interview with law enforcement, the Shooter's health teacher recalled that in December 2020, she asked her students to rate their mental, physical, social/emotional health well-being. She remembered the Shooter responding to one of the questions by stating that he wished his parents were home more, and she agreed to search for the assignment after the interview.

We reviewed a document that appears to be the assignment she described, which is entitled "How are you doing?" When asked to rate his social/emotional health, including "family, friends, interactions, depression, feelings," the Shooter gave himself the lowest rating (1), which corresponded to the phrase "I'm really struggling and need help." The



Shooter added, “I only talk to my parents and only see them a couple times a day.” Again, this health teacher would not meet with us and therefore we were unable to ask her what, if anything, she did when she saw the Shooter’s responses to this self-assessment after he submitted it in ninth grade.

Finally, on January 27, 2021, the Shooter submitted slides that he had created for a history assignment related to the American Dust Bowl crisis. The metadata associated with this file suggests that the Shooter submitted it to his U.S. History teacher via Google Classroom. Two slides contained “journal entries” written by the Shooter in the voice of a farmer from northern Oklahoma, and one of those journal entries included a graphic description of cannibalism. The Shooter’s U.S. History teacher refused to meet with us, so we were unable to ask him about this assignment.

As discussed above, because most of these documents were saved on the Shooter’s Google Drive, we understand that these electronic documents would not have been directly available to any OHS personnel involved in a threat assessment of the Shooter on November 29 or 30, had a threat assessment been done on either day. A threat assessment team would have had to ask the IT team for assistance to gain access to the Shooter’s OHS Google Drive; alternatively, if any of the Shooter’s online documents had been shared with any of the Shooter’s teachers, the teachers would have been able to provide the file for use in a threat assessment.

## **2. Tenth Grade: Fall Semester 2021**

The District continued with in-person learning for the 2021-2022 school year, with some COVID protocols in place, including mandatory masking. At times, OHS and the other District schools would revert to remote learning when necessitated by high COVID infection rates or staffing issues.

### **a. Demeanor at School**

Most of the Shooter’s tenth-grade teachers refused to speak with us. Three of those teachers – Allison Karpinski, Jacquelyn Kubina, and Becky Morgan – were named as defendants in the civil lawsuits filed by victims’ families and they were deposed in

connection with those cases. With the exception of McConnell, the Shooter's remaining tenth-grade teachers were not named as defendants but they nevertheless refused to speak with us about their recollections of the Shooter, with one exception. The one tenth-grade teacher who spoke to us remembered the Shooter as a quiet yet engaged student in her World History class; he asked some questions, turned in his assignments, and earned a decent grade.

Although none of the Shooter's tenth-grade teachers except one would speak with us, most of his teachers were interviewed by law enforcement after the shooting. In their law enforcement interviews, and in their depositions (for those teachers who were deposed), the Shooter's tenth-grade teachers remembered the Shooter as a quiet, unremarkable student who did not speak much in class or engage with them or his classmates. None of the teachers reported having any disciplinary or behavioral issues with the Shooter.

Several teachers observed the student writing in a journal in their classes. Karpinski said at her deposition that she had seen the Shooter writing in a journal and tried to look at what he wrote, but she was unable to do so. Nick Yinger, the Shooter's chemistry teacher, recalled that he struck up a conversation with the Shooter about his journal writing, and the Shooter said that he wanted to write a book. Yinger also told law enforcement that he had seen the Shooter drawing cartoonish images of guns; he never observed any drawings of blood, bodies, or anything violent.

Several of the Shooter's tenth-grade classmates spoke to law enforcement after the shooting and provided their recollections of the Shooter. Some students remembered that the Shooter was quiet and did not have many friends. One classmate reported that the Shooter once seemed surprised that this student knew his name. This student also remembered him as very smart, with a very good memory. This student reported that the Shooter frequently wrote in a journal that he protected from the view of others.

Another student recalled that the Shooter was very talkative and seemed normal at times. At other times, the Shooter talked about how useless life was and this student thought that the Shooter did not seem to care. According to this student, in class one day, the Shooter and others talked about what they wanted for Christmas, and the Shooter talked

about getting a new gun, which he was excited about. This student remembered that the Shooter spoke about setting things on fire in his backyard.

### **b. Academic Performance**

The list below shows the Shooter's overall grades in each of his classes as of November 30, 2021, with the teacher or teachers' names in parentheses:

- 70% (C-) in ELA (Kubina and Karpinski)
- 64% (E) in geometry (Morgan)
- 65% (D) in chemistry (Yinger)
- 71% (C-) in World History (Jasinski)
- 77% (C+) in Business Management (Mezin)
- 100% (A) in Communication as Improv (Brown)
- 57% (E) in Spanish (McConnell)

These grades were not final, as the first semester of the school year was still underway at the time of the shooting.

Beginning in early November 2021, it appears as if the Shooter largely stopped doing the assigned work in his ELA and Spanish classes. His PowerSchool records show that in November 2021, in these two classes, the Shooter was submitting incomplete assignments and sometimes not doing the assignments at all. The same trend was noticeable in geometry for a two-week span in November 2021.

His teachers in those classes were reviewing this incomplete work – or recording the fact that he did not submit the assignment at all – and giving him failing grades on the assignments. As a result, the Shooter's overall grade in ELA was on a decline, even though he was still passing the class. In geometry and Spanish, the Shooter's overall grades had been weak throughout the semester, and this increase in incomplete work in November 2021 kept those grades low.

We discuss the change in the grades that the Shooter received on individual assignments in ELA, Spanish, and geometry in detail below. We note again that under OHS's grading system, an E is a failing grade. The dates cited in the discussion that follows refer to the

due dates listed in PowerSchool for the assignments, which may not be the precise dates upon which the Shooter submitted the assignments to his teachers.

### **Language Arts with Jacquelyn Kubina and Allison Karpinski**

The Shooter's academic performance in ELA was strong in the first ten weeks of school. He had fifteen graded assignments recorded in PowerSchool from the beginning of the semester up to and including November 1, 2021. The Shooter received nine As, four Cs, one B, and one E on those fifteen assignments. The E was his score on a grammar pre-test close to the end of September; the Shooter scored 21 out of an available 44 points.

From November 4, 2021 to November 23, 2021, the Shooter had seven assignments recorded in PowerSchool for ELA. He received an E on every one of those seven assignments. For several of these assignments, the Shooter received a failing grade because he did not do the required work. For example, the Shooter scored 0 out of 10 points on two classroom discussions of an assigned book, suggesting that he did not complete the assigned reading questions nor did he participate in the class discussion. In connection with the first book discussion assignment on November 8, 2021, Kubina entered a comment in PowerSchool: "None of the reading or the packet was completed; was not able to participate in discussion." For the second book discussion assignment on November 15, 2021, Kubina wrote in PowerSchool:

When asked why he wasn't caught up in the reading, [the Shooter] reported "I wasn't prepared today because I wasn't prepared." Due to being unprepared for class, [the Shooter] was unable to participate in the small group discussion of Part Two of the novel. Instead, he was given another class period to catch up on the reading.

In connection with another assignment on November 22, 2021, Kubina entered a comment in PowerSchool: "11/22: Most of the document was left blank or incorrect." The next day, she entered a similar comment for a different assignment: "Letter was incomplete."

### **Spanish with Diana McConnell**

Unlike ELA, where the Shooter received above-average grades (including many As) in the first two months of school, the Shooter's Spanish grades in that time frame fluctuated between As and Es. The Shooter had thirteen graded Spanish assignments recorded in PowerSchool in September and October 2021. He received failing grades of E on six of those assignments, but managed As and Bs on the other seven assignments.

From late October 2021 into November 2021, the Shooter had six graded assignments in Spanish, and he received Es on five of them, earning a C on the sixth. For three of the failed assignments, the Shooter received a score of zero, indicating that he had not done the work at all. His teacher, Diana McConnell, entered a comment in PowerSchool relating to the Shooter's assignment on October 26, 2021, on which he got a zero: "wasted 20 min. of class time." At her deposition, McConnell testified that in November 2021, she noticed that the Shooter "was not doing his work in like he had been" and that "his effort in class was less." She recalled that she spoke to the Shooter about his grades and he told her that he intended to pass her class.

As set forth below, McConnell sent two emails to Shawn Hopkins, the Shooter's counselor, during the fall of 2021 to ask him to check in with the Shooter. In her emails to Hopkins, McConnell did not mention the Shooter's academic performance. We examine McConnell's interactions with Hopkins about the Shooter in more detail below.

We could not ask McConnell about the Shooter's performance in her Spanish class in tenth grade because she refused to speak with us.

### **Geometry with Becky Morgan**

Consistent with his ongoing difficulties in math throughout his school years, the Shooter struggled in geometry in the first semester of tenth grade. Throughout September and October 2021, most of the geometry assignments recorded in PowerSchool were lesson quizzes, and the Shooter's grades ranged from As to Es on these quizzes. He

consistently failed the chapter tests, receiving an E on four different chapter tests in September and October 2021.

In the first two weeks of November 2021, the Shooter received several failing grades on assignments, which seem to be attributable to incomplete work rather than incorrect work. From November 3, 2021 up to and including November 16, 2021, the Shooter had six graded assignments recorded in PowerSchool, including the second part of a chapter test and four quizzes. He received five Es and one C on these six graded assignments.

Throughout the first few months of the school year, Morgan entered comments in PowerSchool in connection with many of the Shooter's assignments, identifying certain math concepts that the Shooter struggled with and offering extra help. During these two weeks in November, however, Morgan observed that the Shooter was not completing the assigned work at all. For example, she noted on an assignment on November 8, 2021, Shooter "completed none of the problems." In connection with a lesson quiz on November 10, 2021, Morgan wrote, Shooter "essentially turned in LQ [lesson quiz] blank." In another assignment on November 12, 2021, Morgan stated that the Shooter's grade was based on "completion not correctness" and gave him only 1 point out of an available 12 points. She added:

After having an hour to work on it, [the Shooter] turned in with one problem completed with proper work. The other problems had random incorrect answers with no work shown. Returned, asked to resubmit with work, on Monday.

However, after this burst of failing grades, the Shooter's geometry grades rebounded dramatically. He received As on his last three assignments before the shooting, scoring 100% on all three assignments.

We sought to talk to Morgan about her observations of the Shooter during November 2021, but she refused to speak with us.

## **Chemistry with Nick Yinger**

Throughout the semester, the Shooter's grades on his chemistry assignments were primarily split evenly between As and Es. For example, in September and October 2021, the Shooter had 26 assignments recorded in PowerSchool in chemistry. He earned eleven As in these two months, but those high grades were offset by ten Es. The Shooter received Bs and Cs on the remaining five graded assignments.

There was no dramatic drop-off in the Shooter's academic performance in chemistry in November 2021. The Shooter had five graded chemistry assignments recorded in PowerSchool in November 2021. Again, these assignments were almost evenly split – the Shooter received two As and three Es.

We could not ask Yinger about the Shooter's performance in chemistry in tenth grade because he refused to speak with us.

## **Remaining Classes**

The Shooter's performance in his remaining classes - World History, Business Management, and Communication as Improv – held steady over the course of the first semester of tenth grade leading up to the shooting. We did not identify the same downward trend in assignment grades in November 2021 in any of these classes.

### **c. The Shooter's Journal: The Shooter's Perspective on School**

Throughout November 2021, he wrote in his journal that he was choosing not to do his assignments and that he expected – and even hoped – to be called down to the front office. We recount the relevant journal entries in approximate chronological order below. For the most part, the Shooter did not date his journal entries, but we can establish an approximate time frame based on the events described in the journal and our knowledge of other relevant dates.

**On or after November 9, 2021:**

“I spend most of my time writing in this book instead of doing stuff in class. I am failing 2 more classes and on the verge of failing 2 more, this causes my depression to be worse than it already is.”

**Likely on or after November 12, 2021:**

“I am already failing 3 classes and am doing nothing to help it . . . .”

“I spend my entirety of Spanish class writing and do nothing in this class.”

*“All one of my teachers has to do is send me to the office and I will tell them about the bird head and I can get help. One call and that can save lot lives.”*

**Likely after the weekend of November 13 and 14, 2021:**

[after describing several parts of his weekend where he felt happy and comfortable]

“Now I’m back in school and back down the drain again. *I’ve already committed to the shooting by not doing any of my school work and practically telling the teachers to fuck off.* And honestly it feels good, after 12 years of stress and anxiety from school it feels good to just not care anymore.”

“I have two years left until I graduate high school. And I have already given up early this year and can’t take the rest of the 2 years. *I’m genuinely surprised right now that none of my teachers have contacted my counselor or sent me to the office for not doing my work. I think that they are doing something new to get their students to do work. Instead of going to the office the teachers are just going to let my grades drop in hope that I gain my sense to do my work. Well tough shit.*”

“I don’t care about my grades no more. I’m about to shoot up the school and spend the rest of my life in prison. The last thing I could care about is my grades in school ugh. *I am actually hoping that I get sent down to the office. That will show them that I have given up and they will keep an eye on me.* It will make them see that I am a possible



shooter and so when I do my shooting they will have something to put for motivation. *I have already stopped doing school so once the school sees my photos of gun and gun range on my Insta then they will know what's up.*"

To be clear, we are not saying that any OHS personnel were aware of or should have been aware of what the Shooter was writing in his journal. We included the above-quoted journal entries in this report because the Shooter's descriptions of his academic performance match, in part, with reality. The assignment-level data in PowerSchool shows that the Shooter was not doing his work in several classes, in the same time frame in which he was writing in his journal that he was not doing his work.

**d. Communications Between OHS Personnel About the Shooter**

On September 8, 2021, about twelve weeks before the shooting, McConnell, the Shooter's Spanish teacher, asked her students to write a "get to know you" autobiographical poem. In completing the assignment, the Shooter wrote that he felt terrible and that his family was a mistake. After reading these statements by the Shooter, McConnell emailed Hopkins, as shown in the image below:

**From:** McConnell, Diana <[REDACTED]>  
**Sent:** Wednesday, September 8, 2021 8:23 AM  
**To:** Hopkins, Shawn  
**Subject:** The Shooter's Initials

Hi Shawn,

Could you please touch base with [REDACTED] the Shooter ?  
In his Auto-Biography poem he said that he feels terrible and that his family is a mistake...  
Unusual responses for sure.

Thanks,  
Diana

Diana McConnell  
Spanish teacher  
Oxford High School  
[REDACTED]

Hopkins responded to McConnell's email as follows:

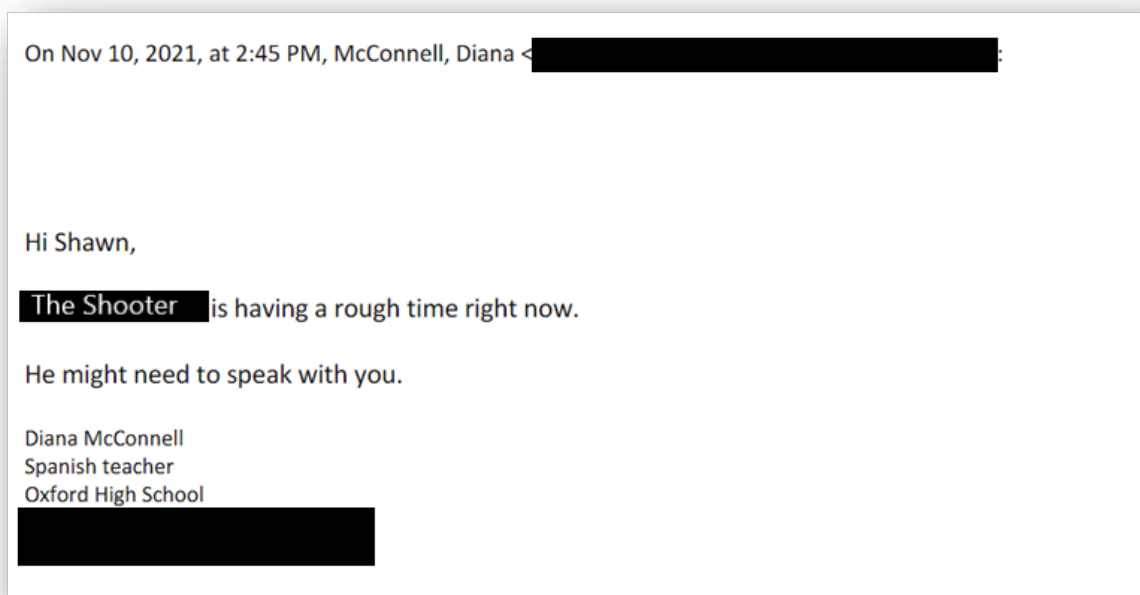
**From:** Hopkins, Shawn <[REDACTED]>  
**Sent:** Wednesday, September 8, 2021 9:15 AM  
**To:** McConnell, Diana  
**Subject:** RE: The Shooter's Initials

Thanks for the heads up. I'm in senior meetings throughout the day but will try and catch up with him.

In a later section, we describe what McConnell and Hopkins recalled about the Shooter's statements and Hopkins's actions in response to McConnell's email.

On November 10, 2021, McConnell sent another email to Hopkins to tell him that the Shooter was going through a difficult time. At her deposition, McConnell testified that in November 2021, she had noticed that the Shooter had been quieter in her Spanish class,

and was putting less effort into his work. McConnell had also noticed that the Shooter's good friend had not been at school and she was unaware of why he was no longer in class. McConnell testified that she asked the Shooter how he was doing, and he told her that he was okay. When she was interviewed by law enforcement after the shooting, McConnell also recalled that the Shooter seemed distracted and was not paying attention in class but writing in his journal instead. McConnell's various observations of the Shooter prompted her to send Hopkins the following email:



In this email, McConnell did not alert Hopkins to the underlying reasons that had prompted her to write; she did not cite her concerns about the Shooter's academic performance in her class, the absence of the Shooter's friend, or his more subdued demeanor.

Two hours later, after the school day had ended, Hopkins responded:

**From:** Hopkins, Shawn <[REDACTED]>  
**Sent:** Wednesday, November 10, 2021 4:44 PM  
**To:** McConnell, Diana  
**Subject:** Re: [REDACTED] The Shooter's Initials

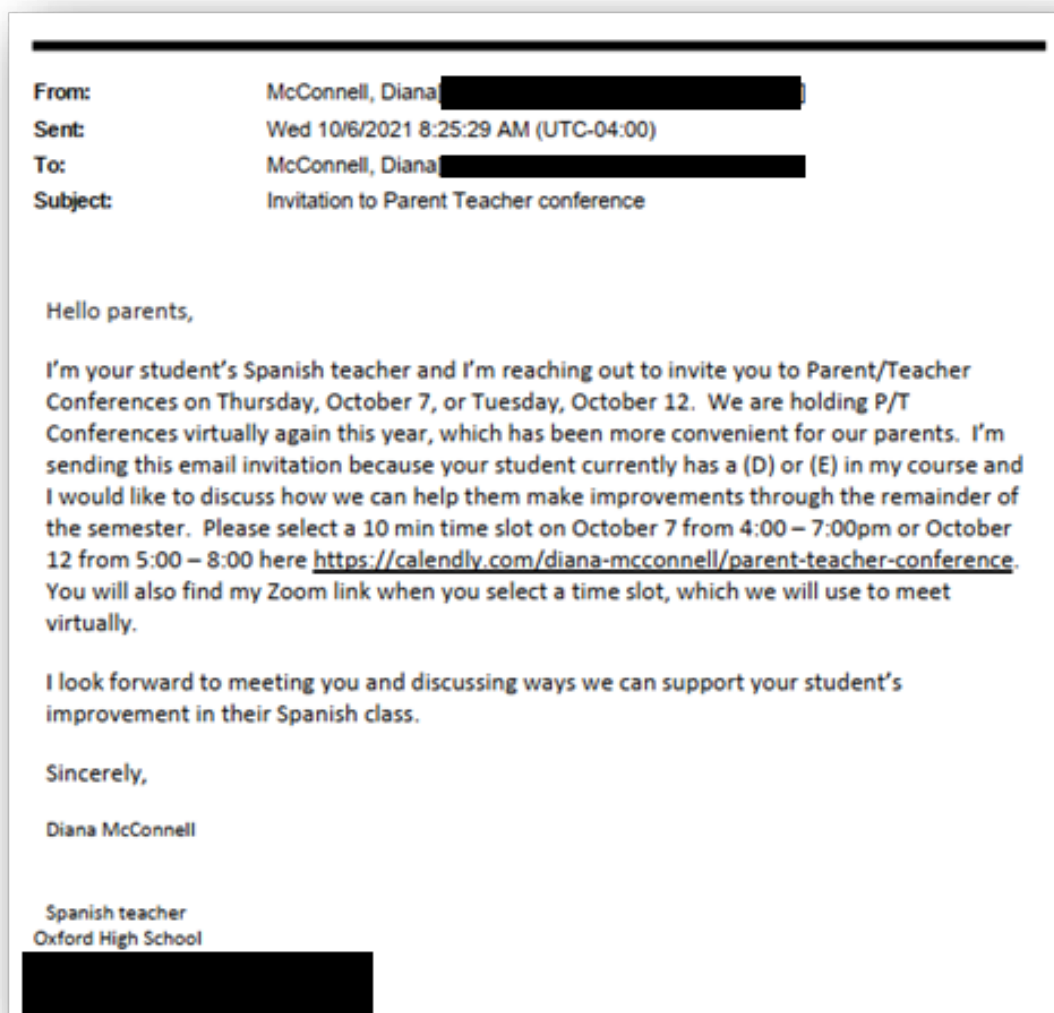
I'm sorry, I was in a meeting through the end of the day. I'll catch up with him!

Sent from my iPhone

In a later section, we discuss Hopkins's actions in response to McConnell's email in more detail.

**e. Communications between OHS and the Shooter's Parents**

On November 6, 2021, McConnell sent an email to the parents of students in her class who had a D or an E in her class, shown in the image below. The Shooter's parents were included on this mailing.



We did not see any response from the Shooter's parents in the materials that we reviewed.

**f. Notable Classwork**

In addition to the autobiographical poem that the Shooter created for Spanish class (described below), some of the Shooter's other school documents from tenth grade stand out in retrospect after November 30. The documents described below were saved on the Shooter's OHS Google Drive, and they appear to be assignments given in the Shooter's classes. We reiterate that a file that is stored on a student's OHS Google Drive is visible

only to that student, unless and until the student shares it with a teacher, often by “turning in” the document to the teacher through the teacher’s Google Classroom or adding the file to an assignment within the teacher’s Google Classroom.<sup>67</sup> We were unable to determine if the Shooter submitted these documents to any teachers, and therefore it is possible that these files were visible only to the Shooter.

Again, as discussed earlier in the description of the Shooter’s notable ninth-grade classwork, it is our understanding that these electronic documents on the Shooter’s OHS Google Drive would not have been directly available to a counselor or school administrator, or to any OHS personnel involved in a threat assessment of the Shooter on November 29 or 30, 2021, had a threat assessment been done on either day. School personnel would need to ask IT staff to grant access to the Shooter’s Google Drive. Alternatively, if the files had been shared with a teacher, a threat assessment team could contact the teacher to obtain them. If these documents had been considered as part of a threat assessment on November 29 or 30, 2021 – if a threat assessment of the Shooter had been performed on either of those days – some of the statements about the Shooter’s feelings about his future may have been meaningful to a threat assessment team.

At the outset of the school year, the Shooter completed an introductory assignment for his Business Management class and saved it to his OHS Google Drive on August 30, 2021. This assignment was a survey that included questions about students’ likes, dislikes, and challenges in life. One question asked who the students believed supported them the most, and the Shooter responded, “I’m not sure. I think that one of my parents believe in me but I have no way to tell.”

On that same day, the Shooter saved a picture on his OHS Google Drive of a handwritten paper that contained a grid in which he described himself in the past, present, and future using different rhetorical techniques. The Shooter wrote that in the past he was “happy” and described the past as “a enjoyable and happy time.” To describe his present self, the Shooter wrote, “I think of myself as a regular person who is way too stressed out and

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<sup>67</sup> Again, we focus only on the Google environment at OHS because it is most relevant to the documents we reviewed; there may be other ways in which teachers allow students to submit assignments.

has 1 friend” and he characterized his present as “A life behind bars.” For the future, he wrote, “I think I see myself finally free and can enjoy the things I want to do . . . .” and described his future self as “free and at peace.”

On October 10, 2021, the Shooter saved a questionnaire in Spanish on his OHS Google Drive about his childhood, presumably for his Spanish class. The questionnaire related to his childhood, and when translated into English, his words read: “I was a very lazy and bored child. I liked to sit and play video games all day. I used to think about how good the future was when I was young and realized that I was wrong about it being good.”

On November 12, 2021, the Shooter emailed himself a screenshot of a map of OHS with computer-drawn markings on it from his personal Gmail account to his OCS email. The markings on the map encircle large areas of the school in black, red, or purple, outline paths in the hallways in red or black, mark the exits in blue, mark certain classrooms and small areas in yellow, and identify one bathroom with a red “X.” There is no evidence to suggest that any OHS personnel saw this map at any point before the shooting. This email would not have been caught by Gaggle, the software that monitored students’ activity within their school-issued Google accounts, because the email did not contain any words of concern and the image of the map itself would not have raised a red flag. This email would not have been readily available during a threat assessment on November 29 or 30, if a threat assessment had been performed – an OCS IT staff member would have had to search the Shooter’s school email account for any concerning emails.

#### **F. SAEBRS Assessments: Eighth through Tenth Grades**

Since the shooting, there has been much speculation about whether the Shooter’s results on the Social, Academic, and Emotional Behavior Risk Screener, also known as the SAEBRS, should have led OHS personnel to view the Shooter as posing a potential threat to the school. In this section, we discuss what the SAEBRS is and how it is intended to be used, when and how the SAEBRS was rolled out in the District, the Shooter’s results on the teacher-completed and student-completed SAEBRS assessments, and whether those results were available to OHS personnel on November 29 and November 30, 2021.

## 1. Background

The SAEBRS is a product offered by Illuminate Education as part of its FastBridge educational platform; the District uses several FastBridge standardized assessments throughout the school system. According to the FastBridge website, the SAEBRS “is a brief, norm-referenced tool for screening all students to identify those who are at risk for social-emotional behavior (SEB) problems.”<sup>68</sup>

The SAEBRS breaks a student’s total behavior down into three different behavioral domains: social behavior, academic behavior, and emotional behavior.<sup>69</sup> The social behavior domain concerns a student’s “ability to understand social norms, empathize, and understand the perspectives of others.”<sup>70</sup> The academic behavior domain relates to the “skills necessary for students to be prepared for, participate in, and benefit from academic instruction.”<sup>71</sup> The emotional behavior domain encompasses a student’s “ability to regulate internal states, adapt to change, and respond to stressful/challenging events.”<sup>72</sup>

The SAEBRS is a teacher-rater screener, meaning that a teacher completes it based on the teacher’s observations of the student. There is also a student self-assessment known as mySAEBRS, which a student completes him/herself. FastBridge recommends that schools administer both screeners in tandem.<sup>73</sup> Both the SAEBRS and mySAEBRS are computer-based and should take only minutes to complete, which allows a school to administer it to students quickly and efficiently. FastBridge recommends that schools wait until students have been in school for six weeks before administering the SAEBRS or

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<sup>68</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>.

<sup>69</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>.

<sup>70</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>.

<sup>71</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>

<sup>72</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>

<sup>73</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>



mySAEBRS, to allow students and teachers ample time to interact and adjust to the school year.<sup>74</sup> The SAEBRS can be administered up to five times per year.<sup>75</sup>

According to FastBridge, the SAEBRS (teacher-completed) currently includes nineteen “items” (i.e., statements rather than questions), while mySAEBRS (student-completed) currently has twenty items.<sup>76</sup> The items in each screener are almost equally divided among the three behavior domains described above. In the SAEBRS, each item consists of a behavior and then four choices of the observed frequency of that behavior. For example, one item under the SAEBRS social behavior domain is “arguing,” and the frequency choices are “never,” “sometimes,” “often,” and “almost always.” A teacher completing the SAEBRS for a student would rate how often that student displays the social behavior of “arguing.” The mySAEBRS items have the same frequency choices but slightly different behaviors that are expressed in slightly different form. For example, one item under the mySAEBRS social behavior domain is “I argue with others,” and the student can click on one of the four frequency choices set forth above to answer this item.<sup>77</sup>

The scores for the three behavior domains (social, academic, and emotional) are added together to produce a “Total Behavior” score. Under the SAEBRS scoring regime in place in the fall of 2021, a student’s Total Behavior score on the SAEBRS and mySAEBRS would place the student into one of three tiers: “high risk,” “some risk,” and “low risk.”<sup>78</sup> These three levels corresponded to the District’s MTSS three-tiered chart (discussed above), which used red, yellow, and green to characterize the three risk levels (red being

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<sup>74</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>

<sup>75</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>

<sup>76</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/SAEBRS/>;  
<https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/mysaebprs/>.

<sup>77</sup> <https://www.illuminateed.com/products/fastbridge/social-emotional-behavior-assessment/mysaebprs/>

<sup>78</sup> In the summer of 2021, SAEBRS moved to a national based benchmark system for both SAEBRS and mySAEBRS and expanded from a two-tier system (“at risk” and “not at risk”) to the three-tier scoring system described above. See SAEBRS and mySAEBRS Norms and Benchmarks – FastBridge ([illuminateed.com](https://www.illuminateed.com)).

high risk). A student's SAEBRS risk tier would be another data point in determining the appropriate level of support and intervention for that student.

According to several witnesses we interviewed, the SAEBRS and mySAEBRS are not mental health screeners or mental health assessments. One witness stated more specifically that the SAEBRS and mySAEBRS are not diagnostic tools. These witnesses explained that both screeners are intended to examine a student's social, academic, and emotional behaviors as they relate to and impact that student's *academic* performance. In other words, neither screener examines a student's social, academic, and emotional behaviors as it relates to the student's overall mental health or to diagnose any mental illness. As one witness explained, to successfully understand academic concepts, a student must have a strong foundation of social-emotional maturity, executive functioning skills, and appropriate classroom behavior. As another witness put it, the SAEBRS and mySAEBRS are used to identify behavioral barriers to student learning. In the view of these witnesses, the SAEBRS and mySAEBRS are intended to identify aspects of a student's social, academic, and emotional behavior that can impact the student's ability to effectively learn, to allow the school to develop the appropriate interventional support (when needed) for the student. The information gathered in the SAEBRS and mySAEBRS assessments can be used as another data point in assessing a student's intervention needs and developing an MTSS plan.

Former Deputy Superintendent and later Superintendent Ken Weaver and former OHS Principal and current Assistant Superintendent Steve Wolf both told us that the SAEBRS and mySAEBRS are not meant to be used as a threat assessment tool. However, as noted in Guidepost's initial report, the District is currently using SAEBRS results as part of a comprehensive review of a student's records.

## **2. The District's Implementation of SAEBRS**

At the District level, then-Deputy Superintendent Weaver was "instrumental" in establishing SAEBRS at OCS schools. He told us that the District launched the SAEBRS in its elementary schools in the 2018-2019 and 2019-2020 school years. Later, Christine Russell, a school psychologist who joined the District central office in 2019 as the MTSS

coordinator, worked on implementing the SAEBRS and mySAEBRS at OMS and then OHS.

OMS administered the SAEBRS and mySAEBRS for the first time in the winter of the 2019-2020 school year, when the Shooter was in eighth grade. OMS teachers completed the SAEBRS assessment for approximately 1,097 students, and approximately 958 students completed the companion mySAEBRS self-assessment. In the Shooter's eighth-grade year, the Shooter completed the mySAEBRS and a teacher completed the SAEBRS for him as well. These results are discussed below. OMS intended to administer both tests for a second time in the second semester of the 2019-2020 school year, but was unable to do so because of the COVID school shutdowns. The District MTSS coordinator and the OMS counselors looked at the data from the OMS winter 2020 SAEBRS assessments, but no action was taken.

The District launched a pilot of both SAEBRS assessments at OHS in the fall of the 2020-2021 school year, when the Shooter was in ninth grade. As OHS prepared to roll out mySAEBRS to students, the governor of Michigan cancelled in-person learning due to COVID and OHS reverted to virtual instruction.<sup>79</sup> OHS went forward with its plan to launch mySAEBRS, administering it to students on November 24, 2020 during virtual learning. The District's goal was to have as many OHS students as possible to complete mySAEBRS, to check on students after the COVID shutdowns and determine if any students were at risk and in need of intervention. Russell recalled that the virtual rollout of mySAEBRS was hampered by the fact that so many students were skipping online classes. Approximately 1,067 students completed mySAEBRS in the fall of 2020.

For the SAEBRS (teacher-completed screener), OHS teachers were instructed to focus on a certain number of their students to allow the teachers and administrators to try out the screener and understand it better. Russell and Weaver recalled that the teacher participation level was lower than the District hoped to achieve at OHS. OHS teachers completed the SAEBRS for approximately 575 students in the fall of 2020. One of the

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<sup>79</sup> The governor announced a three-week "pause" in Michigan beginning November 18, which included in-person schooling.

Shooter's teachers completed the SAEBRS in the fall of 2020 for the Shooter, who was in ninth grade at the time, and the results are discussed below.

OHS attempted to administer another round of SAEBRS in the winter of 2021, in the second (spring) semester of school. It appears as if this attempt was also hampered by COVID-related issues. Assistant Principal Kristy Gibson-Marshall recalled that when OHS returned to school in January 2021 after the holiday break, "we were doing everything we could to keep the kids in school. That became our focus[,] rather than SAEBRS administration. Although SAEBRS data was gathered at OHS in the 2020-2021 school year, the data was not analyzed, as the focus had been more on getting teachers to try the system rather than drawing any conclusions from the data.

OHS was more successful when it administered mySAEBRS in the fall of the next school year, despite ongoing COVID-related obstacles such as staffing shortages and a period of virtual learning in November 2021. The school focused on gathering student information, and by November 18, 2021, approximately 1,418 students had completed the mySAEBRS assessment, including the Shooter. However, as of this date, OHS teachers had completed the SAEBRS for only 38 students – far below the requested participation of 15-20 students per teacher.

Weaver recalled that he and then-Principal Wolf met with OHS counselors on or about November 3, 2021, to discuss how the District was implementing and systematizing SAEBRS and how the data would be used to build interventions to support students, once the counselors had access to SAEBRS results and had received training on how to use that data. Weaver stated that a training session for OHS counselors had been scheduled for the following week.

However, this training session was postponed due to the "deer head" incident that occurred at OHS on November 4, 2021, which is described in more detail below. According to Weaver, there was a high level of anxiety at OHS after this incident (and subsequent other incidents, also described below) and the OHS counselors felt that they needed to be in the school and available to students rather than doing the SAEBRS

training. As a result, the SAEBRS training for OHS counselors was rescheduled for December 1, 2021. Of course, that meeting never occurred because of the shooting.

As of November 29 and 30, 2021, the data gathered in the SAEBRS and mySAEBRS assessments in fall 2021 had not been thoroughly analyzed by anyone in the District. As Weaver stated at his deposition, the data “was sitting there waiting for us to look at it.” An email sent on November 29, 2021 indicates that the MTSS Coordinator asked Principal Wolf about the next steps for using the SAEBRS data and that the topic might have been discussed at an MTSS meeting on December 1. Accordingly, there was not yet a plan in place at OHS to use the SAEBRS data to build interventions for students whose results put them in the category of “some risk” or “high risk,” although Weaver told us that a meeting with the student would be the first step in any SAEBRS intervention process.

The plan that was ultimately implemented at OHS after the shooting tailors interventions to the “high risk”/red students and “some risk”/yellow students, as determined by their scores on SAEBRS and mySAEBRS.<sup>80</sup> Students with total behavior SAEBRS scores that place them in the “high risk”/red category meet one-on-one with their assigned counselor, and the student’s parents or guardian is contacted. If a student is in the “some risk”/yellow category for total behavior but has a social or emotional behavior sub-score in the “high risk”/red range, that student would still meet with a counselor and the parents would be contacted. Students who have Total Behavior SAEBRS scores that place them in the “some risk”/yellow category are divided among the family school liaisons (“FSLs”), who conduct small group sessions with similarly-situated students (i.e., students with similar “at risk”/yellow sub-scores in the academic behavior domain are grouped together, and similar groups are assembled for the other behavioral domains).

Moreover, as of November 29 and 30, 2021, the individuals who would be tasked with interpreting SAEBRS data and building those interventions for OHS students – the counselors and FSLs – had not received the necessary training on the use of SAEBRS. As a result, the OHS counselors and FSLs did not have log-in credentials to even access

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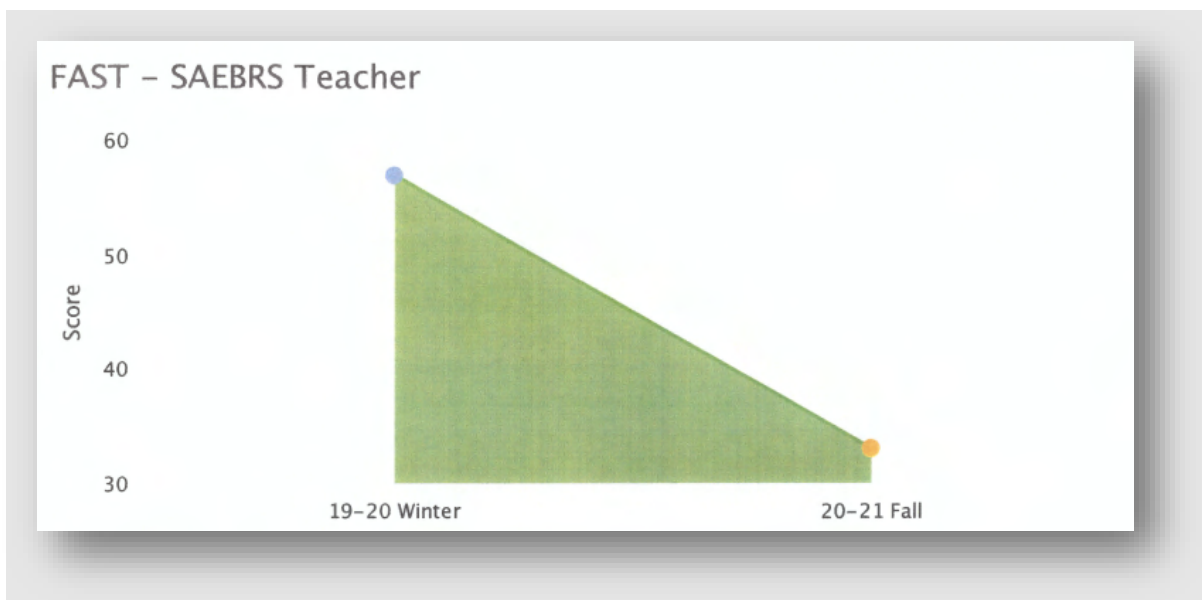
<sup>80</sup> We noted that our understanding is based on interviews conducted earlier this year, in January and May. It is possible that OHS has modified its protocols since then.

to students' SAEBRS scores from the fall of 2021. Specifically, Restorative Practices/Bullying Prevention Coordinator Pam Fine, Counselor Shawn Hopkins, and Dean Nick Ejak did not have access to the Shooter's SAEBRS scores before they met with him on November 29 (Fine and Hopkins) and November 30 (Hopkins and Ejak).

### 3. The Shooter's SAEBRS and mySAEBRS Results

#### a. The SAEBRS Teacher Assessment: Eighth and Ninth Grades

Teachers completed the SAEBRS on the Shooter in the winter of the 2019-2020 school year, when the Shooter was in eighth grade, and in the fall of the 2020-2021 school year, when the Shooter was in ninth grade. The results of these two teacher-completed assessments are shown in the chart below.<sup>81</sup>



The maximum "Total Behavior" score possible on SAEBRS is 57. As shown by the blue dot in the chart above, the SAEBRS completed by one of the Shooter's eighth-grade teachers resulted in a score of approximately 57 points for the Shooter in the winter of the 2019-2020 school year. By the next school year, the Shooter's teacher-completed

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<sup>81</sup> We were unable to determine which teachers completed the SAEBRS for the Shooter on these two occasions.

SAEBRS score dropped dramatically. As shown by the yellow dot in the chart above, the SAEBRS completed by one of the Shooter’s ninth-grade teachers for the Shooter in the fall of the 2020-2021 school year resulted in a score of approximately 33 points. This score placed the Shooter in the “some risk” category.<sup>82</sup>

**b. mySAEBRS Self-Assessment: Eighth and Tenth Grades**

The Shooter completed two mySAEBRS self-assessments, one in the winter of the 2019-2020 school year, when he was in eighth grade, and another in the fall of 2021, when he was in tenth grade. The chart below details the data obtained from the Shooter’s mySAEBRS assessments:



The mySAEBRS has a maximum “Total Behavior” score of 60.

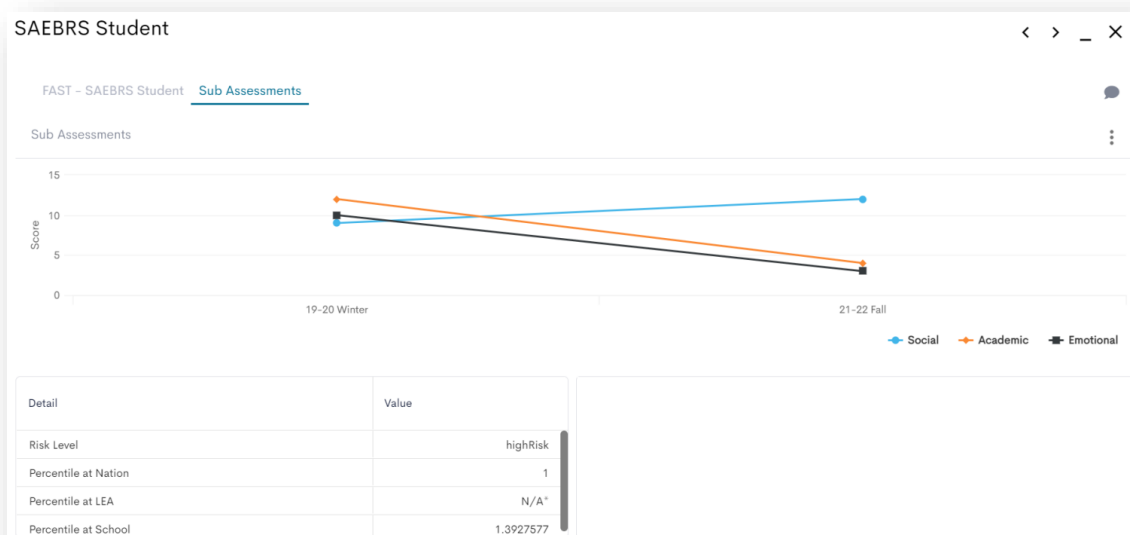
<sup>82</sup>. At the time, FastBridge used a two-tier scoring system for SAEBRS – “high risk” and “some risk.” See SAEBRS and mySAEBRS Norms and Benchmarks – FastBridge (illuminated.com)

The two red dots on the chart above show the Shooter’s “Total Behavior” scores on his two SAEBRS self-assessments. The Shooter’s total score on mySAEBRS in eighth grade was approximately 31, which was 26 points below the score that one of his teachers gave him on the companion teacher-completed SAEBRS in eighth grade. This score placed him in the “at risk” category.

The Shooter’s total score in the fall of tenth grade, before the shooting, fell to approximately 20, which placed him in the “high risk” category. The broken blue line above the Shooter’s score line shows the overall student average for the District over the same period. The Shooter’s mySAEBRS score in eighth grade was approximately 10 points below the district average and his mySAEBRS score in tenth grade was approximately 20 points below the District average.

### c. mySAEBRS Sub-Assessments

As noted above, the SAEBRS and mySAEBRS “Total Behavior” score is the sum of the three behavior domain scores: social, academic, and emotional behavior. The FastBridge scoring system sets benchmarks for each behavior domain to determine a student’s risk level in each domain. The data on the chart below details the Shooter’s sub-assessment scores for his mySAEBRS assessments in eighth and tenth grades.





In the winter of the 2019-2020 school year, the Shooter scored approximately 12 points in the social behavior domain, approximately 10 points in the academic behavior domain, and approximately 9 points in the emotional behavior domain, for a Total Behavior score of approximately 31 points. Each of these sub-scores placed the Shooter in the “high risk” category for each behavioral domain.

In the fall of 2021, the Shooter scored approximately 13 points in the social behavior domain, approximately 4 points in the academic behavior domain, and approximately 3 points in the emotional behavior domain, for a Total Behavior score of approximately 20 points. Again, each of these sub-scores placed the Shooter in the “high risk” category for each behavioral domain. In addition, these scores put the Shooter in the lowest one percentile nationally.

#### **G. Observations**

As the foregoing discussion establishes, in every secondary school year except eighth grade, the Shooter was a below-average student who struggled to earn passing grades in certain subjects. Standardized testing showed that he performed below grade expectations in reading, math, and ELA. He received some degree of academic intervention in elementary school and middle school, but this extra support did not appear to extend into high school, to the best of our knowledge. Again, we acknowledge that COVID may have impacted OHS’s student support systems in this time frame. Many of his teachers perceived the Shooter as a quiet student who was not always engaged with the lessons in his classes or with his classmates, with a few exceptions. None of the Shooter’s teachers characterized him as a disciplinary problem or noted any behavioral issues other than his lack of effort and difficulty staying on task at times.

When the Shooter’s academic performance was viewed on the broad level of his overall grade in each class, it was generally consistent with his performance throughout middle school and high school – he was getting Cs and a Ds and was failing two classes. As Pam Fine observed on November 29 when she checked his grades in PowerSchool, the Shooter had time to pull those failing grades up, and she encouraged him to do to (as set forth later in this report).

Starting in early November 2021, the Shooter stopped doing much of the assigned work in ELA and Spanish, and to a lesser degree, geometry. As a result, his teachers gave him failing grades on those assignments. The Shooter's ELA and Geometry teachers commented on the fact that he was not doing his work. As noted above, the Shooter's Spanish teacher twice asked the Shooter's counselor to check in with him in the fall of 2021, but she did not mention the Shooter's refusal to do the assigned work.

As set forth in a later section, on November 29, Pam Fine checked PowerSchool, looked at the Shooter's overall grades in each class, and saw that he was failing two classes and had decent grades in the other classes. It does not appear that she looked at his performance on a more granular level to see his performance on individual assignments in each of his classes. If she had, she would have seen his assignment grades falling in ELA, Spanish, and geometry in November 2021. Moreover, had she observed that his grades were falling in those classes, and had the teachers reported this decrease in grades to a counselor, it may have been a factor that – given the Shooter's conduct on November 30 that should have triggered a threat assessment as discussed below – could have been considered by a threat assessment team.

## **IX. Unusual Events Affecting the Student Body and General Environment at OHS Before the Shooting**

In November 2021, there were several incidents that reportedly caused concerns to students and parents and contributed to a heightened fear of a potential danger at OHS. On November 4 and November 11, an eleventh-grade OHS students and the Shooter, in what are now known to be unrelated incidents, placed dead animal parts (a "deer's head" and a "bird's head") in public areas of OHS, which led to increased speculation and social media chatter among parents and students. These incidents were exacerbated by a misinterpreted "countdown" on social media that some members of the public believed related to a possible school shooting at OHS on November 19, and which ultimately resulted in increased student absences on that day.

The so-called "deer head," "bird head," and "countdown" incidents in November 2021, along with related rumors circulating at OHS, in the Oxford community, and on social

media, contributed to a tense atmosphere at OHS and led some students and community members to believe that an act of violence was imminent and would occur on November 19, 2021. After the shooting, some students, teachers, and community members reported to law enforcement, as well as later to Guidepost as part of its investigation, that they believed these incidents were connected to the November 30 shooting. However, both the police investigation and Guidepost's investigation determined that the deer head and countdown incidents involved another student and had no connection to the November 30 shooting. Further, while some parents, students, and community members criticized OHS's response and communication regarding these incidents, Guidepost's investigation determined that the school acted appropriately in its response and communication regarding the deer head and countdown incident.

The bird head incident is now known to have been perpetrated by the Shooter. However, at the time the bird head was discovered, and despite the best efforts of the OHS security team, OHS was not able to identify a suspect from the available evidence. While OHS communicated the available information to the OHS community, some students and parents still believed that the school was not proactive or forthcoming enough in response to the incident. After investigating the incident and OHS's response, Guidepost has concluded that the OHS administration acted reasonably in its investigation and communication regarding the bird head incident. OHS investigated the available evidence related to the incident and communicated the information it had to the community. Prior to the recovery of the Shooter's journal following the shooting, there was no evidence that connected the Shooter to the bird head incident, or that connected it to the shooting.

Finally, some students and parents reported to law enforcement and to the media after the shooting their belief that some students had remained home from school on November 30 because they had information that the shooting would take place. Guidepost's investigation, including witness interviews and a review of the relevant attendance data for November 2023, confirmed there is no evidence that a greater than average number of students remained home on November 30, or that students who did remain home did so because they had knowledge that the shooting would take place.

### A. Deer Head Incident

In the early morning hours of November 4, 2021, “John Doe,” an eleventh-grade student (hereinafter “Doe”) dragged a dead deer onto OHS school grounds. The deer was reported to have been recently struck and killed by a vehicle close to OHS. At approximately 2:00 a.m., Doe was captured on the school’s video cameras, using a construction trailer to get up onto the roof of the school and throwing the deer head from the roof into an enclosed school courtyard. Doe then used red spray paint to write the words “Where Wolf? Why Worm?” and drew a five-pointed star with a dollar sign in the middle. When school employees arrived for work on November 4, the school custodian discovered the deer head in the courtyard and the spray-painted graffiti. The remainder of the deer was found in the OHS parking lot.<sup>83</sup>



<sup>83</sup> Images of the graffiti associated with the deer head Incident were provided to Guidepost by a community member.

Security Officer Jim Rourke picked up and discarded the deer head, which at least one student captured on video and shared on social media. Rourke was additionally tasked by Assistant Superintendent for Student Services Jill Lemond to review the security video to identify the perpetrator of the incident. Rourke asked Restorative Practices/Bullying Prevention Coordinator Fine if she recognized the subject on the video, and she identified him as Doe. Rourke, who knew Doe, recognized him from his gait.

OHS asked OCSO to investigate that same day.<sup>84</sup> When police, including SRO Jason Louwaert, searched Doe's home, they found both marijuana and hallucinogenic mushrooms. Louwaert stated that he did not see Doe as a threat, in part because he did not kill the deer that was thrown in the courtyard, nor did he make a threat. It was also determined that no blood from the deer was used to create any of the graffiti found in front of or on school windows. There was consensus by OHS staff, including Rourke, that Doe did not pose a threat to the school, nor did he make any threats. The consensus is confirmed by the fact that Louwaert officially treated the matter as a malicious destruction of property, as shown in his notes below:

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<sup>84</sup> Email from Steve Wolf re: "November 4, OHS Incident - No Threat on Campus," ([https://oxfordhigh.oxfordschools.org/parents\\_\\_students/2021-22\\_building\\_communications/november\\_4\\_\\_o\\_h\\_s\\_incident\\_-\\_no\\_threat\\_on\\_campus](https://oxfordhigh.oxfordschools.org/parents__students/2021-22_building_communications/november_4__o_h_s_incident_-_no_threat_on_campus)).

**MDOP at Oxford High School****21-230222****November 4, 2021**

- On 11/4/2021 I was notified by school staff that a deer carcass had been dragged into the parking lot of Oxford High School
- Later that morning, graffiti was located on a sidewalk of a pentagram with a dollar sign inside of it, written in red paint
- Additional graffiti was located on skylights in similar red paint, of the words "why worm" and "Where wolf." This was painted on the outside of the windows, after gaining access to the roof.
- A severed deer head was also located in an interior courtyard of the building and appeared to have been thrown down from the roof.
- School security video showed the responsible climbing onto the roof, painting the sidewalk, and dragging the deer carcass.
- Counselors and staff members familiar with the responsible immediately identified the responsible as [REDACTED]
- [REDACTED] was contacted by deputies at his home, where evidence of the incident was recovered, as well as what appeared to be psilocybin mushrooms.
- During his conversation with deputies [REDACTED] appeared incoherent and could not focus on the subject of the interview
- [REDACTED] was taken to [REDACTED] Hospital for a psychological evaluation
- In the following days, multiple people came to police and school officials reporting the responsible in this incident was threatening an attack on the school
- The basis of these reports were that the responsible posted cryptic messages on social media, including a countdown timer
- All posts were investigated. No threats were ever made. Some of the posts were made prior to the incident at the school, and the countdown timer was from a local restaurant's website regarding a concert that was being held there.
- The reports of an imminent threat continued for almost a week, resulting in the district-wide email that addressed "concerns and rumors" on November 11, 2021
- The concerns addressed in the email pertained to the [REDACTED] incident, as no threats had been made regarding the 11/30/2021 incident
- [REDACTED] is not an associate of the responsible in the school shooting that occurred 11/30/21
- [REDACTED] never made any threats toward the school
- [REDACTED] did not return to class at Oxford High School after 11/4/21
- No concerns about the school shooter were brought to the school resource officer or other sheriff's deputy about the event that occurred 11/30/2021.



OHS personnel acted quickly to address the incident. The deer head was discovered prior to the beginning of school on the morning of November 4, 2021.<sup>85</sup> In response, at 11:33 a.m., Principal Steve Wolf sent out an email to the OHS community. The email began with the statement that Wolf wanted to clarify rumors that had begun that morning, and he discussed both the graffiti and placement of the deer head. Wolf then assured the recipients that the deer head event did not present a threat.

Oxford High School / Parents & Students / 2021-22 Building Communications / November 4, OHS Incident - No Threat on Campus

## **NOVEMBER 4, OHS INCIDENT - NO THREAT ON CAMPUS**

Good morning, OHS parents.

I wanted to send out this message to clarify some of the rumors that have started this morning.

There is no present threat of danger at Oxford High School. Before school began this morning we identified graffiti on the cement outside our pool entrance doors. We immediately notified security, the Oakland County Sheriff's Office and our custodial staff. This vandalism was created by an individual with red acrylic paint very early this morning and did not contain any threats or any concerning messages. This same individual also climbed on top of the school building and painted several windows with the same red acrylic paint. None of the paint on the roof indicated a threat to our building. Security personnel reviewed camera footage and confirmed this person did not gain access into the building, as OHS is locked and secure. Unfortunately, this person did throw the head of a deer into a locked/inaccessible courtyard while on the roof. The deer was from a nearby location off-campus, likely struck from a vehicle prior to today. There was no blood from the animal found on campus or on the roof, as earlier reported on social media.

With the help from the Oakland County Sheriff's Office, we did identify and locate the suspect. At this time, this is a police investigation and we can assure our students, staff and parents the suspect is not a threat to our building.

Sincerely,

Steve Wolf

Principal, Oxford HS

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<sup>85</sup> Email from Steve Wolf re: "November 4, OHS Incident - No Threat on Campus," Nov. 4, 2021 ([https://oxfordhigh.oxfordschools.org/parents\\_\\_students/2021-22\\_building\\_communications/november\\_4\\_\\_o\\_h\\_s\\_incident\\_-\\_no\\_threat\\_on\\_campus](https://oxfordhigh.oxfordschools.org/parents__students/2021-22_building_communications/november_4__o_h_s_incident_-_no_threat_on_campus)).

Further, students interviewed by Guidepost indicated that Wolf made announcements during each of the three lunch periods on November 4, advising that the school knew who was involved in the incident, that there was no threat, and that students did not need to be concerned or go home.

Days later, at the school's request, Doe's parents gave permission to share that Doe had been off his medication at the time of the incident, and the school shared this information via an additional email to the OHS community. A witness reported receiving an email from OHS stating that no guns were found in Doe's house.

On November 8, 2021, Superintendent Tim Throne sent a letter to the parents of Doe to advise that there would be an OCS Discipline Tribunal hearing at the Board offices on November 17, 2021, to address the suspension of Doe.

On November 10, 2021, Principal Wolf sent an email to all OHS staff. Wolf wrote that Doe was currently serving an out-of-school suspension and would be attending a Discipline Tribunal hearing the next week to determine the length of his suspension. Wolf advised that Doe was not permitted to be on any OCS campus and that staff should call the office or any administrator if Doe were seen, but noted that he did not anticipate that Doe would attempt to return to campus.<sup>86</sup>

Despite the actions of the OHS administration, rumors continued to circulate at OHS and in the Oxford community. On November 15, 2021, Principal Wolf cancelled an ALICE drill that was scheduled to take place during the advisory period on November 18, 2021. Wolf had planned to initiate the scheduled ALICE drill 30 seconds after the start of Advisory period on November 18, with Dean Nick Ejak playing the role of the "bad guy," and only the OHS staff aware of the drill in advance. Wolf stated that he cancelled the ALICE drill

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<sup>86</sup> On November 17, 2021, a Discipline Tribunal permanently expelled Doe from OHS after a hearing concerning his conduct.



because of the unprecedented level of rumors in the OHS community; while the rumors had decreased by that point, Wolf stated that he wanted to keep it that way.

While the deer head incident was unsettling for many members of the Oxford community, there was a consensus by OCS staff that a thorough investigation was conducted and that there was no threat to the school. There appeared to be confidence that once law enforcement became involved, the investigation was handled well, Doe was identified as the perpetrator the same day, and the incident was resolved. The teachers who were at OHS on November 4, 2021 and spoke to Guidepost generally agreed the deer head incident was insignificant.

Many parents were concerned after learning of the deer head incident and the rumors around the school, and one staff member reported receiving calls from angry parents regarding the incident. Nonetheless, the parents interviewed by Guidepost indicated that OHS personnel answered their questions and concerns about the incident, except where OHS personnel were prevented from doing so by student privacy laws. Guidepost's review indicated that Wolf and other staff, teachers, and counselors responded to parents emails with a consistent message that OHS was taking all reports seriously and looking into each report with the SRO and security staff.

## **B. The Apocryphal “Countdown”**

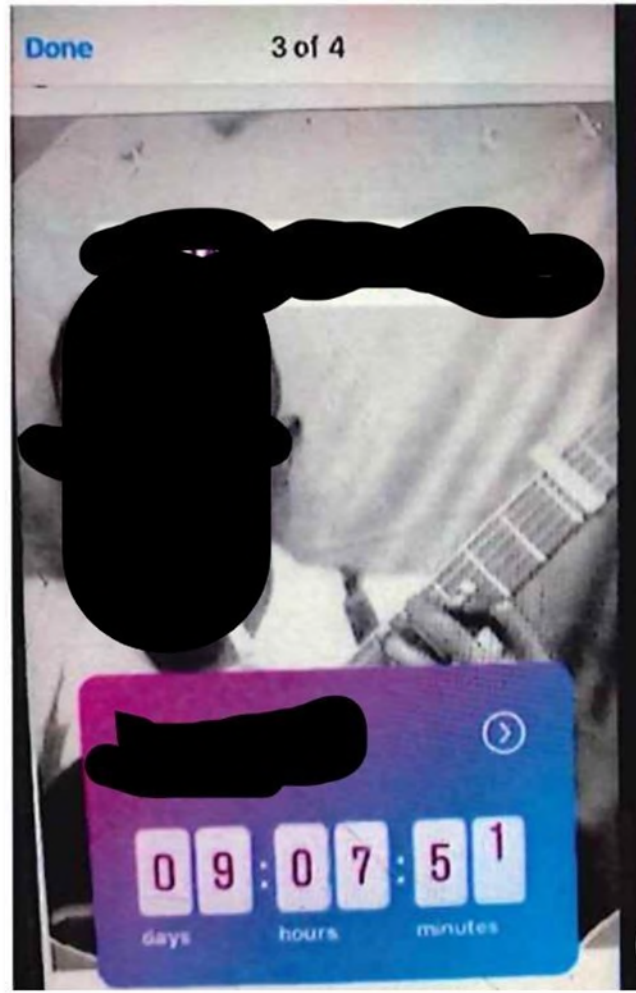
Following the police response to the Doe residence in connection with the deer head incident and the OHS notification to the Doe family of a Discipline Tribunal Hearing, Doe made several Instagram posts to express his frustration, which included him mocking the rumors that his graffiti threatened the life of Principal Wolf. These posts were seen by OHS students and shared, opined on, and eventually doctored and distorted to support a false narrative that Doe's conduct in bringing a deer head to OHS on November 4 was a prelude to him acting out further by committing a school shooting at OHS on November 19, 2021. In one post, Doe posted about an upcoming musical event in Oxford. This post allegedly included a “countdown” for what some in the community later speculated was "Satan Day" on November 19, 2021. Subsequently, students and parents mistakenly

believed that the countdown to the musical event was a countdown to a school shooting at OHS by Doe.

Fine explained to Guidepost that she became aware of the countdown rumors at OHS that were being circulated on various students' social media, but that the countdown clock that Doe posted referred to an upcoming show at GravCap, a local brewery. SRO Louwaert also reported that, “[T]he countdown timer, when we talked to Mr. [Doe], was a countdown to when his band was going to play at a bar across the street from where he lived.” An internet search of GravCap Brewery and the date of November 19, 2021, revealed that there was an open mic night, supporting the possibility that Doe or a band familiar to Doe would have had an opportunity to perform at GravCap on that date.



The redacted<sup>87</sup> image below was shared by Pam Fine with the administrative staff and is believed to be the original countdown post by Doe.



The redacted image below is believed to be an altered version of Doe's original post, with images of the deer head recovery at OHS superimposed over Doe's Instagram post. In

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<sup>87</sup> We redacted the faces on this image and the next because we do not know whose faces they are, but it is not Doe or the Shooter.

an interview with law enforcement after the shooting, it was learned another student doctored the image.



After learning of the rumors, Wolf emailed OHS staff on November 10, 2021 (the day the countdown rumors began to circulate) to address the inaccurate information being shared on social media by OHS students. Wolf reported that Doe had made a few social media posts in the days after November 4 and that the front office was aware of them. Wolf stated:

We are aware students (and parents) are trying to interpret them, and as a result we have fielded a few concerns based on very inaccurate info and/or wide assumptions. We will continue to monitor anything that is sent our way and we have kept his parent, our security team and Officer Louwaert updated. This student has not made any threats towards anyone or the building. Please reply to me only if you have questions or concerns. Thank you.

On or about November 13 or 14, a parent reported to OCS that she was aware of a countdown to a shooting at OHS. When law enforcement responded to her home, she reported that her child told her that students at OHS had screen shots of a countdown to a shooting. The officers reported that they had already addressed this issue with the OHS SRO and that there was no concern. This parent felt her concerns were disregarded, and she emailed Principal Wolf, Assistant Principal Nuss, and a school counselor on November 16, 2021, regarding her concern over the supposed impending shooting.

On November 17 at 7:48 p.m., an OHS student made a report, entitled "Planned School Attack," to OK2SAY that Doe had made a post on Instagram of a countdown clock to November 19, 2021. (As discussed in more detail below, OK2SAY is a student safety program and reporting tipline, created by Michigan law and managed by the Michigan State Police.) The post alleged that Doe had threatened the principal in the past and placed decapitated deer and bird heads at OHS. The post alleged that Doe may had friends at OHS who were doing things to intentionally upset other people or make them fear for their safety.

Good Morning,

Below are the tip details and the outcome report. Call if you have questions! (517-284-3137)

**Tip:** 38664319

**Type:** Planned School Attack

**School:** Oxford High School

**Date and Time:** 11/17/2021 @ 7:48 PM

**Details:**

██████████ made a post on Instagram today of a countdown clock to Friday November 19th. People believe ██████████ is going to do something to harm people because he has made threats in the past to the principal and is currently on suspension. Recently ██████████ put a decapitated deer's head in the school's courtyard and in the past has put decapitated bird's heads in jars, as well as painted pentagrams on school windows and on the sidewalks in the courtyards/around school property (\*\*SEE ATTACHMENTS\*\*). On November 9th ██████████ posted a macabre drawing of people with Hebrew Stars of David on their chests looming above him (\*\*SEE ATTACHMENT\*\*).

██████████ may be having other students at school who he is friends with do things for him to intentionally upset other people/make others fear for their safety ██████████ and his friends are into occultism/devil worship.

Tip referred to Oakland Co CD (248-858-4911) Dispatcher 2590 at 20:49.

Right now it is not known whether the investigation, if any, will be handled by either City of Oxford PD or Village of Oxford PD

**Outcome report link:** [https://www.michigan.gov/ok2say/0,5413,7-366-86420\\_86447-335552--\\_00.html](https://www.michigan.gov/ok2say/0,5413,7-366-86420_86447-335552--_00.html)

For additional community mental health resources and contacts, please visit OK2SAY Resources at [https://www.michigan.gov/ok2say/0,5413,7-366-86299---\\_00.html](https://www.michigan.gov/ok2say/0,5413,7-366-86299---_00.html)

Thanks,

Kelcie Bower  
OK2SAY Tipline  
Michigan Intelligence Operations Center

The OK2SAY tipline personnel sent emails to Nuss, who quickly forwarded them to SRO Louwaert, asking if there was anything in the report that was new to them. Within a few minutes, Louwaert replied, "(N)one of these are new to me. We've looked at all those already. I still don't see a threat in any of these."

In a post-shooting interview, police asked a student if she, or anyone she knew, posted the countdown clock or spread information regarding the incident that had occurred in the school weeks prior. The student stated that when the deer head incident happened, she went to the administration and felt that, in her opinion, the school did not take the incident

seriously enough. She stated that no one was doing anything about the perpetrator, so she went on his Instagram along with friends and reposted the images she found. Police asked if it was the countdown and she stated it was the clock and dark posts and she mentioned the countdown. Police told the student that the posts she spread, and the countdown information caused anxiety, tension, and fear among the students for several weeks prior to the November 30 shooting. The student stated that she did it so the administration would take it more seriously.

After the shooting, Doe was contacted by law enforcement regarding his social media posts. Doe stated that he only posted on Instagram and did not post on Snapchat. Doe provided law enforcement with his phone and opened his account for the deputies to review. OCSO Sergeants Ritchie and Middleton both looked at Doe's Instagram account and did not locate anything related to the shooting. On December 2, 2021, Doe told police that he had never communicated with the Shooter and that no one who Doe talks had either. Doe stated he had no idea the shooting was going to happen and did not believe that anyone he knows knew that the shooting would take place. During a December 2, 2021 press conference, the OCSO confirmed that the Instagram November 19, 2021, countdown referred to "a local bar running a clock when a band was going to play."

The combination of the deer head and the rumors of the countdown on social media did contribute to a tense atmosphere at OHS in the weeks before the November 30 shooting. This led many students and parents interviewed by law enforcement after the shooting to bring up these events and speculate that they were connected to the shooting. However, neither law enforcement nor Guidepost's investigations have resulted in any evidence of a connection between these incidents and the shooting. Considering all interviews conducted by Guidepost as well as the extensive interviews conducted during the police investigation, it is clear that Doe was not involved in the November 30 shooting and did not know the Shooter.

### **C. The Bird Head Incident**

On the morning of November 11, 2021, seven days after the deer head incident, an OHS student found a jar with liquid containing a severed bird head in the boys' bathroom at the

western end of the 200 hallway. That student posted a video on Snapchat, which was seen by Assistant Principal Kristy Gibson-Marshall. Gibson-Marshall sent a custodian to the bathroom to find the jar but the custodian was unable to locate it. Gibson-Marshall then proceeded to the boy's bathroom and retrieved the jar from the bathroom stall herself and returned to the front office with it. Gibson-Marshall gave the jar to SRO Louwaert, who, according to one OHS staff member, said, "[W]hat do you want me to do with that?" and dropped it into a garbage can. Another witness stated that Louwaert photographed the bird head jar and threw it into the trash. Assistant Principal Kurt Nuss, present at the time, removed the jar from the garbage and gave it to Security Officer Jim Rourke, to investigate further. According to Wolf, the police were called.

Gibson-Marshall informed Rourke about the discovery of the bird head jar and requested that he check the school video camera footage to attempt to identify a suspect. In reviewing the video, Rourke identified a few students acting foolishly as they were coming out of the bathroom. The administration spoke to these students, but no suspect was identified. There were hundreds of students who entered the bathroom carrying backpacks and wearing masks due to COVID, so Rourke was unable to identify who had left the jar containing the bird head in the bathroom. Doe was not seen on the video entering or exiting the bathroom during the relevant time period. Rourke spent approximately two days trying to resolve the matter without success. Louwaert explained that there was nothing he could do if there were not any suspects.

After November 30, 2021, with knowledge of the Shooter's identity, Rourke again reviewed the footage from the morning the bird head was found and saw the Shooter enter and exit the bathroom during the pertinent time frame but confirmed he was not holding anything or doing anything of note that would have indicated that he had placed the jar in the bathroom. However, a review of the Shooter's journal later revealed that he was responsible for placing the bird head in the bathroom.

Based on the information gathered in our investigation, we believe that the bird head incident was appropriately handled by OHS. The incident was immediately reported to the administration, and the school diligently attempted to identify a suspect. Given the



large number of students going into and out of the bathroom during the relevant period and the lack of any video evidence indicating which student brought the jar inside, there was nothing further the school could have done to identify the suspect. Moreover, because the students entering and exiting the bathroom were masked, it was difficult if not impossible for OHS administration to identify every one of them. Even if all of students had been identifiable, it is unclear that any student would admit to placing the bird head in the bathroom when questioned without evidence directly tying him to the incident. It was only when the Shooter's journal was recovered after the shooting that anyone learned that it had been the Shooter who placed the jar in the bathroom.

The bird head incident did not garner the same level of attention from students and teachers as the deer head incident. Nuss announced to students that there was no credible threat.

During lunch time on either November 11 or 12, 2021, Wolf made an announcement advising students not to spread rumors, in addition, on November 11, 2021 (the day of the bird head incident), at 7:33 p.m., OHS administration sent out the following email to OHS parents:

From: Oxford High School

To: [REDACTED]



**OXFORD HIGH SCHOOL**

OHS parent(s) and guardian(s),

We are aware of the numerous rumors that have been circulating throughout our building this week. We understand that has created some concern for students and parents. Please know that we have reviewed every concern shared with us and investigated all information provided. Some rumors have evolved from an incident last week, while others do not appear to have any connection. Student interpretations of social media posts and false information have exacerbated the overall concern. We want our parents and students to know there has been no threat to our building nor our students.

The safety and security of our students and staff is always our top priority. To accomplish this task, OHS has numerous highly-trained professionals who work to keep our building safe and secure. We have counselors and social workers who work with students on a daily basis. We also have two highly-trained security guards and an Oakland County Resource Officer on site who assist us as well. Please contact us if you are aware of a specific threat or concern that you have heard directly.

Sincerely,

OHS Administration

Non-Discrimination Clause: Oxford Community Schools does not discriminate on the basis of race, color, religion, national origin, sex (sexual orientation or gender), disability, age, height, weight, marital status or any other legally protected characteristic, in its programs, services or activities, including employment opportunities. The following person has been designated to handle inquiries regarding the nondiscrimination policies: David Pless, Assistant Superintendent of Human Resources, 10 North Washington Street, Oxford, IL 48371, (248) 909-5004.

Some parents were satisfied with the school's communication regarding the bird head incident, while others believed the school should have done more to investigate it. The email below is an illustrative example of the type of communications from OHS to parents regarding the incident and rumors surrounding the incident:

**From:** [REDACTED]  
**Sent:** Friday, November 12, 2021 6:29 PM  
**To:** Wolf, Steven  
**Subject:** Re: School

CAUTION: This email originated from outside of Oxford Schools.  
DO NOT click links or open attachments unless you recognize the sender AND know the content is safe.

Thank you for getting back to me.

Sent from my iPhone

> On Nov 12, 2021, at 9:24 AM, Wolf, Steven <Steven.Wolf@oxfordschools.org> wrote:

>

> Good morning, [REDACTED]

>

> I sent out a communication yesterday to all OHS parents. We have investigated every social media post and rumor that we receive. The rumors have become so far from anything factual, but I understand students and parents are only aware of what they hear. I can assure you that all information we have received thus far has been based on student interpretations, then exaggerations of social media posts and hearsay. Our security officers (former police) and our Police liaison are aware of all concerns we've received and have worked with us side by side.

>

> Steve Wolf

>

> On 11/11/21, 3:45 PM, [REDACTED] > wrote:

>

>

> CAUTION: This email originated from outside of Oxford Schools.

> DO NOT click links or open attachments unless you recognize the sender AND know the content is safe.

>

>

> Hi Mr. Wolf,

>

> I am sure you are aware of all the social media regarding the High School from the deer head, graffiti, pentagrams, the bird in the jar and the threat of someone doing harm in the school on Friday. I heard this is [REDACTED] for the threat.

>

> This is starting to have concerns increase on the safety of the children in the school.

>

> It is making me question on sending my son to school.

>

> Can you please let us know how the safety of the children are being addressed.

>

However, after considering the evidence and concerns reported by students, parents, and staff regarding the incident, Guidepost believes that the school's level of communication to parents regarding the bird head incident was reasonable under the circumstances. As outlined above, the OHS administration was not able to identify a suspect based on the available evidence. OHS administration advised parents of the information that they had at the time: that there were rumors circulating in the school and community which gave rise to concerns and that the school was investigating those rumors and events but there was no known threat to the school or community. OHS did not have further information

to share, and additional communication from OHS to parents regarding the bird head may have been counter-productive and unlikely to have calmed the rumors circulating in the community. OHS officials had no reason at the time to believe that the bird head incident indicated a threat to the safety of students and staff at OHS.

**D. Attendance: Student Absences Due to Rumors of Impending School Shooting**

Several members of the Oxford community raised concerns with Guidepost that some OHS students were absent from OHS on November 30, 2021, purportedly because those students or their families had information before that school day that a shooting or other violent act was going to occur at OHS. Guidepost investigated these concerns and did not find any evidence that any OHS student was absent from OHS on November 30 because the student or family knew or believed before that school day that a shooting or other violent act would occur at OHS that day.

First, the data: During the 2021-22 school year, leading up to the shooting, the average daily attendance at OHS was 93% of students present.<sup>88</sup> On November 30, just over 93% of students were reported present, slightly higher than the daily average.<sup>89</sup> Reported absent from OHS on November 30 were 112 students<sup>90</sup> out of approximately 1,708 enrolled students.<sup>91</sup>

With the list of the 112 students, Guidepost tried interviewing parents of students who were reported absent on November 30 to determine, if possible, why those students were absent that day. Only one family responded to our request for an interview, and no family has come forward to Guidepost with evidence that it was known to or believed by anyone, other than the Shooter, that a shooting or other violent act would occur at OHS on November 30.

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<sup>88</sup> 2021-22 OHS Attendance Data.

<sup>89</sup> 2021-22 OHS Attendance Data.

<sup>90</sup> 2021-22 OHS Attendance Data.

<sup>91</sup> 2021-22 OHS Attendance Data.

The family that agreed to an interview explained to Guidepost that they did not have any knowledge of or believe that a shooting or other violent act would occur at OHS on November 30.

While no community members came forward about their *own* decision to keep their student(s) home on November 30, 2021, some community members reported information they had learned about *other* community members keeping their student(s) home on November 30. Community members reported learning this information through word-of-mouth, social media, or news media. Guidepost investigated each of these reports by attempting to interview all families at the center of each report and by reviewing attendance documentation records. None of the interviews nor documentation resulted in evidence that it was known to or believed by anyone, other than the Shooter, that a shooting or other violent act would occur at OHS on November 30.

Guidepost also investigated claims presented in news media that parents kept their students home on November 30 because their students feared something bad was going to happen at school that day. It was reported that one student told his mother that he did not feel comfortable going to school on November 30 because “none of the students we go to school with are going today.”<sup>92</sup> This student also presented from his phone to reporters and law enforcement apparent threats to OHS that were circulating on social media.<sup>93</sup> However, it was revealed in subsequent news reports that this student did not go to school on November 30 because his cousins, with whom he normally went to school, had overslept and would not be attending school that day. Based on this information, the student also decided not to go to school.<sup>94</sup> With regard to the threats he presented to

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<sup>92</sup> Lily Altavena, *et. al*, “4 dead, 7 injured in Oxford High School shooting; suspect is 15-year-old student,” Detroit Free Press, (Dec. 1, 2021). (<https://www.freep.com/story/news/local/michigan/oakland/2021/11/30/oxford-high-school-active-shooter-victims/8810588002/>).

<sup>93</sup> “This is serious: Parent, student react to Oxford High School shooting,” Click on Detroit, WDIV, (Nov. 30, 2021) (<https://www.youtube.com/watch?v=V1wSbquXyiM>).

<sup>94</sup> Tessa Stuart, “Severed deer head on campus, rumors of violence preceded Michigan school shooting,” Rolling Stone, (Dec. 1, 2021) (<https://www.rollingstone.com/culture/culture-news/michigan-school-shooting-threat-snapchat-1265408/>).

reporters and law enforcement, these were circulated to him *after* the shooting and were related to preceding events in the month of November unrelated to the shooting, as set forth above.

It was further reported in the media that a second student did not go to school on November 30 because he told his mother that, “he felt like something was going to go down.”<sup>95</sup> Guidepost asked the mother of the second student why her son was not at school on November 30. She explained that the news reporting was incorrect and that her son did go to school on November 30, stating via email, “My son was a senior when the shooting happened. He left school before lunch that day as had become his norm.”

Although the absence rate on November 30 was not higher than the monthly average, there was a day in November 2021 when there was an unusually high number of absences at OHS compared to the rest of that month – Friday, November 19. November 19 was the last day of school before students switched to virtual classes ahead of the Thanksgiving break the following week, due to OHS staffing issues.<sup>96</sup> On November 19, just over 87% of OHS students were reported present, approximately six points below the average of 93%.<sup>97</sup> Guidepost evaluated this higher rate of absence.

Guidepost (i) reviewed excused and unexcused absence documentation for the month of November 2021, (ii) interviewed parents of OHS students who were absent on November 19, (iii) reviewed communications between parents/students and OHS conveying worries about attending school that day, and (iv) obtained information from an online Oxford community group discussing parent/student concerns about November 19. As concerns relating to the countdown mounted leading up to November 19, as described above families understandably, kept their students out of school that day.

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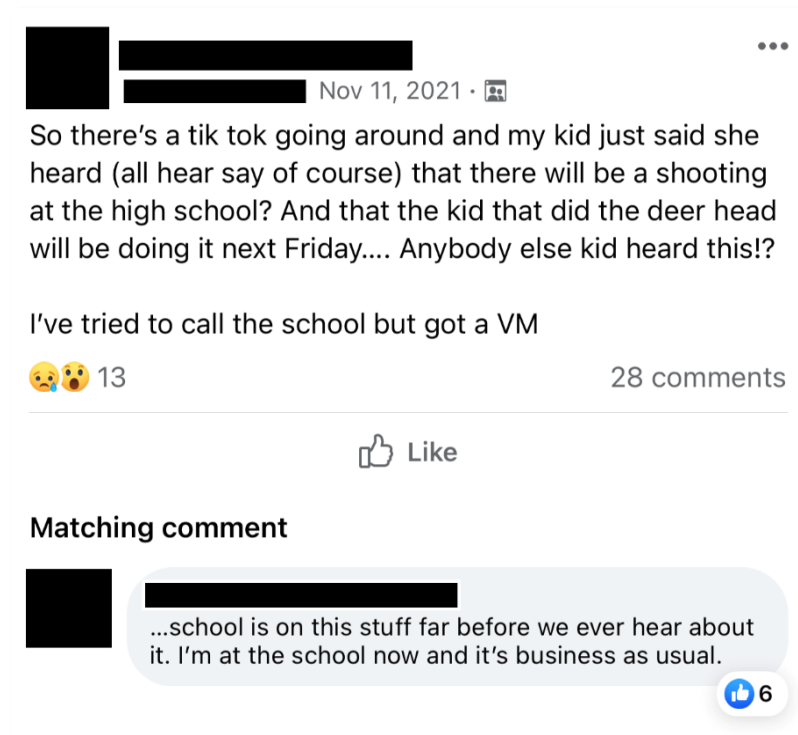
<sup>95</sup> Lily Altavena, *et. al.*, “4 dead, 7 injured in Oxford High School shooting; suspect is 15-year-old student,” *Detroit Free Press*, (Dec. 1, 2021) (<https://www.freep.com/story/news/local/michigan/oakland/2021/11/30/oxford-high-school-active-shooter-victims/8810588002/>).

<sup>96</sup> Email from Stublensky re: “Secondary Schools Move to Remote Learning Next Week,” Nov. 16, 2021.

<sup>97</sup> “OHS Absent Report,” Dec. 6, 2021.

November 19 was the *only* day of the month when OHS parents cited “stress” as the reason for their absent student(s), although “stress” was not the reason cited for most absences that day. Furthermore, for November 30, no parent cited “stress,” “anxious,” “anxiety,” nor a threat as the reason for a student absence as parents had on previous days in the month of November 2021.

OHS students were absent from school on November 19 due to fears of a threat to OHS that derived from rumors started on social media related to the “countdown” and shared among students online and by word-of-mouth. Students discussed the rumors at school, made reports to school officials and OK2SAY, and shared their fears with their parents. The following represents one example of the circulated rumor as presented by a parent in an online Oxford community group where “next Friday” refers to November 19, 2021:



As outlined above, the circulated rumors were Investigated by OCS and the OCSO during and around the week of November 11 to November 19, investigated by the OCSO again

after November 30,<sup>98</sup> and finally investigated by Guidepost through the course of this investigation. The rumors of threats to OHS on November 19 were false and unfounded, and later, erroneously attributed to the shooting of November 30. Moreover, the student creator of the circulated rumor leading up to November 19 admitted to police that she fabricated the threat to get the attention of the OHS administration to take student reports more seriously.

Further, the unfounded social media rumors related to a perceived threat of violence to occur at OHS on November 19 pointed to the perpetrator of the deer head incident at OHS on November 4, 2021, as the source of the threat. Images used to fuel rumors of the threat were pulled from the deer head perpetrator's social media and from witnesses' photos of the deer head at OHS.

November 19 was the date of the perceived threat toward OHS due to a misinterpretation of a "countdown clock," posted on the deer head incident perpetrator's social media, which had already "expired" by the time of the shooting. The posted countdown clock was counting down to an innocuous event at a local Oxford bar and not related to a threat of any kind. This countdown was conflated with dark themes posted on the deer head incident perpetrator's social media.

Regarding attendance at OHS on other days in November 2021: on Thursday, November 4, when the deer head and graffiti were discovered at OHS, just over 93% of students were reported present. The following day, Friday, November 5, just over 92% of students were reported present. On Thursday, November 11, when the bird head was discovered in a jar in a stall in a boys' restroom, just over 92% of students were reported present. The following day, Friday, November 12, just over 91% of students were reported present.<sup>99</sup> While there was a very slight drop-off in attendance on the day following each event, it was typical for Fridays to have a slightly lower attendance rate than the middle

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<sup>98</sup> "Oakland County officials address copycat threats," WILX News 10(Dec. 2, 2021). (<https://www.facebook.com/wilxnews10/videos/285497456698627>).

<sup>99</sup> "OHS Absent Report," Email and Data, Dec. 6, 2021.



of the week.<sup>100</sup> Finally, these slightly below-average attendance rates were insignificant compared to the lower attendance rate on November 19.

In short, as outlined above, Guidepost found no evidence to confirm the reports that students were absent on November 30 because they had knowledge that the shooting or some other violent incident would take place.

### **E. OK2SAY**

Members of the Oxford community have raised concerns with Guidepost that, before the shooting, OCS had received through OK2SAY threats or other information that a shooting or other violent act was going to happen at OHS on November 30, 2021, or thereabouts. We investigated these concerns.

OK2SAY is a safety program administered by the state of Michigan through the State Police, to allow students and others to confidentially report tips on criminal activities or other potential harm directed at schools.<sup>101</sup> OK2SAY's communication system facilitates sharing among students, parents, school personnel, mental health service programs, law enforcement, and other government agencies, about harmful behaviors that threaten to disrupt schools.

According to OK2SAY, for most violent incidents that occur in schools, someone other than the perpetrator of the violence knows of the threat before it's carried out but fails to report it. "Often, students choose to keep quiet because they fear retaliation, rejection, or stigmatization by their peers." The result is a culture of silence in which students suffer harm that may have been prevented if another had chosen to speak out.

The goal of OK2SAY is to stop harmful behavior before it occurs by encouraging students to report threatening behavior to school personnel, law enforcement, or other authorities. OK2SAY encourages students to confidentially submit tips 24/7 using the OK2SAY mobile app, website, email address, or phone number to text or call. Upon

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<sup>101</sup> See [www.michigan.gov/ok2say](http://www.michigan.gov/ok2say).

receiving a tip, OK2SAY technicians address the immediate need and forward the information to the appropriate law enforcement agency, mental health agency, or school.

“Ultimately, it’s about early intervention and prevention. When students make the courageous decision to break the code of silence and speak out against harmful behavior, they equip authorities with the information needed to respond to threats and avert tragedy.”

In an effort to determine whether, before the shooting, OCS had received through OK2SAY threats or other information that a shooting or other violent act was going to happen at OHS on November 30, 2021, or thereabouts, Guidepost requested from the Michigan State Police (“MSP”) all OK2SAY tips regarding OHS for the month of November, 2021. In August 2023, the MSP provided a hard-copy response, which was 92 pages in length. However, the MSP response was so heavily redacted that the only fully visible record was a *post-shooting* email sent by MSP/OK2SAY to the Michigan Department of Homeland Security at 3:45 p.m. on the day of the shooting, and which contained preliminary and incomplete details on the number of injured and deceased and the fact that an unnamed fifteen-year-old was taken into custody and a 9mm pistol recovered.

The remaining records contained 26 separate reports to OK2SAY that MSP connected to OCS. Nineteen separate cases were opened by MSP based on these 26 reports, as three reporters made a combined total of ten reports due to multiple text messages, website reports, and a phone call to report the same incident. Of the nineteen cases, only *two* were reported to OHS and law enforcement. Both cases were promptly responded to by OHS and outcome reports sent back to MSP within 24 hours. MSP did not file suspicious activity reports on either incident.

The first report that resulted in communication with OHS occurred on November 9, 2021, at 9:40 p.m. OK2SAY/MSP received a report, details redacted, via the OK2SAY website tipline. OK2SAY generated a case number for this report. At 9:46 p.m., OK2SAY sent the report to Principal Wolf and law enforcement. OK2SAY sent the report to Principal Wolf a second time on November 10, 2021, at 8:35 a.m. The record indicated that OHS

filed an outcome report to OK2SAY the same day. In July 2023, the District provided us with the records for an incident reported by OK2SAY to Principal Wolf on the same date at approximately the same time that involved a student, not the Shooter, at risk of self-harm. The records indicated that OHS responded directly to OK2SAY regarding the matter.

The second report that resulted in communication with OHS occurred on November 17, 2021, at 7:48 p.m., and is described above in connection with the "Countdown." OK2SAY/MSP received a report with the title, "Planned School Attack," with seven redacted JPEG files (still photos) and one redacted MOV (movie) video, via the OK2SAY website tipline. OK2SAY generated a case number. At 8:49 p.m., OK2SAY sent the report to Assistant Principal Nuss and law enforcement. OK2SAY sent the report to Assistant Principal Nuss a second time on November 18, 2021, at 8:59 a.m. The record indicated that OHS filed an outcome report to OK2SAY the same day. In July 2023, the District provided us with records for an incident reported by OK2SAY to Assistant Principal Nuss on the same date at approximately the same time with seven JPEG images and one MOV video of the deer head incident from November 4, 2021, and the email between OK2SAY and OHS.

Separately, Guidepost reviewed internal emails related to this OK2SAY report. Records indicate that Assistant Principal Nuss emailed the report to SRO Louwaert on November 18, 2021, at 9:15 a.m., and seven minutes later, Louwaert responded that there were no new photographs in the report and that he did not see the contents of the OK2SAY report as a threat. It is clear that this second OK2SAY report related to OHS was about John Doe and the deer head incident above.

None of the remaining 24 reports provided by OK2SAY resulted in reporting to OHS or law enforcement. Additionally, District records did not contain any additional reporting from OK2SAY during the month of November 2021.

We could not learn anything else from MSP/OK2SAY records because they were so heavily redacted and we did not have subpoena power to obtain unredacted records. Thus, we could find no evidence from OK2SAY records that before the shooting, OCS

had received through OK2SAY threats or other information that a shooting or other violent act was going to happen at OHS on November 30, 2021 or thereabouts.

## **F. Summary**

The deer head, countdown, and bird head incidents, along with the proliferation of various rumors that circulated at OHS, in the Oxford community, and on social media led to an atmosphere of heightened tension and fear at OHS in the fall of 2021 leading up to the shooting. The grotesque nature of the deer head and bird head incidents understandably raised alarms among students and parents, and the incidents were ultimately morphed via rumors and social media chatter into apocryphal legend, including a false connection between these incidents and a rumored school shooting on November 19. While OHS acted reasonably in response to these incidents, including reporting them to law enforcement for investigation, reviewing all available evidence to identify suspects, and communicating available and necessary information to the community, some students and parents still believed at the time that OHS should have done more. The belief that OHS should have done more was amplified following the November 30 shooting, when students, parents and staff reported to law enforcement and the media that they believed the deer head, bird head, and countdown incidents were connected to the shooting. Other students and parents reported their belief that some students were absent on November 30 because they knew the shooting would take place.

As outlined above, neither the police investigation nor Guidepost's investigation found any evidence that the deer head, countdown, or bird head incidents represented a credible threat to OHS. Both police and Guidepost concluded that there was no connection between the deer head and countdown incidents and the Shooter. Further, while the bird head incident was perpetrated by the Shooter, there was not enough evidence available at the time of the incident that would have allowed OHS to identify the Shooter as the suspect. Finally, Guidepost's investigation has confirmed that there is no evidence that students were absent on November 30 because they had knowledge that the shooting or some other violent incident would take place. While all of these incidents were understandably reported by students and parents trying to make sense of events after the shooting and believing that OHS should have done more, Guidepost's

investigation revealed that OHS acted reasonably in response to these incidents and that they did not represent credible threats to the OCS community.

### **G. Legal Limitations on School Communications Regarding Student Matters**

As the events described above demonstrate, parents and families understandably want to know if there is anyone or anything that poses a threat to their children at school. Parents often hear information from students, other parents, or members of the community about events or conduct at school that the parents find concerning. In such situations, parents may feel that that the school should be providing more information. However, a school's ability to share information with parents and the public is limited when that information concerns another student in the school.

The Family Educational Rights and Privacy Act (“FERPA”) provides privacy protection to student education records and the personally identifiable information<sup>102</sup> that is found in those records.<sup>103</sup> A school district must obtain consent from a student’s parent or guardian before disclosing a minor student’s identifiable educational record, unless an exception applies. If a school district has a policy or practice of disclosing student education records containing PII in violation of FERPA, the school district could potentially lose its federal funding.<sup>104</sup>

FERPA identifies the limited circumstances in which a school may disclose a student's education records without parental consent. For example, a school may disclose educational records where they have been de-identified to remove student PII,<sup>105</sup> or to

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<sup>102</sup> Personally Identifiable Information (“PII”) includes directly identifiable information such as a student's name and social security number, as well as other indirect identifiers and “[o]ther information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. 34 CFR § 99.3.

<sup>103</sup> 20 USC § 1232g and its implementing regulations set forth at 34 CFR § 99.1 *et seq.* “Education Records” are records that are directly related to a student and are maintained by an institution, or a party acting for the agency or institution. 34 CFR § 99.3.

<sup>104</sup> 20 USC § 1232g(b)(1).

<sup>105</sup> 34 CFR § 99.31(b)(1).

appropriate parties where disclosure is necessary to protect the health and safety of a particular student or other individuals.<sup>106</sup>

Who constitutes an “appropriate party” to receive student educational records in an emergency is determined by the district on a case-by-case basis. Districts are further charged with making a case-by-case determination of what situations rise to the level of an articulable and significant threat or health and safety emergency, and it must also consider what educational records may be shared to address the emergency. Moreover, in the event a student disciplinary incident is reported to law enforcement, informing the public of the investigation or of the identity of a student suspect may hinder law enforcement's ability to achieve the ends of their investigation and keep the school community safe.

In the wake of the OHS shooting, families at all levels of OCS have sought immediate communications from the District whenever any information about a perceived threat anywhere in the school system has circulated in the community. However, as explained above, OCS is limited by federal law in the information that it can disclose about students to parents and community members.

## **X. Interactions Between Hopkins and the Shooter**

Shawn Hopkins was the only person who was present for all three key meetings involving the Shooter on November 29 and 30. Hopkins participated in the meeting with the Shooter and Fine on November 29 and took the lead in the two meetings on November 30, with the Shooter and Ejak and then with the Shooter and his parents and Ejak. In addition, Hopkins was the Shooter’s counselor and had met with him several times before November 29 and 30, 2021, not only to handle routine school matters (such as class selection/scheduling), but importantly, to check in with the Shooter about concerns his ninth- and tenth-grade teachers had raised about the Shooter. Many of these interactions are noted in other sections, but we consolidate every known interaction involving Hopkins

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<sup>106</sup> 34 CFR § 99.36(c).

and the Shooter in this section, to provide a clear picture of the information that Hopkins had going into the meeting with the Shooter on November 29.

#### **A. Interactions Between Hopkins and the Shooter in Ninth Grade**

In the 2021-2022 school year, Hopkins was the counselor assigned to OHS students with last names beginning with letters A through Di, including the Shooter. He had a caseload of approximately 400 students at the time of the shooting. Hopkins testified that he would typically see each of his assigned students (other than seniors) once per year for a scheduling meeting, in which he helped them select their classes for the year.<sup>107</sup> In addition to this scheduling responsibility, Hopkins's role as counselor also included working with students on their transition to high school (for first-years), post-secondary school plans (for more senior students), and social-emotional well-being.<sup>108</sup>

Like many other aspects of school, the pandemic disrupted counselors' interactions with their assigned students. When interviewed by law enforcement on November 30 after the shooting, Hopkins acknowledged that "to be honest, this is crappy with the past couple of years, I don't know my kids that well." He explained that even though students had returned to in-person learning for the 2020-2021 school year (the Shooter's ninth-grade year), "we were shut down for like seven weeks and we were trying to limit exposure, so it just wasn't – it wasn't like I was around the freshmen all that much." Hopkins testified in his deposition that he did not have any memory of meeting with the Shooter during his first year at OHS, recalling that "we did scheduling virtually that year" and "[w]e limited our meetings with students." Similarly, at the parents' preliminary examination hearing in their criminal case, Hopkins testified that the Shooter was assigned to him in the fall of 2020 and he did not specifically recall meeting with the Shooter for a scheduling meeting because it was done virtually.<sup>109</sup>

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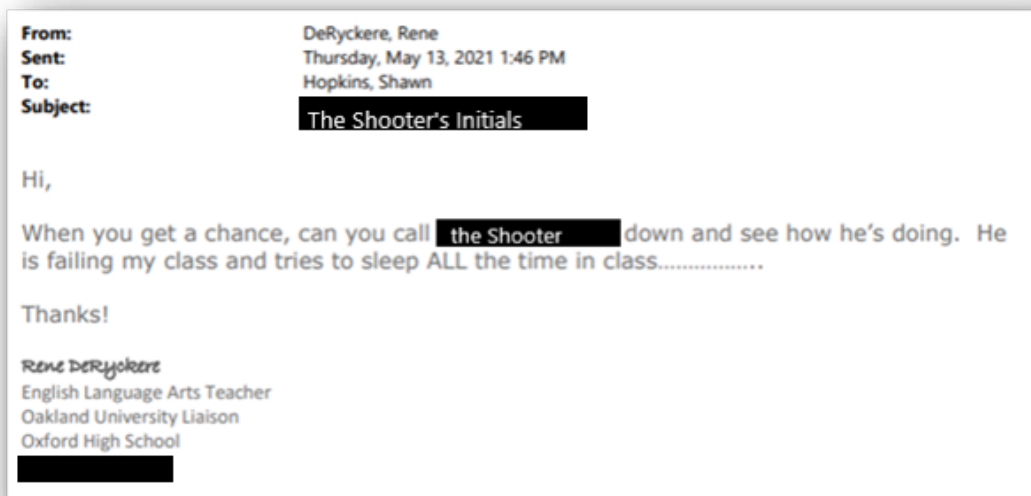
<sup>107</sup> Hopkins Prelim. Exam. Tr. at 105, 108.

<sup>108</sup> Hopkins Prelim. Exam. Tr. at 105.

<sup>109</sup> Hopkins Prelim. Exam. Tr. at 108. Hopkins estimated that he held scheduling meetings with three grades of students in his caseload in approximately three weeks' time.

At his deposition, Hopkins testified that “[t]he first time that I received a – a notice to my memory of [the Shooter] would have been early September [2021] in an email received from his Spanish teacher.”<sup>110</sup> However, email correspondence obtained from OHS shows that two of the Shooter’s teachers contacted Hopkins several months earlier, in the second semester of ninth grade, to alert him to concerns they had about the Shooter’s classroom performance. The evidence indicates that Hopkins met with the Shooter in mid-May 2021 to discuss at least one of the teachers’ concerns, as set forth below.

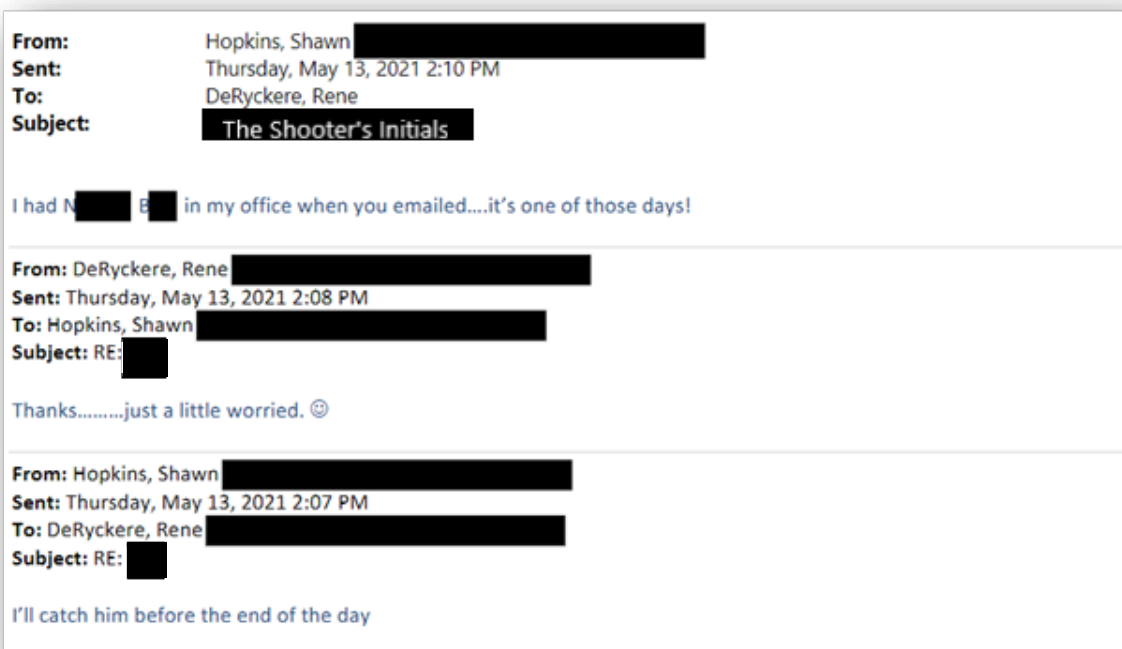
On May 13, 2021, in the spring of the Shooter’s first year at OHS, two of the Shooter’s teachers contacted Hopkins, the Shooter’s counselor, about their concerns about the Shooter’s classroom performance. First, the Shooter’s ninth grade ELA teacher, Rene DeRyckere, emailed Hopkins at 1:46 p.m. and asked him to meet with the Shooter:



Hopkins replied to DeRyckere’s email about 20 minutes later, at 2:07 p.m.:

<sup>110</sup> At the Shooter’s Preliminary Examination, Hopkins testified that his first interaction with the Shooter prior to November 29, 2021 occurred even later than September 2021, in response to an email that he received from a teacher in early November 2021.

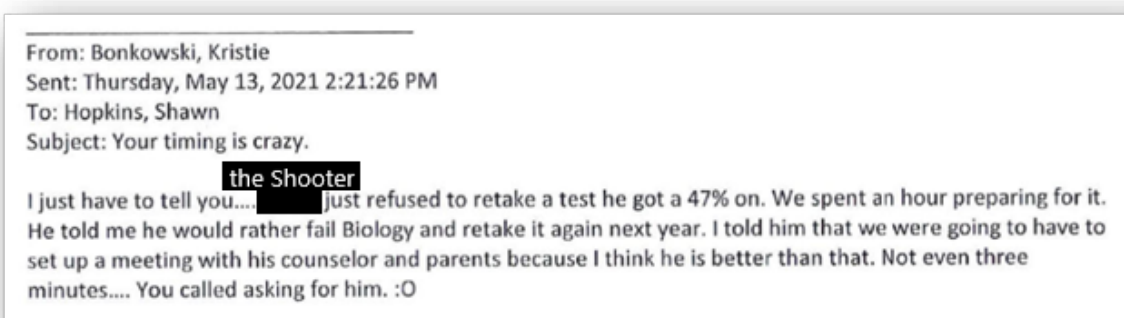




As stated in the email, DeRyckere told Hopkins that she was “just a little worried” about the Shooter. At her deposition, DeRyckere was not specifically asked about her email to Hopkins on May 13, but she testified that she referred the Shooter to Hopkins because he was failing her class and sleeping in class on a regular basis. DeRyckere testified that she did not speak to Hopkins about the Shooter after this referral email because “[t]he situation had rectified itself” and the Shooter ultimately passed her class.

Neither Hopkins nor DeRyckere were asked about these emails at their depositions, nor did Hopkins testify at the Shooter’s preliminary hearing about receiving this request from DeRyckere. At her deposition, DeRyckere was asked about texts that she sent to other teachers after the shooting in which DeRyckere said that she referred the Shooter to Hopkins because he was “always trying to sleep, smelled, failing class.” Hopkins did not have any memory of any teacher telling him that the Shooter was sleeping in class or on his phone in class or had poor personal hygiene. We could not ask Hopkins whether he met with the Shooter, as he told DeRyckere he would, because he refused to speak to us, as did DeRyckere.

However, other evidence indicates that Hopkins met with the Shooter on May 13. An email from another teacher indicates that Hopkins called the Shooter down to his office on May 13, 2021 for a meeting, as Hopkins told DeRyckere he would do. At 2:21 p.m., that same day, the Shooter's biology teacher wrote to Hopkins about the Shooter's refusal to re-take a test with the rest of the class (a test on which the entire class had done poorly). The email indicates that Hopkins called the biology teacher and asked her to send the Shooter down to his office, just minutes after the biology teacher had confronted the Shooter about re-taking the test:



From: Bonkowski, Kristie  
Sent: Thursday, May 13, 2021 2:21:26 PM  
To: Hopkins, Shawn  
Subject: Your timing is crazy.

I just have to tell you... **the Shooter** just refused to retake a test he got a 47% on. We spent an hour preparing for it. He told me he would rather fail Biology and retake it again next year. I told him that we were going to have to set up a meeting with his counselor and parents because I think he is better than that. Not even three minutes.... You called asking for him. :O

As indicated in this email, Hopkins called the biology teacher “[n]ot even three minutes” after she told the Shooter that she would be contacting Hopkins and the Shooter’s parents about his refusal to re-take this test. It appears that Hopkins called the Shooter out of biology class on May 13 in response to DeRyckere’s email (above), and it was a coincidence that the biology teacher had an issue with the Shooter that same day.

In an interview with law enforcement after the shooting, the biology teacher explained that Hopkins had called her to send the Shooter to his office, which was not uncommon. She did not want to embarrass the Shooter by describing to Hopkins over the phone his refusal to re-take the test, so she sent Hopkins the above email after she sent the Shooter to his office. We did not see any response from Hopkins to the biology teacher’s email, but it is possible that he addressed the Shooter’s refusal to re-take the biology test in the meeting that he and the Shooter apparently had that day, if he read the biology teacher’s email before meeting with the Shooter.

When interviewed by law enforcement after the shooting, Hopkins did not appear to recall meeting with the Shooter in May 2021. An investigator asked Hopkins, “Would you say during freshman year, did you have really any interaction with him?” and Hopkins replied, “Not really.” And as noted above, in his deposition, Hopkins recalled that the first time the Shooter registered in Hopkins’s memory was in September 2021, in connection with an email that is described below.

**B. Interactions Between Hopkins and the Shooter in Tenth Grade, Prior to November 29**

When interviewed by law enforcement on November 30 after the shooting, Hopkins said that the Shooter was “pretty typical from a transition from freshman to sophomore academic.” Hopkins did not think that there had been a big change in the Shooter’s academic performance from ninth grade to tenth grade, telling law enforcement, “I don’t know that I’d say it’s that different” and observing that the 2020-2021 school year (the Shooter’s ninth grade year) had been “ridiculous” (seemingly referring to the difficulties caused by COVID). In his interview with law enforcement on November 30, Hopkins recalled that the Shooter was “struggling a bit this year” (tenth grade) with his grades, noting that the Shooter was failing one class at that time, but he observed that it “wasn’t like, you know, he was a straight-A student” and he thought the Shooter was “not that far different than most of our kids.”

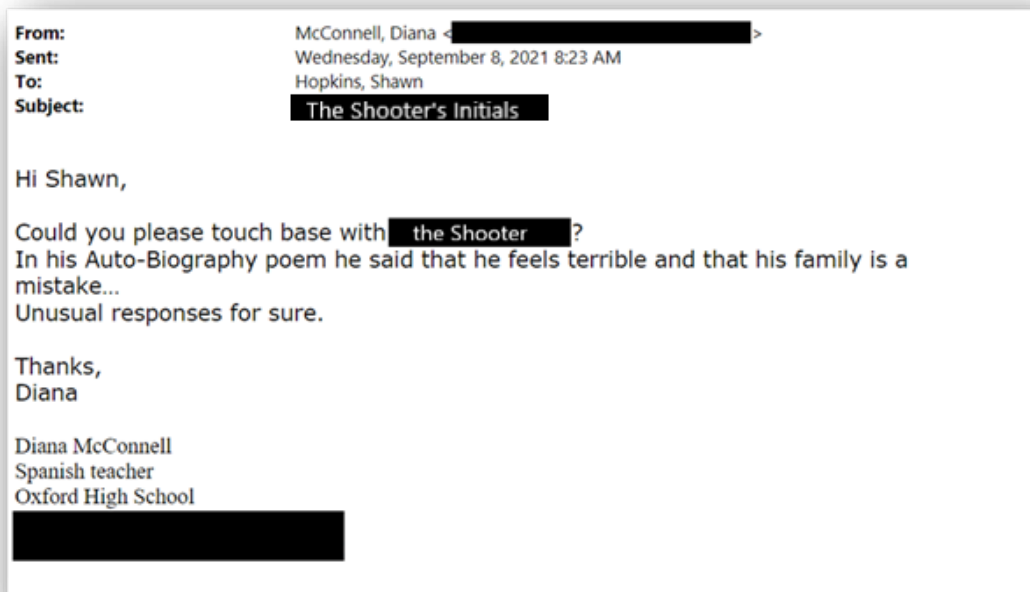
Those statements by Hopkins about the Shooter do not accurately represent the Shooter’s overall academic performance in tenth grade; our review of the Shooter’s grades as a sophomore (discussed above) establishes that he was struggling more than just “a bit” and that he had stopped doing the assigned work in several classes in November 2021.

On September 8, 2021, about twelve weeks before the shooting, McConnell, the Shooter’s Spanish teacher, asked her students to write a “get to know you” autobiographical poem. In completing the assignment, the Shooter wrote that he felt terrible and that his family was a mistake. At her deposition, McConnell testified that as the students were working on this assignment in class,

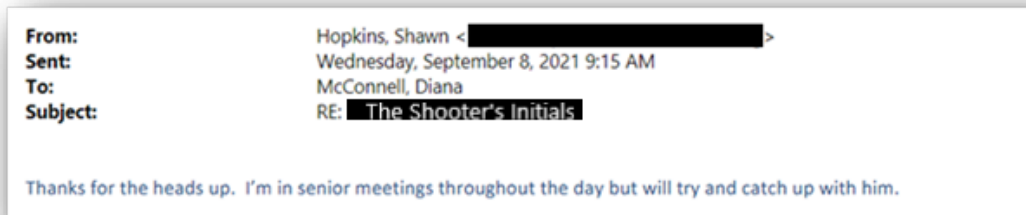
[T]he kids were all giggling and laughing. And [the Shooter] had written that he felt terrible, which I've had other students do that, but usually it's allergies, a cold, something, and that his family was a mistake. And so when I went to talk to him and find out what, you know, what was going on over there, they were laughing and joking about that. And I looked at [the Shooter] and I said "[the Shooter's name]," and he just [said] "It's a joke. It's a joke."

McConnell was not sure that the Shooter was joking, and based on her experience with a former student who had committed suicide, she was "hyper-alert of students who make a mention of something, and I tend to maybe take it more seriously or investigate a little more than somebody else who would have just said 'Okay, it was a joke.'" According to the police notes of an interview with McConnell after the shooting, she stated that based on her three decades as a teacher, she thought that the Shooter would not have made the statements that concerned her unless he meant them.

McConnell did not want to ask the Shooter about his statements at that moment in class because there were 32 other students present, so she decided not to pursue the matter further on her own and instead reached out to Hopkins to talk to the Shooter privately:



Hopkins responded to McConnell's email:



McConnell and Hopkins have markedly different memories of what happened next. At her deposition, McConnell testified that she later spoke to Hopkins about the matter and “he told me that he had talked to [the Shooter], everything seemed fine, and that he had said that, told [the Shooter] that he had an open door, ‘Come back if you need me.’” When McConnell spoke to law enforcement after the shooting, she had a slightly different recollection, according to the police notes; McConnell reportedly told the police that Hopkins told her he had spoken to the Shooter but he did not provide any additional details. McConnell testified that after she spoke to Hopkins, she accepted that the Shooter had been joking when he made the statement in his autobiographical poem that had initially troubled her. In other words, speaking to Hopkins after he had spoken to the Shooter (as she said Hopkins told her) led McConnell to accept that the Shooter's statements were a joke.

However, according to Hopkins, he never spoke to the Shooter to discuss McConnell's concerns about the Shooter's statements and he never told McConnell that he met with the Shooter at this time. At his deposition, Hopkins testified about what he did after receiving McConnell's email on September 8, 2021:

I actually spoke with Diana McConnell to gain a little more context, to which I found out that he – when I gained context of this, he was in a group. They wrote it as a joke. He was with friends. So it lowered any potential concerns I may have that a student was following instruction of writing an autobiography poem. He wrote on topic. He wrote about family. And when

I found that he was actually doing it as a joke, I did not follow up with [the Shooter] in regards to that assignment.

In Hopkins's telling, it was McConnell who reassured *him* that the Shooter had been joking when he wrote that he felt terrible and that his family was a mistake – the opposite of what McConnell recalled. Hopkins elaborated:

[McConnell] was initially thinking that it might be something a little more than it was until she gained context of what the situation was. [McConnell] is also a little bit self-described as a worrier. So she – she was quick to – to send [the email to Hopkins] off. And then after gaining context of what was going on had her anxieties calmed, and when I met with her, by that point was stating that it was not as big of a deal as she had initially thought.

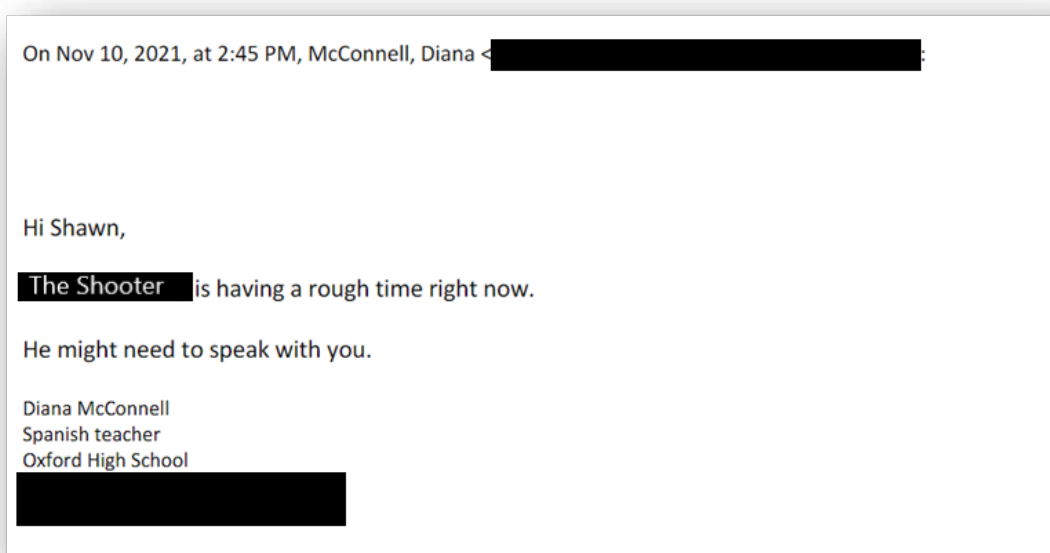
Again, Hopkins's testimony contradicts McConnell's testimony, for she recalled that after she spoke to the Shooter and he said it was a joke, she was still uncertain. According to McConnell, the context she gained from the Shooter did not calm her anxieties, contrary to Hopkins's recollection.

Hopkins testified that after speaking to McConnell, the situation “did not arise to the level of concern” and “it did not seem that there was a need for a conversation with [the Shooter] about a Spanish assignment at that time.” As a result, Hopkins did not meet with the Shooter at this time nor did he review the Shooter's autobiographical poem. Hopkins testified that he did *not* tell McConnell that he had met with the Shooter in September 2021 after receiving her email.

We cannot reconcile the differences in the deposition testimony of McConnell and Hopkins because they both refused to speak with us. We are not aware of any evidence that would corroborate either account. We *can* state definitively that McConnell contacted Hopkins in September 2021 because she was concerned about the Shooter's statements in his autobiographical poem, but we cannot say for certain whether Hopkins met with the Shooter or not.

Later that fall, Hopkins *did* meet with the Shooter in response to *another* email from McConnell. Specifically, on November 10, 2021, McConnell emailed Hopkins to tell him that the Shooter was going through a difficult time. At her deposition, McConnell testified

that in November 2021, she had noticed that the Shooter had been quieter in her Spanish class, and was putting less effort into his work. McConnell had also noticed that the Shooter's good friend had not been at school and she was unaware of why he was no longer in class. McConnell testified that she asked the Shooter how he was doing, and he told her that he was okay. When she was interviewed by law enforcement after the shooting, McConnell also recalled that the Shooter seemed distracted and was not paying attention in class but writing in his journal instead. McConnell's various observations of the Shooter prompted her to send Hopkins the following email:

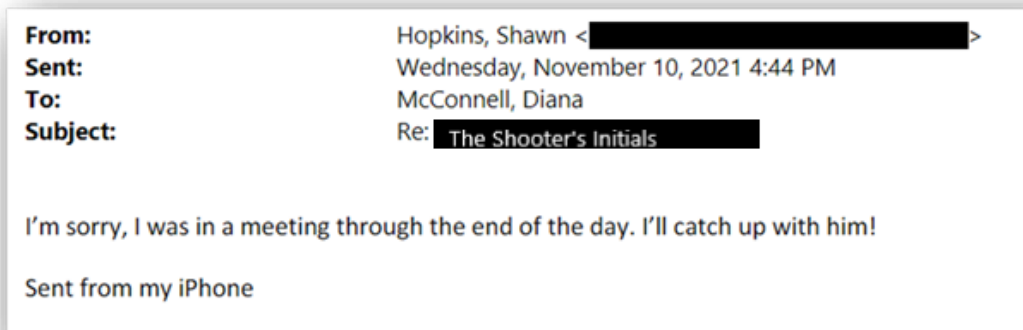


In this email, McConnell did not alert Hopkins to the underlying reasons that had prompted her to write; she did not cite her concerns about the Shooter's academic performance in her class, the absence of the Shooter's friend, or his more subdued demeanor.<sup>111</sup>

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<sup>111</sup> McConnell reported to police that she spoke to Hopkins in person at a staff meeting about her November 10, 2021 email to Hopkins and the Shooter's behavior.

Two hours later, after the school day had ended, Hopkins responded:



Hopkins did not contact McConnell to learn more about the circumstances that led her to write that the Shooter was having a “rough time right now.”

Hopkins testified that on the morning of the next day, November 11, 2021, he waited outside one of the Shooter’s classrooms to catch him as he entered his class.<sup>112</sup> Hopkins recalled that this public meeting with the Shooter in the hallway was brief, characterizing it as a “check in.”<sup>113</sup> The conversation between Hopkins and the Shooter was short, as Hopkins explained at his deposition: “I said that I heard you might be going through something or you might be having a rough time. I just want you to know that if you need to talk, I can be there for you.” According to Hopkins, the Shooter “just simply said okay,” which Hopkins found to be “[n]ot an uncommon or concerning response. Because it's not about let's figure this out. It's not about even a problem to figure out. A rough time isn't something that I would look at and think, oh, no, we have to fix this.”

At his deposition, Hopkins explained why he responded differently to McConnell’s email in November 2021 than he had to her earlier email in September 2021:

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<sup>112</sup> Hopkins Prelim. Exam. Tr. at 109.

<sup>113</sup> Hopkins Prelim. Exam. Tr. at 109.



[The November 10, 2021 email is] more specific about a feeling of the student [versus] an assignment that the teacher felt the need to give a little bit more information about. . . . I believe that a teacher writing about an assignment is a different level of context needed [versus] a student who may be having a rough time right now, which is counseling wheelhouse where I am dealing in feelings, emotion, and not a response to what a teacher saw written on their assignment . . . . which while raised the need for an email, was also in context to the assignment being about his family.

We note that November 11, 2021, the day on which Hopkins spoke to the Shooter outside his classroom about the “rough time,” was the same day that the Shooter anonymously left a bird head in the boys’ bathroom between third and fourth hours, as described above. Hopkins testified that he had no additional interaction with the Shooter until November 29, 2021, the day before the shooting.

It is unclear whether Hopkins told McConnell that he had met with the Shooter on November 11, 2021 or about the conversation they had. McConnell testified at her deposition that Hopkins called her after he met with the Shooter on November 11 and told her that the Shooter was upset because his grandmother and dog had recently died. However, the law enforcement notes of an interview with McConnell after the shooting state that she did not follow up with Hopkins because the Shooter returned to acting like himself in her class. Hopkins was not asked at his deposition whether he spoke to McConnell after meeting with the Shooter on November 11, 2021.

The foregoing discussion documents all interactions between Hopkins and the Shooter of which we are aware, based on our review of the records produced to us by OCS, deposition and court testimony, and our interviews with witnesses. As stated at the outset of this discussion, Hopkins himself did not recall all of the communications he received about the Shooter or his interactions with the Shooter – in his deposition and preliminary examination testimony, Hopkins did not recall that two of the Shooter’s teachers had contacted him in May 2021 about the Shooter, nor did he recall that he apparently met with the Shooter in response to one of those emails.

This highlights the need for OHS personnel to document meetings with students that are prompted by a teacher’s concern about the student’s behavior. We understand that

Hopkins had approximately 400 students in his caseload in the 2021-2022 school year and that the previous years' COVID shutdowns and restrictions had hampered his ability to get to know his assigned students. Those COVID shutdowns and restrictions had also caused numerous students to struggle academically, likely resulting in more meetings between students and counselors. Under the circumstances, it is not surprising that Hopkins did not recall receiving emails about the Shooter's classroom performance in May 2021.

OHS staff used PowerSchool to document "behavioral incidents."<sup>114</sup> OHS should also document meetings with students that are prompted by a teacher's concern about the student's behavior even when that behavior does not rise to the level of an "incident." The emails that DeRyckere and McConnell sent to Hopkins did not relate to "behavioral incidents," but instead contained those teachers' observations about the Shooter's classroom behavior and demeanor, which concerned them enough to contact the Shooter's counselor and ask him to meet with the Shooter. If a teacher contacts a counselor to ask the counselor to meet with the student, that email and any meeting with the student should be documented in PowerSchool or some other accessible information repository, even if the underlying behavior did not rise to the level of an "incident." At a minimum, keeping a record of such meetings would help counselors with huge caseloads to better remember their interactions with students. More importantly, documenting these interactions in PowerSchool or in another system that is readily accessible to a threat assessment or suicide assessment team would ensure that this data is not siloed but available in a future threat or suicide assessment.

As established in the foregoing discussion, prior to November 29, 2021, Hopkins had been contacted by two of the Shooter's ninth-grade teachers and one of his tenth-grade teachers on four separate occasions (twice in May 2021, once in September 2021, once in November 2021). Hopkins apparently met with the Shooter on May 13, 2021 and definitely met with him on November 11, 2021. Heading into November 29, 2021, Hopkins was the OHS staff person who possessed the most information about the Shooter, and

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<sup>114</sup> Hopkins Prelim. Exam. Tr. at 111.

he learned more information about the Shooter on November 29 and 30, 2021, as set forth below.

## **XI. Shooter's Social Media Prior to the Shooting**

Guidepost also investigated social media activity connected to, and rumored to be connected to, the Shooter and publicly accessible before the shooting. Guidepost (and law enforcement separately) reviewed two Instagram accounts alleged to have been used by the Shooter before the shooting, with one account purportedly signaling the shooting on November 30, 2021. We determined that one of the Instagram accounts did belong to the Shooter (showing him with access to a handgun), and one did not (the one that purportedly signaled the shooting).

On Friday November 26, 2021, four days before the shooting, the Shooter's father purchased a Sig Sauer handgun:

DATE 11/26/21			
NAME The Shooter's Father		PHONE	
ADDRESS 112 EAST ST			
CITY OXFORD		STATE MI	ZIP 48371
SOLD BY CB		DL NO C651367745584	
<input type="checkbox"/> CASH <input type="checkbox"/> VISA/MC    SPECIAL ORDER <input type="checkbox"/> CHECK <input type="checkbox"/> TRADE-IN			
QTY	DESCRIPTION	PRICE	AMOUNT
1	SIG SAUER SP2022 SN/ 24D019769		489.95
<b>PLEASE PAY FROM THIS INVOICE</b> No refunds or exchanges on firearms or ammunition Deposits non-refundable 15% Restocking Fee on all returned merchandise NO CASH REFUNDS		SUB TOTAL	489.95
		S & H	
		TAX	29.40
		<b>TOTAL</b>	<b>519.35</b>
STOCK NUMBER 21-106-20	CUSTOMER [Signature]		

That evening, the Shooter posted to an Instagram account in his name, with a period between his first and last name, three photographs of a Sig Sauer handgun, stating, “Just got my new beauty today 😊 SIG SAUER 9mm. Ask any questions I will answer.” The first photo is of the handgun in a case with an empty magazine.



The second photo is of the handgun in a hand:



The third photo is of the handgun in a hand, taken from behind the rear sights:



This Instagram account was created on October 18, 2020, using the Shooter's school email address ([. . . @oxfordwildcats.org](#)) and his date of birth. According to records





All of the above posts to the Shooter's real Instagram account would have been visible to the public under the Shooter's name (firstname.lastname) as the account did not have any privacy settings.

We also investigated a second Instagram account under the Shooter's name, but this one with an underscore symbol between the Shooter's first and last name instead of a period like the account above. This second Instagram account profile page contained the caption, "Now I am become Death, the destroyer of worlds.' See you tomorrow, Oxford:"





This second Instagram account profile page was circulated online and rumored to have belonged to the Shooter and warned of the shooting that happened on November 30. This second Instagram account using the Shooter's name, a variant of his actual Instagram account name, was created on October 8, 2021, by someone with an IP address in Uruguay. This second Instagram account shows chats between the real account holder (not the Shooter) and others, *after* the Shooter was in custody and when the Shooter therefore did not have access to Instagram.

The evidence regarding this second Instagram account reflects that it was created before the shooting by someone other than the Shooter, and then doctored after the shooting to make the account look as if it was the Shooter's account and that the Shooter had signaled before November 30 that he was planning a shooting in Oxford on November 30. There is *no* evidence that the creator/holder of this Instagram account had, before the shooting, created the profile photo and byline message regarding death and the Oxford shooting reference. Moreover, we learned from law enforcement that the privacy settings on this account were set such that only contacts of the real account holder would

have been able to see the profile message, had it been authentic and posted before the shooting.

The Shooter's public Instagram postings on November 26 and 27, 2021, from the first Instagram account above, his real account about the handgun his father purchased for him ("just got my new baby today") and his shooting with his mother at the firing range, would have been useful for OHS personnel on November 30, 2021 had OHS personnel conducted a threat assessment of the Shooter and searched open, Internet sources for his social media accounts, including Instagram. Indeed, the Shooter's public posts before the shooting, demonstrate a key element of a threat assessment: access to a weapon.

The second Instagram account above was not public before the shooting, the post on that account about death and Oxford did not appear until after the shooting, and therefore would not have been available to a threat assessment team had one been assembled at OHS on November 30. And as noted above, this account was not an account created by the Shooter.

## **XII. The Events of Monday, November 29 and Tuesday, November 30, 2021**

### **A. Introduction**

The narrative that follows is drawn from a variety of sources. The account of the Shooter's conduct and his interactions with OHS personnel on November 29 and November 30, 2021, is drawn from interviews with key individuals, transcripts from criminal court hearings and civil lawsuit depositions, police records, electronic communications (emails and text messages), and other records. The account of the other events on November 30, 2021 is based on the information we learned in our interviews of OHS staff and students who were present on that day and have first-hand knowledge of what happened, as well as our review of police records, video and audio recordings, text messages sent in real time during the shooting, photographs, GPS data, and other evidence.<sup>115</sup>

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<sup>115</sup> Throughout this report, we state the time at which events occurred. Many of the times cited herein are derived from the timestamps on video recordings captured by various OHS cameras throughout the school building. The video surveillance system that was in place at OHS on November 30, 2021 is described in

To describe the events that occurred on Monday, November 29 and Tuesday, November 30, 2021 in a clear and accurate manner, our discussion is structured around the class periods that made up the OHS school day. Within this structure, we describe the Shooter's written and oral statements and his actions in his classes and in meetings with OHS personnel over those two days and examine what information the OHS administrators, teachers, counselors, and staff possessed about the Shooter and his intentions and when they learned that information. We believe that this structure is the clearest way to show when significant communications and meetings involving the Shooter and OHS personnel occurred, what crucial information was known to OHS at decisive moments, and where key OHS administrators, security personnel, and other OHS staff were located at critical times.

In the discussion that follows, we recount incidents on November 29 and 30 where classmates of the Shooter saw him with ammunition in school and heard him make statements that they found somewhat cryptic at the time. These classmates reported what they saw and heard to the police *after* the shooting. When we describe what these students say they saw and heard on November 29 and 30, we note that they did not report anything to any OHS teacher, administrator, security personnel, or other staff member *before* the shooting.

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detail below in the section on physical security. The cameras were linked to the same computer server and therefore the timestamps are consistent among all cameras.

When we cite to times that are derived from video recordings, we state that the times are approximate. We do this because the specific second at which a movement or action or event happened may be perceived differently by different viewers, depending on when the footage is paused and when a viewer believes the movement or action or event begins or ends when watching the footage.

Finally, there are some movements, actions, and events that occurred at OHS on the days in question that were not recorded by the school cameras, for a variety of reasons. First, the cameras did not cover every inch of the school hallways and there are certain rooms (such as bathrooms) that are entirely excluded from camera coverage. In addition, the cameras were motion-activated and sometimes the cameras did not pick up the first few seconds of the motion that triggered them. Furthermore, varying levels of light (such as a burst of sunlight from a door that was opened) caused some video footage to be less clear at times.

We want to be clear that we are **not** placing any blame on these students for not reporting what they saw or heard or faulting them in any way. These students were children and not teachers, counselors, or mental health professionals. We mention the fact that they did not report what they saw and/or heard because it raises the likelihood that these students (and others) did not understand what, when, how, or where to report information about potential threats or concerning behavior, notwithstanding Michigan's OK2SAY program at OCS.<sup>116</sup> This is directly relevant to our examination of the state of the student threat assessment process at OHS and in the District at the time of the shooting. As one student who saw the Shooter with a bullet stated after the shooting, he was unsure if this was something he should report. In addition, we mention the students' not reporting what they saw and heard pre-shooting because it lends credence to statements made by witnesses that an announcement made by OHS in November 2021 about not spreading rumors may have caused students to be reluctant to report information.<sup>117</sup>

Again, we emphasize that these students are not responsible in any way for what happened on November 30, 2021. While students can be a valuable source of information about potential threats, it is not the responsibility of school-age children to prevent school shootings.

## **B. Background on the OHS Daily Schedule in Fall 2021**


To an outsider, the OHS daily schedule may be somewhat confusing. In the 2021-22 school year (and in the school years that followed), the OHS class period schedule changed every day, as shown in the graphic below.<sup>118</sup>

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<sup>116</sup> We discuss the OK2SAY program later in this report.

<sup>117</sup> Additional details about this announcement were provided above in the section about significant events that occurred at OHS in the weeks before the shooting.

<sup>118</sup> The District represented to us that the schedule below was the one in place in November of the 2021-2022 school year.

<b>OHS ROTATING SCHEDULE</b>					
	MONDAY B	TUESDAY C	WEDNESDAY D	THURSDAY E	FRIDAY F
	NO 7TH	NO 6TH	NO 1, 2, 3	NO 5TH	NO 4TH
7:48-8:50	1ST	1ST	DELAYED START	1ST 7:48-8:42	1ST
8:56-9:57	2ND	2ND		2ND 8:48-9:42	2ND
10:03-11:04	3RD	3RD	4TH 10:20-11:10	3RD 9:48-10:42	3RD
11:10-12:46 LUNCH	4TH	4TH	5TH 11:16-12:48	4TH 10:48-12:22	5TH
12:52-1:50	5TH	5TH	6TH 12:54-1:55	ADVISORY 12:28-12:58	6TH
1:56-2:58	6TH	7TH	7TH 2:01-2:58	6TH 1:04-1:58	7TH
				7TH 2:04-2:58	
<b>LUNCHES ON MONDAY, TUESDAY, FRIDAY</b>					
A 11:04-11:34 11:40-12:46		11:10-11:40 B 11:40-12:10 12:16-12:46		11:10-12:16 C 12:16-12:46	
<b>LUNCHES ON LATE START WEDNESDAY</b>					
A 11:10-11:40 11:44-12:48		11:16-11:44 B 11:44-12:14 12:18-12:48		11:16-12:18 C 12:18-12:48	
<b>LUNCHES ON ADVISORY THURSDAYS</b>					
A 10:42-11:12 11:17-12:22		10:48-11:17 B 11:17-11:47 11:52-12:22		10:48-11:52 C 11:52-12:22	

There are typically seven classes in an OHS student’s weekly schedule, but there are only six class periods in the OHS daily schedule on Monday, Tuesday, Thursday, and Friday. In other words, on those four days, one of those seven classes do not meet. On Wednesdays, OHS has a delayed start (to allow for staff professional development), and therefore students have only four classes that day.

In 2021, November 29 was a Monday and November 30 was a Tuesday. On Mondays and Tuesdays in 2021, the OHS school day began at 7:48 a.m. and ended at 2:58 p.m.<sup>119</sup> As mentioned above, the OHS school days (except Wednesday) are divided into six class periods, which are known as “first hour,” “second hour,” and so on. On these four days,

<sup>119</sup> See 2021-22 OHS Bell Schedule.

the fourth hour at OHS is an extended period that runs from 11:10 a.m. to 12:46 p.m. to allow all students a 30-minute opportunity to eat lunch. This fourth-hour lunch period is divided into three different waves (A, B, and C); on Mondays and Tuesdays in 2021, the lunch schedule worked as follows:

- Students in the “A” wave went to lunch first, from 11:04 a.m. to 11:34 a.m. (“A lunch”),<sup>120</sup> and then returned to their classrooms for the rest of fourth hour, from 11:40 a.m. to 12:46 p.m.
- Students in the “B” wave went to their fourth-hour class from 11:10 a.m. to 11:40 a.m. and then left that classroom to go to lunch from 11:40 a.m. to 12:10 p.m. (“B lunch”). After lunch, they returned to their fourth-hour classroom to resume class from 12:16 p.m. to 12:46 p.m.
- Students in the “C” wave went to their fourth-hour class from 11:10 a.m. to 12:16 p.m. They went to lunch for the remainder of the fourth-hour period, from 12:16 p.m. to 12:46 p.m. (“C lunch”).

In the 2021-22 school year (and in the school years that followed), students have six minutes between each class period to get to their next class (“passing time”). At the time of the shooting, music played in the hallways two minutes before the start of each class hour, and a bell rang to mark the starting time of each class hour. The OHS fight song was played at the end of the school day.<sup>121</sup>

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<sup>120</sup> The fourth hour starts at 11:10 a.m., after a six-minute passing time that starts at 11:04 a.m. Those in the “A” wave go directly to lunch at the start of fourth hour, which is why the unofficial start time of the A lunch wave is 11:04 a.m.

<sup>121</sup> After the shooting, OHS stopped playing the music and bells. These sounds were reinstated in the 2022-23 school year.

## **Monday, November 29, 2021**

During the 2021-22 school year, leading up to the shooting, the average daily attendance at OHS was 93% (i.e., 93% of students were present). On Monday, November 29, the first day of school after the Thanksgiving break, 1,543 students were reported present (just over 90%), with 167 students reported absent.

### **First Hour, 7:48 a.m. to 8:50 a.m.**

The first class in the Shooter's schedule was English Language Arts, which was co-taught by teachers Jacqueline Kubina and Allison Karpinski in Room 305.

A student in the Shooter's first-hour ELA class told police after the shooting that on this day the Shooter showed him a bullet. Specifically, this student said that during this Language Arts class, Kubina lined the students up in the hallway so that she could check their reading log questions as they re-entered the classroom. The student was in the back of the line next to the Shooter when the Shooter pulled a single bullet out of his pocket and showed it to the student. The student stated that he said "What the hell?" and told the Shooter "to put it [the bullet] away" because it was something that the Shooter should not have brought to school. This student said that at the time of this incident, he was unsure whether he should report it. This student stated that on the one hand, he thought that this was not a normal thing to happen at school, but on the other hand, he thought that the Shooter was a "pretty normal" kid who was "just a little quiet."

There is no evidence that this student reported the Shooter's possession of this bullet to anyone at OHS prior to the shooting, nor is there any evidence indicating that Kubina saw the Shooter in possession of a bullet on this day. Kubina testified in her deposition that the student who saw the Shooter with a bullet did not report this incident to her and she was unaware that the Shooter had a bullet in his possession during her first-hour class on November 29.

In a search of the Shooter's cellphone after the shooting, the police found a photograph of a bullet resting in the palm of a hand. The metadata associated with the photograph

establishes that the picture was taken at OHS on November 29, 2021 at 8:45 a.m., during the first-hour period. Based on the available evidence, it is reasonable to conclude that the Shooter took this photograph during his first-hour ELA class and the hand holding the bullet in the picture was his own hand. This is consistent with the statement by the Shooter's ELA classmate, *supra*, that the Shooter possessed a bullet in first-hour ELA class on November 29.

### **C. The Shooter Was Looking at an Image of Bullets in ELA Class**

With approximately five minutes remaining in this first-hour class (i.e., at approximately 8:45 a.m.), Kubina walked around the room among the students' desks returning graded essays to the students. When she came up behind the Shooter's desk on his right side to return his essay to him, Kubina noticed that he was looking at an image of eight to ten different-sized "brass-encased" bullets on his phone, which was laid flat on his desk. Kubina observed the image for approximately five seconds as she placed the Shooter's essay on his desk. Kubina testified that she assumed that the Shooter was aware of her presence and did not try to hide his phone from her.

Kubina was not concerned by the fact that the Shooter was looking at his phone during her class. In her deposition, Kubina explained that in her classroom, students were not allowed to use their phones while she was providing instruction, but they were allowed to check their phones during transition time between activities. Kubina testified that the Shooter would have been permitted under her rules to look his phone as she passed out the essays that day. Accordingly, she did not view the fact that the Shooter had his phone out on his desk as a concern from a disciplinary standpoint, and she described the fact that his phone was out at that time as "not out of the ordinary."

With respect to the *content* that the Shooter was looking at on his phone, Kubina testified at her deposition that she thought it was inappropriate for the Shooter to be looking at those images in class. She characterized the Shooter's viewing of an image of bullets – in other words, the content he was looking at – in class as a "cellphone violation." Kubina stated that "it's not out of the ordinary in Oxford to hear anything about shooting or hunting," but it was not appropriate for the Shooter to be looking at an image of bullets in



class. She did not view the image of bullets that the Shooter was looking at as a violent threat. Kubina testified that this was the first time she had observed a student looking at images of bullets on a phone in her classroom.

Kubina testified that when she saw what the Shooter was looking at, she mentally noted that she wanted to address it with him. The fact that he did not try to hide his phone was another reason why she wanted to speak to him; she testified that she assumed that other students in the same situation would try to put the phone away. In her deposition, Kubina testified that she intended to “pull [the Shooter] into the hallway and talk to him specifically about what he was looking at,” explaining that she “didn’t want to make a big deal specifically with the other students sitting around him” because she “didn’t know if there was a cause for concern at that time.”<sup>122</sup> However, by the time Kubina finished passing out the remaining essays, it was close to the end of the class hour and she did not have time to speak to the Shooter about what she had observed.<sup>123</sup>

As mentioned earlier, Kubina co-taught this first-hour ELA class with another teacher, Karpinski. Kubina testified that she did not tell Karpinski during class what she had seen on the Shooter’s phone. Karpinski also testified that Kubina did not say anything to her about the Shooter during first hour. Karpinski speculated that because Kubina had noticed the Shooter viewing an image of bullets at the end of first hour and Karpinski had to move to another classroom for second hour, Kubina was not able to tell her about the Shooter right away.

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<sup>122</sup> Kubina added that she “was not sure why he was doing that [looking at bullets]” or “if there was a reason” so she “wanted to speak to him before I made that known.” Diana McConnell, the Shooter’s Spanish teacher, also observed in her deposition that it could be difficult to speak to students privately in class: “And of course, it’s difficult to ask a kid in front of 32 other students.”

<sup>123</sup> Kubina stated to police that she told the Shooter that it was not appropriate to look at those images in class. When asked at her deposition about this seeming discrepancy (i.e., whether she said something to the Shooter during class or not), Kubina stated that she did not recall telling the Shooter that, nor did she recall telling the police that she had made this statement to the Shooter. In her police interview, Kubina provided specific details about why she did not talk to the Shooter about what she had seen (as recounted above). Perhaps the police officer who recorded Kubina’s police interview on November 30 was mistaken about what Kubina said or Kubina misspoke when she was interviewed by police.

However, Karpinski was interviewed by law enforcement on the day of the shooting after the shooting, and the law enforcement report of what Karpinski said in that interview differs from what Kubina and Karpinski said during their depositions. According to the law enforcement report, Karpinski stated that on November 29, *she* was the one who saw the Shooter looking at ammunition on a website using a school-issued Chromebook (computer). The law enforcement report states that Karpinski explained that she was able to see what the Shooter was looking at on his Chromebook through GoGuardian, a screen-monitoring program. According to the law enforcement report, Karpinski said that after seeing the website that the Shooter had been looking at, she and Kubina drafted an email together outlining the Shooter's behavior and their resulting concerns. Karpinski reportedly told law enforcement that Kubina sent the email to Fine and Hopkins at the end of the school day.

Kubina and Karpinski refused to speak with us, so we were unable to ask them about the differences between their deposition testimony and the law enforcement memorialization of what Karpinski said in her interview on November 30 after the shooting. Perhaps the law enforcement officer who recorded Karpinski's interview by law enforcement on November 30 was mistaken about what Karpinski said or Karpinski misspoke when she was interviewed by law enforcement.<sup>124</sup>

We wanted to ask Karpinski and Kubina about Karpinski's purported statements because if Karpinski *had* used GoGuardian to see what the Shooter was looking at on a school-issued Chromebook that morning, GoGuardian would have a record of the website that the Shooter had visited. It is our understanding that when students use school-issued Chromebooks, they must log in using their school email address. Teachers can then use GoGuardian to monitor what the student is viewing on the student's school-issued Chromebook, including any websites that the student visited. If Karpinski saw the Shooter's activity through GoGuardian and alerted someone to this fact, the school could

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<sup>124</sup> Kubina also made a confusing statement to law enforcement about GoGuardian. When asked "to clarify the use of GoGuardian," Kubina stated "students access using a Chrome Book [sic] however they would have been deactivated around the time [the Shooter] was observed viewing ammunition on his cellphone." We do not know what Kubina's statement means.

have used GoGuardian to see the website that the Shooter had visited to look at images of bullets.

We do not have any explanation for the difference between Karpinski's statements to law enforcement and the statements that she and Kubina made in their depositions. We could not resolve this issue by speaking to Karpinski and Kubina because they refused to speak with us. Historical records from GoGuardian are not available to confirm Karpinski's statements to law enforcement because the records are only retained for six months.

### **Second Hour, 8:56 a.m. to 9:57 a.m.**

The Shooter's second-hour class was Geometry, taught by Becky Morgan in Room 202.

According to one student in that class, on November 29, Morgan directed the students to work in groups, and the Shooter worked in a group with two other students.<sup>125</sup> One of those students told police after the shooting that when he and the other student asked the Shooter if he wanted to be the person to write for the group, the Shooter did not respond. This student then saw the Shooter pretend to hold a gun. The student did not pay any attention to this gesture by the Shooter at the time. There is no evidence that the student reported the Shooter's gesture to anyone at OHS prior to the shooting, nor is there any evidence that Morgan saw this gesture, although we were unable to ask her about it because she too refused to speak with us.

#### **D. Kubina Reported the Images on the Shooter's Phone**

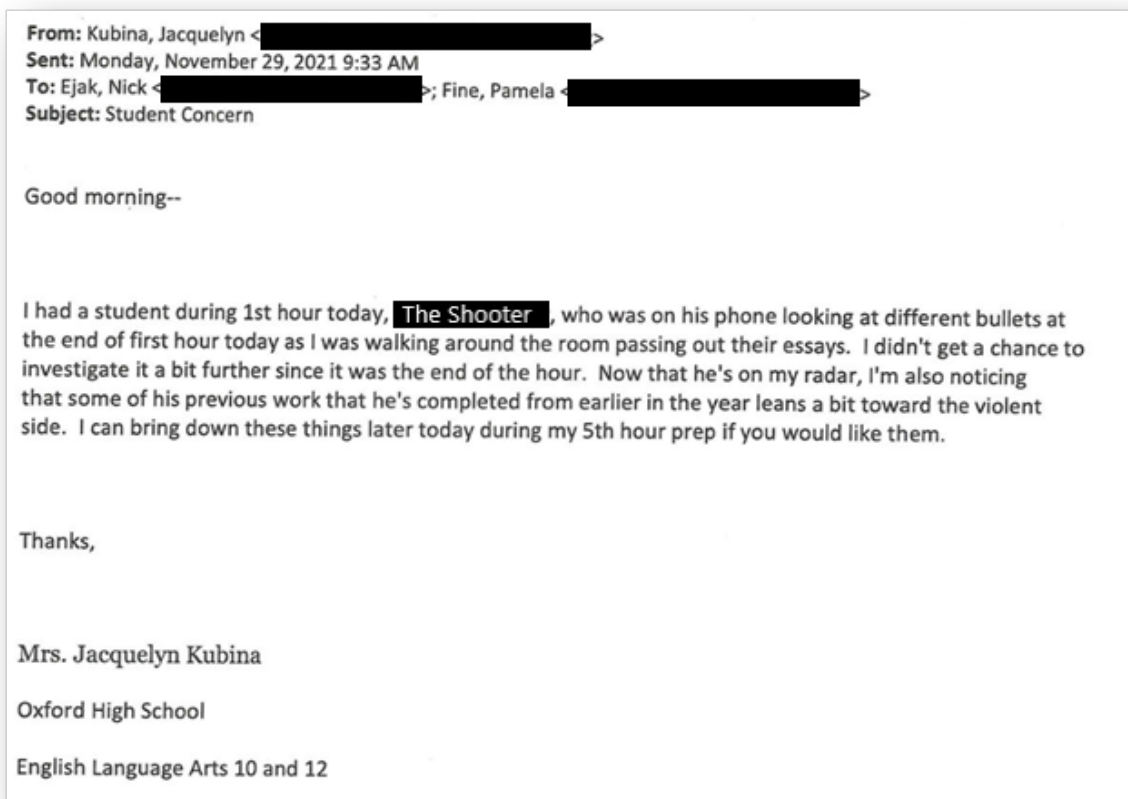
Kubina testified that because she considered the Shooter's viewing of an image of bullets as inappropriate and a cellphone violation that she had been unable to address with him directly, she wanted to alert others about the incident. She "also wanted to get their

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<sup>125</sup> In a law enforcement report of this student's interview, one of the detectives wrote that this group project took place on Tuesday, November 30 (the day of the shooting). However, this statement appears to be incorrect, based on the student's own written statement that he provided to the detectives after the interview. In the written statement, the student said that "the day *before* I was in a math group with [the Shooter]," seemingly referring to the day before the shooting. In addition, Morgan testified that on November 30, 2021, the Shooter and other students in her second-hour math class were working on a test review assignment and that they were not working in groups.

opinion as well, to speak to them and figure out is this something, uhm, was I over analyzing or not.” Karpinski testified that Kubina told her that “she debated for about an hour about whether or not to send an e-mail, so she sent it during her second-hour period.”

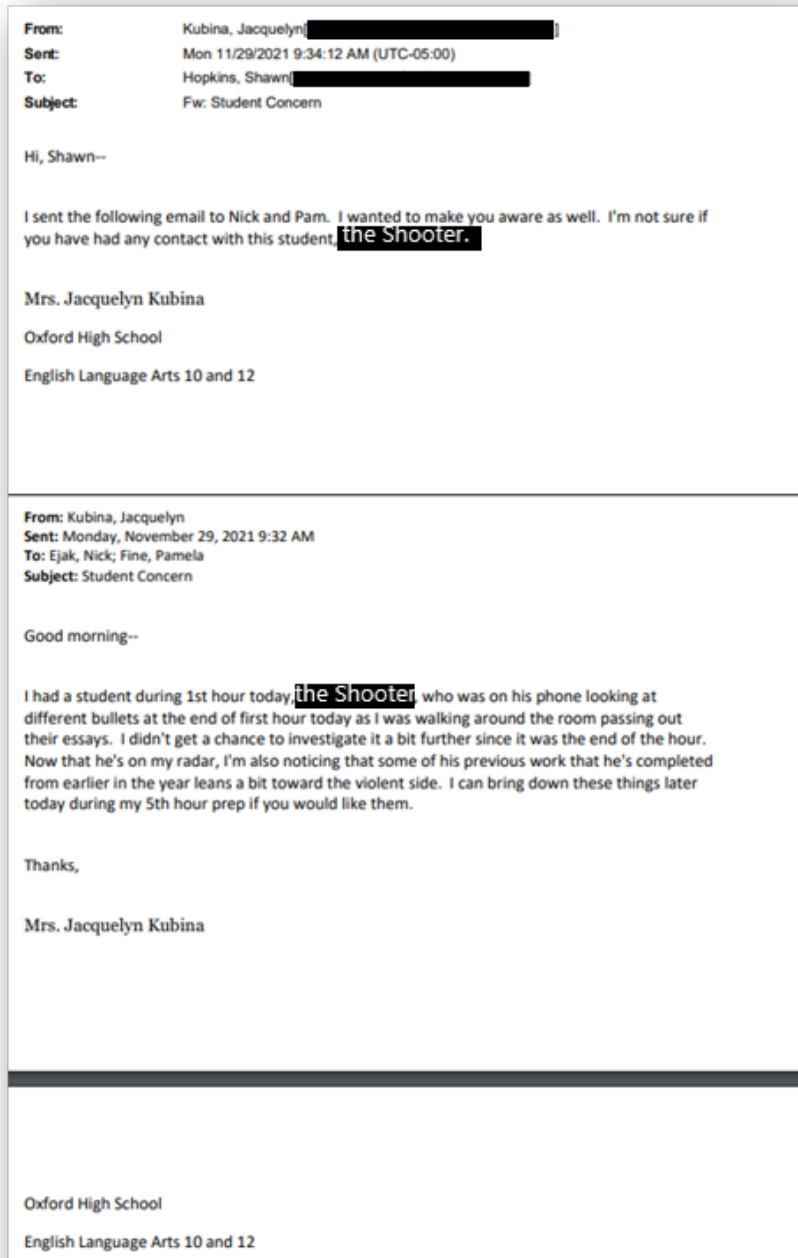
During the second-hour period, Kubina drafted and sent emails to Counselor Shawn Hopkins, Restorative Practices/Bullying Prevention Coordinator Pam Fine, and Dean of Students Nicholas Ejak, describing what the Shooter had been looking at in her first-hour ELA class. First, at 9:33 a.m., Kubina sent an email to Ejak and Fine, with the subject line “Student Concern.” In its entirety, that email reads:



This email states that Kubina had a student (the Shooter) who was looking at images of bullets on his phone during first-hour ELA class. As noted above, a law enforcement report of an interview with Karpinski on November 30 recounts that Karpinski stated that

she had seen the Shooter looking at ammunition and that the Shooter had been looking at ammunition on his school-issued Chromebook, not his phone. The email above does not say who observed the Shooter looking at an image of bullets in class.

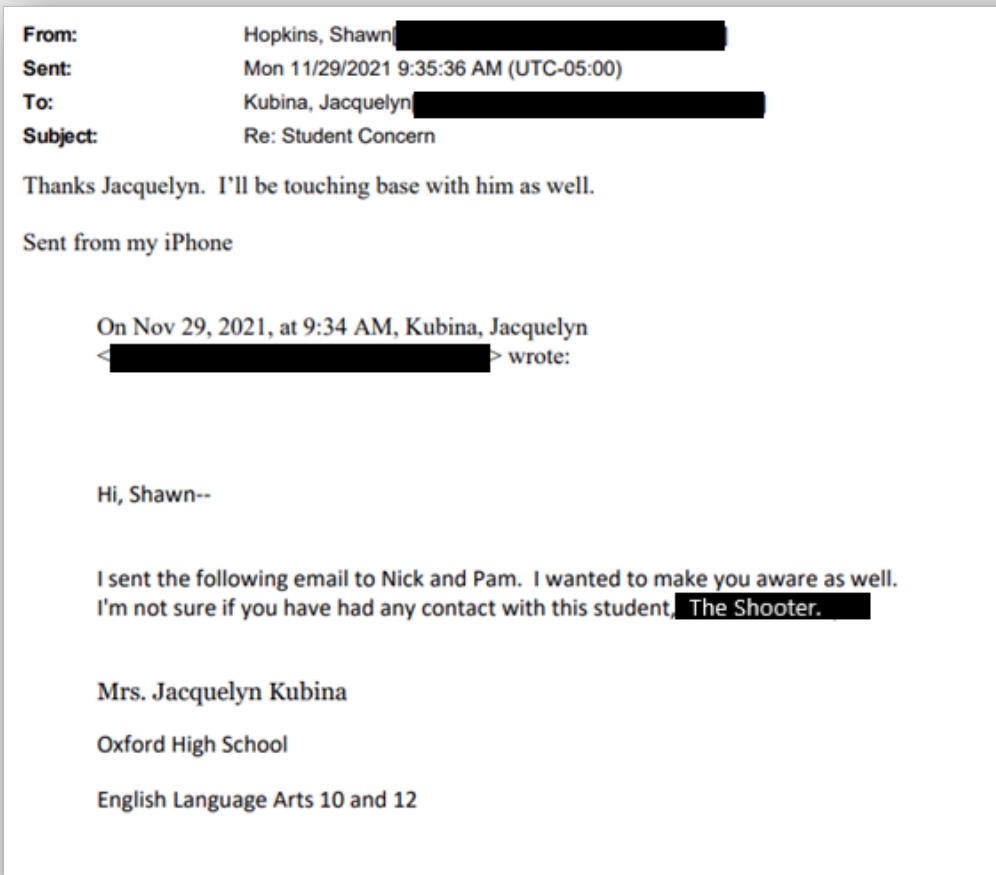
Kubina said that she sent this email to Fine because Fine “talks with students a lot and a lot of times has a lot of connections with students,” and to Ejak “because he is the Dean



of Students and deals with behavioral things.” After Kubina sent this email to Fine and Ejak, she realized that she had forgotten to include Hopkins, who was the Shooter’s counselor. Accordingly, Kubina forwarded her email to Hopkins a minute later, at 9:34 a.m.:

In elevating this concern about the Shooter’s conduct to Ejak (the Dean of Students), Hopkins (the Shooter’s counselor), and Fine (the former Dean of Students who was well-connected with students), Kubina did precisely the right thing, as explained in more detail below in the threat assessment discussion.

Hopkins responded promptly to Kubina, indicating that he would contact the Shooter:



Hopkins testified that he wrote, “I’ll be touching base with him as well” because he saw that the original email was sent to two other staff members and he “was planning on being involved with the other two staff members.”

Fine also responded promptly to Kubina’s email, despite believing that “there’s not a sense of urgency in this email,” as she testified at her deposition. Kubina’s email was the first time that Fine had heard of the Shooter.<sup>126</sup> Fine testified that because her job “is to follow up with any teacher who sends an e-mail,” she “immediately responded I will call him down:”

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<sup>126</sup> One of the documents we reviewed as part of our work was a “Pam Fine Oxford Timeline,” created after the shooting, in or around January 2022, by Fine or with her input (“Fine Timeline”). This timeline contains her post-shooting recollection of key events that had occurred on November 29 and 30, 2021 and December 1 and 2, 2021, and occasionally, what she remembered thinking at the time those events occurred (described as “Pam’s thoughts”). This timeline also includes supporting screenshots of relevant emails and text messages. In this timeline, Fine indicated that she first heard of the Shooter when reading Kubina’s email.

**From:** Fine, Pamela [REDACTED]  
**Sent:** Mon 11/29/2021 9:48:17 AM (UTC-05:00)  
**To:** Kubina, Jacquelyn [REDACTED]; Ejak, Nick [REDACTED]  
**Subject:** Re: Student Concern

I'll call him down

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**From:** Kubina, Jacquelyn  
**Sent:** Monday, November 29, 2021 9:32 AM  
**To:** Ejak, Nick; Fine, Pamela  
**Subject:** Student Concern

Good morning--

I had a student during 1st hour today, **the Shooter**, who was on his phone looking at different bullets at the end of first hour today as I was walking around the room passing out their essays. I didn't get a chance to investigate it a bit further since it was the end of the hour. Now that he's on my radar, I'm also noticing that some of his previous work that he's completed from earlier in the year leans a bit toward the violent side. I can bring down these things later today during my 5th hour prep if you would like them.

Thanks,

Mrs. Jacquelyn Kubina

Oxford High School

English Language Arts 10 and 12

Fine testified that after reading and responding to Kubina's email, she "immediately" looked up the Shooter's PowerSchool account. In PowerSchool, Fine reviewed the Shooter's attendance record, which showed that he had missed only one day of school that year, and his academic record, which showed that he was an average to below-average student but did not show any decline. Fine also looked at the Shooter's "log entries" in PowerSchool, which is where any notes relating to the Shooter's disciplinary history would be recorded. The log entries did not show any rules infractions in high school. Fine recalled that she saw something in his middle school log entries but she did not remember what she had seen. She told us that his PowerSchool photo was "odd" –



he was not smiling, but he did not look scary – and therefore she was expecting him to look odd in person.

As discussed above, in the fall of 2021, OHS was preparing to fully implement the SAEBRS and mySAEBRS assessments. However, on November 29 and 30, 2021, OHS counselors and staff did not have access to any SAEBRS data. Fine, Hopkins, and Ejak could not yet access the Shooter's SAEBRS results and they did not yet have the training necessary to interpret that data and use it in their assessment of the Shooter.

After reviewing background information on the Shooter, Fine called Hopkins to see if he had any information about the Shooter's mental health. According to Fine, Hopkins knew right away that Fine was calling him about the Shooter because he had seen Kubina's email. In the Fine Timeline, she indicated that she "called Shawn [Hopkins] because [the Shooter] looks creepy in his school photo" and stated "I did not have to call Shawn, but I wanted to be extra cautious. I do not always call the student's counselor."

Hopkins testified that Fine asked him to join her for a meeting with the Shooter, to serve as "social/emotional support" for him.<sup>127</sup> In any event, Hopkins went to Fine's office for the meeting. Fine asked Hopkins what he knew about the Shooter, and Hopkins "just said[,] Don't really have much. He wanted – a month ago I went and talked to him because he was sad, his dog died." At his deposition, Hopkins was not asked about the details of any discussion he had with Fine and he did not offer this information himself; accordingly, we only have Fine's account of their conversation because Hopkins refused to speak with us. Hopkins testified that they talked about "if we had any additional information about the student, and we really didn't." According to Fine, Hopkins did not offer any other information about the Shooter.

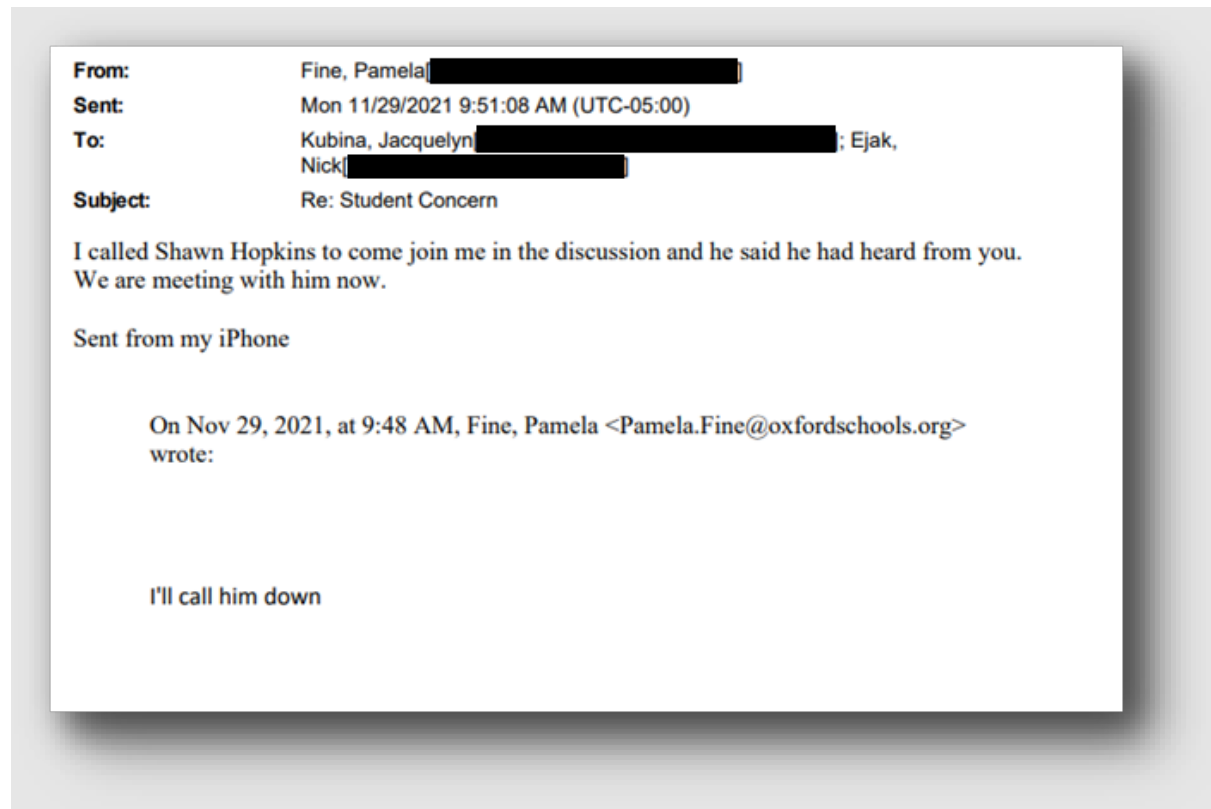
Neither Fine nor Hopkins reached out to Kubina after receiving her 9:33 a.m. email to obtain his "previous work" that "leans a bit toward the violent side." This "previous work"

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<sup>127</sup> Hopkins Prelim. Exam. Tr. at 109.

is described in more detail below (see “‘Previous Work’ Mentioned in Kubina’s Email,” *infra*).

Fine called Morgan, the teacher of the Shooter’s second-hour Geometry class and asked her to send the Shooter down to her office. After the Shooter arrived in Fine’s office, Fine sent another email to Kubina and Ejak to let them know that Fine and Hopkins were coordinating their efforts and meeting with the Shooter at that very moment:



We did not see any email from Ejak in response to Kubina’s original email about the Shooter or in response to the email immediately above. As set forth above, Ejak was the Dean of Students and therefore responsible for disciplinary matters. In our interview with Fine, she speculated that Kubina contacted her because Kubina and Fine had worked on other student matters before, and Fine was always responsive. Fine also pointed out that although Kubina’s concern was an issue for the Dean of Students, Ejak was new to OHS, which may have influenced Kubina’s decision to include Fine. For his part, Ejak testified that he had been out of his office at the time Kubina sent her email; as a result, he did not

read the email until approximately 11:00 a.m. By that time, the meeting between Fine, Hopkins, and the Shooter was already over, as set forth in more detail below.

#### **E. Fine and Hopkins Met with the Shooter**

Fine and Hopkins met with the Shooter in Fine's office to discuss what Kubina had seen the Shooter looking at in his first-hour ELA class. At his deposition, Hopkins testified that the meeting began at approximately 9:50 a.m.,<sup>128</sup> and the email that Fine sent to Kubina at 9:51 a.m. indicates that the meeting with the Shooter had already begun by that time.

Fine led the meeting with the Shooter, with Hopkins present in a support role. Fine told us that she took the lead – even though she had never met the Shooter before – because the Shooter's conduct could have led to disciplinary action, and she did not want to compromise Hopkins's relationship with the Shooter. According to Fine, when a student might face disciplinary action, the student's counselor is brought in to listen and support the student, but the counselor is not responsible for referring the student for disciplinary action. Fine said that in this meeting with the Shooter, she would have been the person to refer the matter for disciplinary action, not Hopkins.

When the Shooter entered Fine's office, she greeted him and asked him if they had met before; the Shooter responded that he had not met Fine before but he knew Hopkins. Fine told us that the Shooter's affect was not what she had expected, based on his PowerSchool photo. She described him as personable, as he said "Hi, how are you?" to Hopkins when he entered the room.

Fine testified that she asked the Shooter if he knew why he had been called down to her office. When the Shooter said "No," Fine told him that "a teacher reported that you were scrolling and looking at different bullets." In an interview with law enforcement after the shooting on November 30 and in her timeline, Fine stated that she told the Shooter that he had been called down because one of his teachers had seen him looking at images of

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<sup>128</sup> At the preliminary examination hearing, Hopkins testified that the meeting happened at 9 a.m., but this seems to be a mistake on his part. See Hopkins Prelim. Exam. Tr. at 109.

bullets, “and they are concerned.” According to Fine, the Shooter then asked which teacher had reported that, and Fine turned that question back to him, asking the Shooter how many times he was looking at images of bullets in class throughout the day.<sup>129</sup> The Shooter responded that it had been Kubina.

The Shooter told Fine and Hopkins that he had gone to the shooting range with his mother, which was something his family liked to do, and he needed more bullets as a result. As Hopkins put it:

So [we] asked, you know, why were you looking at – at bullets? He stated that he had gone to the shooting range with mom over the weekend, that it was a hobby that they have, that it was something that they do together that they enjoy, and that he was just looking in relation to that event.

Fine provided a similar account to law enforcement on November 30, recalling that the Shooter said that he and his mother had gone to the shooting range that weekend and they needed bullets, so he was looking at different bullets they could use. In her timeline, Fine stated: “[The Shooter] states words to the effect of my mom and I went to the shooting range this weekend. It’s our hobby. We like to shoot. And I needed more bullets because I’m out of them after this weekend.” Hopkins also testified that the Shooter stated that “he was researching regarding that hobby” in Kubina’s class that morning.<sup>130</sup> Neither Fine nor Hopkins asked the Shooter to show them the image that he had been looking at in Kubina’s class, nor did they ask him any follow-up questions about his self-professed hobby to better understand why he had been looking at images of bullets. Had they asked the Shooter more about his shooting-range hobby, they may have discovered that his parents recently bought a handgun for him or his use at the range, which in turn may have provided greater context for Hopkins the next day when he again found himself dealing with concerning behavior by the Shooter.

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<sup>129</sup> In her deposition, Fine explained that she usually asked students a question similar to this at the outset of a meeting to gather more information: “You don’t tell them which teacher because that way I can ascertain Are you doing this every day, are you doing this every hour, right?” Hopkins made a similar observation in his deposition: “The [Shooter] then asked which teacher, which is an incredibly common thing that students do to try and – almost try and game the system, right, . . . to see if you actually know what went on.”

<sup>130</sup> Hopkins Prelim. Exam. Tr. at 110.

When Fine and Hopkins heard the Shooter's explanation for his classroom ammunition research, it made sense to them in the context of Oxford in November. In her deposition, her timeline, and our interview, Fine observed that many people in Oxford use guns for hunting purposes, and therefore hearing talk and seeing photos relating to guns and hunting in November (hunting season) is not uncommon. Fine testified:

We are a hunting community . . . we have students who wear the camo and they show the pictures of the deer that they have caught or the quail that they caught. We have students who on homecoming, our girls are holding a semi-automatic rifle. We are a community that uses – has a tremendous amount of interest in gun hobbies.

Similarly, Hopkins testified that Oxford is “a hunting community. It's November. . . . [I]t's a time of year where it's not an uncommon point of conversation for students that – for a lot of them are growing up in a gun culture.”

In her timeline, “Pam's thoughts” on this explanation also included: “This is exactly what other teens are doing. Kids talk about going to the shooting range all of the time and I have heard this before.”

Based on their testimony (and Fine's interview), it appears that because both Fine and Hopkins considered it to be common practice for OHS students to use and talk about guns in the context of hunting and recreational shooting practice, they did not view the Shooter's interest in bullets to be a red flag indicating that he posed a potential threat. In her timeline, Fine indicated that “this is the middle of hunting season[,] it is not unusual for kids to be looking at images of bullets.” In fact, Fine testified that when the Shooter stated that he had gone to the shooting range with his mother, she considered that event to be “a parent teaching gun safety.”

After this explanation by the Shooter, the conversation shifted to a discussion of school-appropriate behavior. As Hopkins testified at his deposition:

[W]e might have hobbies that can be something that we enjoy that might be appropriate outside of school. If a student were to go to a gun range, it

wouldn't be something that we'd view as unusual, but it's something that is not deemed school appropriate. So our conversation was really about that school appropriate behavior [versus] not school appropriate behavior.

According to Fine, Hopkins told the Shooter that it was inappropriate for him to be looking at "these things" (i.e., images of bullets) at school and drew an analogy to a teacher who liked to make beer on the weekends – while that would be a legal hobby to be pursuing at home, it was not appropriate to discuss at school.<sup>131</sup> In a recorded interview with law enforcement on November 30, Fine said that she provided another example to the Shooter:

And I said it's like, you can't discuss school shootings at school, like. [The Shooter's] like, oh, I understand. I understand. It's nothing like that. It's nothing like that. And I said okay, but like you can't have any of these conversations at school, right? And I – and he said – and I said, how are you feeling? He's like, I feel fine. I understand why you were worried.

Fine stated that the Shooter said that he knew that he was wrong and that he should not have been looking at images of bullets in class; in our interview, Fine told us that the Shooter also said that he would apologize to Kubina. Hopkins testified that the Shooter stated that he understood that what he had done in Kubina's class was not school-appropriate behavior.

In our interview, Fine said that she also told the Shooter that it was a difficult time and that he should not be looking at or talking about violent things. Fine's timeline indicates that the "difficult time" she cited referred to the tense environment at OHS in the wake of the deer head incident described earlier in this report. The timeline includes the following account of this part of the meeting:

Pam tells [the Shooter], "[the Shooter], these are bullets." Pam tells [the Shooter] that you know we've been dealing with all of these false school shootings reports. Every day for over a week we have been dealing with kids saying that the kid with the deer head is a threat. So teachers are on high alert. We are on high alert.

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<sup>131</sup> Hopkins did not mention this specific example in his deposition or court testimony.

According to Fine's timeline, she gave the Shooter "a stern warning speech," in which she said that he could not look at anything violent in school, including guns, bullets, and shooting ranges. In response, the Shooter said that he knew and he was glad that Kubina had reported his conduct. The Shooter stated that he would not do it again.

Fine described the Shooter's demeanor when discussing his conduct in Kubina's class as "pleasant, he was cordial, he was remorseful, he was sorry. He said it will never happen again." She also indicated that the Shooter was "not nervous and "comes across as credible." Similarly, Hopkins characterized the Shooter's demeanor during this meeting as "[c]ompliant, calm, understanding" and testified that the Shooter was not argumentative or oppositional.

After Fine and Hopkins finished talking to the Shooter about content that was inappropriate to view in school, Fine turned the conversation to the Shooter's grades. She pointed out that the Shooter had received "a couple high E's here," asked if he was worried about those grades (which were on the border of passing or failing those classes), and inquired if he needed anything from Fine or Hopkins (seemingly meaning did he need their help in any way). Fine recalled that the Shooter said, "No, I'm good, things are going well, I know those two grades but one of my grades hasn't been put in." Fine encouraged the Shooter to bring his grades up and told him that he could do it.

Neither Fine nor Hopkins asked the Shooter if he had thoughts about hurting himself or others. Fine stated that they asked the Shooter how he was, and he did not indicate that anything was wrong, nor did she observe anything about his affect that would suggest that anything was wrong. Fine told us that because the matter involved a cellphone violation and the Shooter's affect was positive and remorseful, there was no specific reason to ask him about thoughts of harm to himself or others, and this question was not a standard inquiry in the absence of a specific reason to ask. Hopkins did not ask the Shooter any follow-up questions about the "rough time" that McConnell had reported to Hopkins about the Shooter, almost three weeks earlier, as described earlier in this report.

Neither Fine nor Hopkins asked the Shooter if he had access to a gun or other weapon, despite being aware that the Shooter had used a gun at the shooting range. Fine told us that he could have rented the gun at the range. Hopkins testified that the fact that the Shooter had been shooting a gun at the range “does not mean that he specifically had a weapon” and that the gun the Shooter used at the range could have been borrowed. They did not ask him if he had a gun or ammunition with him at school that day, as this was not a standard question to ask without a specific reason to do so, according to Fine. Fine said that the fact that the Shooter had been looking at images of bullets on his phone was not reason enough to ask about guns and ammunition, in light of the Shooter’s explanation of going to the shooting range and the general context of kids in Oxford looking at and talking about guns and hunting.

Neither Fine nor Hopkins searched the Shooter or his backpack during the meeting, nor did they ask him for consent to search. Hopkins testified that he did not recall if the Shooter had his backpack during the meeting, nor did he believe that he and Fine had a reason to even ask about the backpack based only on the Shooter looking at pictures on his phone. Similarly, Fine’s Timeline reflects that Fine found “no reason to look in his backpack . . . . There is no indication his backpack needs to be searched.” When we interviewed Fine, she told us that under OHS’s search and seizure rules (which are discussed in more detail below), there was no legal justification to search the Shooter or his belongings at that time.

Fine told us that the meeting with the Shooter lasted for approximately 7 to 10 minutes. When the meeting was over, the Shooter returned to class on his own. Hopkins testified that the meeting ended in a “more positive” way, “as in the [Shooter] was understanding of the appropriateness of school behavior based on [his] response, and there was no necessary follow through after the meeting.”

After their meeting with the Shooter, neither Fine nor Hopkins followed-up with Kubina to provide her with any information about the meeting. Kubina testified that she “knew they would let me know if there was something of worry.”



## F. Observations About This Meeting

Fine's deposition testimony suggests that she took a very narrow view of the Shooter's conduct that prompted Kubina's email and led to the subsequent meeting with the Shooter. In her deposition, Fine refused to acknowledge that the *content* of the image that the Shooter had been looking at in Kubina's ELA classroom on November 29 was significant. When asked repeatedly if the approach that she took to the meeting with the Shooter was influenced by the fact that the Shooter was caught looking at an image of bullets, Fine consistently asserted that she (Fine) took the same approach to Kubina's email that she would have taken in response to any email she received from a teacher. For example, this exchange occurred during Fine's deposition:

Q: Did the fact that it was ammunition as opposed to something more benign like my circus balloon example, did that have any bearing on your approach to this [Kubina's email]?

A: And my answer is my approach that I took that day is consistent to my approach with every teacher who sends me an email. It was the exact approach that I always take, which is to give an immediate response.

Fine stated repeatedly that Kubina had reached out to Fine, Ejak, and Hopkins about "a cellphone violation":

- "At the time I got the email [from Kubina at 9:33 a.m.] I had a cellphone violation. At the time I got the email it is a cellphone violation and I have numerous teachers who send me students with cellphone violations."
- "Is it the same as if I got one [an email from a teacher] that says he is looking at pornography or one that says he's playing a violent video game, those are the ones that I get and I responded exactly as I do to those and it rises to the same level that we have a kid on his cellphone not doing his classwork with a cellphone level-one violation who has never been in trouble. And I am handling it as I would handle pornography and violent video games, Snapchatting, TikTok, all of the things that teachers send me."
- "[W]e have 1800 kids with cellphones, and if they are looking at something that's inappropriate during class time that's a cellphone violation."

- “It is a level-one violation on a first-time offender.”
- “I had a cellphone violation on Monday the 29th.”

At one point in her deposition, however, Fine seemed to acknowledge that the content the Shooter was viewing was relevant:

Q: In your head does the fact that bullets were involved here, and it wasn't just he won't get off his phone, did that mean anything to you as opposed to something else he could have been looking at?

A: It meant that – I called his counselor, so yes, it probably meant that.

Fine's repeated statements that Kubina had contacted Fine, Ejak, and Hopkins simply to report a cellphone are not supported by the facts. As Kubina herself testified, the Shooter was permitted to be using his cellphone in her classroom while she was returning graded essays to students. When Kubina became aware of the Shooter looking at an image of bullets on his phone in her class, she wanted to further pursue the issue with the Shooter because of the *content* that she had seen, not because he had his cellphone out in class. In her 9:33 a.m. email to Fine and Ejak, Kubina did not state in any way that the Shooter had violated her cellphone policy by having his phone out during class. Rather, Kubina specifically stated that she had seen the Shooter looking at an image of bullets and that his “previous work . . . leans a bit towards the violent side.”

These statements clearly indicate that Kubina was prompted to contact Fine, Ejak, and Hopkins because of the *content* that the Shooter was viewing on his phone, not the mere fact that he was using his phone during class. Moreover, if Kubina was raising the matter with others only because the Shooter had used his phone and not because of the content he had viewed, there would be no reason for her to offer to bring the Shooter's prior work to Fine, Ejak, and Hopkins.

Kubina's ELA co-teacher, Karpinski, confirmed that it was the content that the Shooter was viewing that caused concern:

Q: Did you consider the referral to Pam [Fine] and to Mr. Ejak or Shawn [Hopkins] or anybody at that time based on Ms. Kubina's first

communications to be simply an issue of he's got his cell phone out at the wrong time?

A: No. It wasn't like a cell phone violation. It's my understanding it was around the end of the class period so a lot of students, once they're finished with their work, they pull out their phone and that's an appropriate thing to do.

Q: So it was the fact that bullets were on it that raised the concern, not the fact that he had a cell phone out; correct?

A: Correct.

Furthermore, Fine's repeated statements in her deposition that she was dealing with a mere cellphone violation and nothing more in this meeting do not make sense in light of her own account of the conversation that occurred during the meeting with the Shooter. If Fine believed that the problem with the Shooter's behavior was only that he was using his cellphone in Kubina's classroom and that the content he was viewing was irrelevant, why did Fine and Hopkins talk to the Shooter about the concept of appropriate times and places to be looking at certain types of content? Why did they tell the Shooter that participating in a hobby like shooting was fine, but looking at content relating to that hobby in class was not appropriate? Why draw the analogy to a counselor like Hopkins looking at beer-making content in school – another legal and enjoyable hobby, but not one that should be pursued in school by looking at related images online?

Fine testified about the conversation that she would typically have with a student when she received a complaint about a cellphone violation from a teacher:

If it's a first-time offender and they're cooperative and they are a teenager who has made a mistake I'll say Here's the deal. It's a very simple request. Do not use your phone. It's a very simple request. The teacher asked you to not do that, they have now sent it to me. So I'm going to make you a deal, you can go back to class and you can follow directions and the teacher will think that I am very good at my job or you can go back to class and do it again and the teacher will think I'm not very good at my job, in which case you're going to lose your cellphone.

As recounted above, Fine and Hopkins did not have this conversation with the Shooter. Fine did not make "a very simple request" to the Shooter to put away his phone during

Kubina's class. If the content that the Shooter was viewing in Kubina's class was irrelevant to Fine and Hopkins, presumably Fine would have followed her usual approach and simply instructed him, "Do not use your phone." Instead, Fine and Hopkins engaged the Shooter in a discussion about the content that he had been viewing in Kubina's class (including an analogy about another type of inappropriate content), asked him if he understood the point they were making about what he had been viewing, and secured a promise from him not to look at such content again in class.

Fine's narrow perspective of Kubina's concern and the Shooter's conduct may have influenced the approach she took in leading the meeting and the limited action she took after the meeting, which is described in more detail in the section that follows.

Regarding the fact that Fine and Hopkins did not search the Shooter or his bag on November 29, under OCS policies and guidelines, when reasonable suspicion exists that a student may have in his possession at school evidence that a rule or law has been violated, then the school principal must be notified and the principal must first request the student's consent to search and inform the student that he may withhold consent.<sup>132</sup> Only the principal or her designee can do the search, and if reasonable suspicion exists, the search can be conducted without the student's consent.<sup>133</sup> There must be reasonable suspicion to support the presence of an illegal or dangerous object or contraband under school rules.<sup>134</sup> If the search is prompted by reasonable suspicion that the student possesses an object that immediately threatens the safety and health of the student or others, then the principal must act with the speed required to protect others.<sup>135</sup> If reasonable suspicion exists, the principal may search the student's person and bags.<sup>136</sup>

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<sup>132</sup> OCS Policy 5771; OCS Administrative Guideline ag5771.

<sup>133</sup> OCS Policy 5771; OCS Administrative Guideline ag5771.

<sup>134</sup> OCS Administrative Guideline ag5771.

<sup>135</sup> OCS Administrative Guideline ag5771.

<sup>136</sup> OCS Board Policy po5771.

Reasonable suspicion means grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person or thing will lead to the discovery of evidence that the student: i) has violated or is violating a rule or behavioral norm contained in the student handbook; ii) has violated or is violating a particular law; or iii) possesses an item that presents an immediate danger of physical harm to students and staff.<sup>137</sup>

Based on the facts known by Hopkins and Fine when they interviewed the Shooter on November 29, reasonable suspicion did not exist to search the Shooter or his bag. The Shooter was observed by a teacher looking at images of ammunition; the ELA teacher did not see him with actual ammunition. And even if Fine and Hopkins were suspicious that the Shooter had ammunition (or a gun) in school that day, they were required to notify the principal, who alone could determine, after talking with Fine, Hopkins, Kubina, and/or SRO Louwaert, whether reasonable suspicion existed to search the Shooter.

#### **G. Fine's Voicemail to the Shooter's Parents**

Immediately after the Shooter left her office, Fine called his mother; Hopkins was still present in Fine's office when Fine made this call. Fine told us that she wanted to reach out to the Shooter's parents because she had never met the Shooter prior to their meeting and she thought that he would go home and tell his parents that he had been called down to the office. Fine testified that she was not required to call the Shooter's parents:

I didn't call them because it was required, I called them because I wanted to. I wanted to build a bridge between the family and the child. . . . So that voicemail was to build a relationship. It was not because he was, quote-unquote, in trouble. It was not because it was in the school code of conduct, Here's a step you must take.

When the Shooter's mother did not answer her phone, Fine left a voicemail, in which Fine "told her every single thing that went on in that meeting." Fine's voicemail is reproduced here in its entirety:

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<sup>137</sup> OCS Administrative Guideline 5771.

Hi Miss [Shooter's Mother]. My name is Pam Fine. I'm calling from Oxford High School and I'm here with Mr. Hopkins, who's [the Shooter] counselor. I was just calling just to let you know that we just spoke with [the Shooter]. Had a really nice conversation. One of his teachers had sent an e-mail to the office just that she was concerned because [the Shooter], when she was walking around the room checking assignments, that he was on his phone looking at bullets and that sort of thing. So she just wanted us to have a conversation. We did, he said he had been to the shooting range with you this weekend and we were like, yep, you know, guns are a hobby for a lot of people and shooting ranges, and that's perfectly normal.

And that we just wanted to make sure like had a conversation with him about the things he searches at school. And things versus searching, searching at home like Mr. Hopkins, gave a good example of like if the teacher makes beer at home – perfectly normal and healthy, but can't be using searches for making beer at school. So we had that conversation, he was he was great. He was like, yep, I get it. So I just wanted to let you know that we did have that conversation with him and I don't know, about 5 minutes, and he went back to class. All right, if you have any questions, you can give me a call. Otherwise, I hope you have a great holidays. Thanks. Bye-bye.

In the voicemail, Fine did not ask the Shooter's mother to call her back: "I didn't need her to call me back, but if she wants to call me back, she can." Nor did Fine expect the Shooter's mother to respond to her voicemail, as she testified: "If it's a phone call like there's a courtesy call to say, Hey, talk to your child, this is what happened, if you have any questions, give me a call, I would say the majority are not returned." The Shooter's mother did not call Fine back.

#### **H. "Previous Work" Mentioned in Kubina's Email**

In her email to Fine and Ejak at 9:33 a.m., Kubina referred to work that the Shooter had submitted in her class earlier that year: "Now that he's on my radar, I'm also noticing that some of his previous work that he's completed from earlier in the year leans a bit toward the violent side." In her deposition, Kubina explained that after she had gotten her second-hour students started on their classwork, she did a quick search through the Shooter's prior work in her ELA class in Google Classroom. Kubina testified that she "was looking through to see anything else in his work" that would give insight into the Shooter, such as confirming that he was interested in shooting or hunting. She explained, "[T]hat's normally what I do, like when I have a student who . . . who catches my attention

in some way, I usually look through their previous work.” Again, we note that Kubina’s search for additional information and elevation of what she found (as explained below) was precisely the right thing to do.

Kubina testified that the “previous work” she mentioned in her email to Fine and Ejak was a survey that she asked her ELA students, including the Shooter, to complete in late August 2021 at the beginning of the school year. That survey included questions about what the students enjoyed and found challenging about Language Arts, as well as questions about their personal lives, such as how they spent their free time and what music, books, and TV shows they liked. The Shooter listed his favorite books and TV shows as follows:

7. What are some of your favorite books, movies, TV shows?

My favorite book is Resistance and Making Bombs for Hitler, My favorite movies are Memphis Bell and ShawShank Redemption. My favorite tv shows are Dexter and Breaking Bad.

In her deposition, Kubina testified that when she reviewed the Shooter’s ELA survey on November 29 after catching him looking at images of bullets on his phone, his answers about his favorite books and TV shows “alerted” her because she saw the words “bombs” and “Hitler.” With respect to the two television shows that the Shooter said he liked, she was aware that “Dexter” was about a serial killer and she thought that “it was possible, could be possible violence” in “Breaking Bad,” based on what she had heard about that program.

As stated in her email to Fine and Ejak at 9:33 a.m. on November 29, Kubina offered to bring this work to Fine and Ejak, if they wanted it, during the fifth-hour period (which runs from 12:52 to 1:50 p.m.), which was her “prep hour” when she graded student work. However, there is no evidence that Fine or Ejak (or Hopkins) asked Kubina for the prior work, and no evidence that Kubina ever provided the Shooter’s ELA survey to Fine, Ejak, or Hopkins. Fine and Hopkins testified that Kubina did not bring anything to the counseling office during fifth hour or at any time that day, nor did Fine or Hopkins go to

Kubina's classroom to obtain anything from her prior to meeting with the Shooter or at any point during the rest of the day. Ejak testified that he never saw the materials that Kubina referred to in her 9:33 a.m. email. Moreover, we did not find any email correspondence between Kubina and Fine, Hopkins, or Ejak in which Kubina electronically sent this ELA survey to them.

In fact, the available evidence indicates that neither Fine nor Hopkins even knew that this ELA survey existed until after the shooting occurred. Kubina's email does not specifically name the ELA survey as the "previous work" that she had reviewed at the time she composed the email. As described in more detail below, Kubina sent a second email about the Shooter to Fine and Hopkins after school had ended on November 29, and she attached to that later email an index card that the Shooter had completed in class. (See "After School," *supra*.) It appears that when Fine and Hopkins received this after-school email, they both assumed that this index card was the "previous work" that Kubina mentioned in her email at 9:33 a.m. Hopkins testified that he was not aware of the existence of the ELA survey on November 29 or 30. Fine testified that she learned about the existence of the ELA survey only from the depositions taken in the civil lawsuits stemming from the shooting.

When pressed on why she had not contacted Kubina to obtain the "previous work" that Kubina mentioned in her 9:33 a.m. email, Fine testified that she felt that it was unnecessary for her to review the Shooter's previous work because she and Hopkins had already met with the Shooter and Hopkins and she had left a voicemail for the Shooter's parents: "[Kubina's email] said If you would like them, and I had met with the student and counselor and called home and I didn't feel as if I needed them." Fine also testified that the fact that Kubina had not proactively brought the Shooter's work down to her and Hopkins indicated to her that Kubina "did not deem it as something I needed to see" and "[i]t did not seem as if she felt that that was important." For his part, Hopkins testified that "she [Kubina] stated that she was going to send it [the ELA survey] to us later in the day."

However, this testimony by Fine glosses over the fact that it was up to her, Ejak, or Hopkins to ask Kubina to bring down the materials, because Kubina had written in her



email, “I can bring down these things later today during my 5th hour prep *if you would like them*” (emphasis added). In other words, if Fine or Hopkins wanted to see the previous work mentioned by Kubina in her email, they needed to tell Kubina that they wanted that work – and neither of them reached out to Kubina at any point before or after the meeting to request the Shooter’s “previous work” that “leans a bit toward the violent side.”

Accordingly, at the time that they met with the Shooter on November 29, neither Fine nor Hopkins had seen what Kubina deemed “previous work” by the Shooter that “leans a bit toward the violent side” – the Shooter’s ELA survey – or even knew what Kubina was referring to in her 9:33 a.m. email, and therefore they were not prepared to ask the Shooter any questions about that work in their meeting on November 29. Neither Fine nor Hopkins ever spoke to Kubina before the shooting about any previous work by the Shooter that “leans a bit toward the violent side.”

Even if Fine and Hopkins had reviewed the Shooter’s ELA survey prior to meeting with him, it seems unlikely that it would have influenced their actions either during that meeting or afterward, given what the Shooter wrote in the survey.

### **Third Hour, 10:03 a.m. to 11:04 a.m.**

The Shooter’s third-hour class was Chemistry with Nick Yinger in Room 233. We do not have any information about anything that the Shooter might have said or done in this class that could have given OHS reason to believe that he posed a threat to other people or himself. Yinger refused to speak with us, stating in an email that he had no relevant information to share. However, as mentioned above, Yinger did speak with law enforcement after the shooting, stating that the Shooter was quiet, polite, not remarkable and seemed like a normal teenager. Yinger also stated that he had occasionally seen the Shooter drawing pictures of guns that appeared very cartoonish, but no drawings of blood, bodies, or anything violent. In addition, Yinger recalled that he had observed the Shooter writing in a journal, although Yinger never saw the content of those writings. According to Yinger, the Shooter said he wanted to write a book and they discussed how to get it published. As noted below, the Shooter may have written an entry in his journal in

Chemistry class after his meeting with Fine and Hopkins (see “Unknown Class Period(s) or Time of Day,” *infra*), but we have no indication that Yinger knew of this.

### **I. Ejak Learned About the Meeting with the Shooter**

Ejak testified that when he returned to his office at approximately 11:00 a.m., Fine alerted him to the email from Kubina. Ejak went into Fine’s office and “pulled up the e-mail” (seemingly on his phone) to read. Fine then told him that she and Hopkins had met with the Shooter and summarized what had been said during the meeting; she also told him that she had left a voicemail for the Shooter’s mother to explain what had happened. Ejak testified that based on what Fine told him, he believed that the situation had been handled appropriately and that it was not necessary for him to follow up on anything on his own. Ejak did not speak to Hopkins about the Shooter on November 29.

### **Fourth Hour, 11:10 a.m. to 12:46 p.m.**

The Shooter’s fourth-hour class was World History with Lauren Jasinski in Room 256. Students in this class were permitted to choose their own seats, and the Shooter consistently sat, socialized, and ate with the same students.

One of these students told police that the Shooter had shown the student pictures of his new gun on Monday, November 29. According to police notes of an interview of this student, the gun was in a box in one picture and in the hand of the Shooter in another; the latter photo was taken from the back of the gun, looking down the sights. The police notes state that this student reported that the Shooter told him that the Shooter’s father had purchased the gun for the Shooter because the Shooter could not buy a gun, but the Shooter’s money was used for the purchase.

This student also told the police that the Shooter said that he had gotten rounds (ammunition) from the shooting range, which the Shooter showed to this student and others; the Shooter had one live round and four or five empty bullet casings, including a longer bullet casing and a 9mm handgun round. According to the police notes of this student’s interview, the Shooter stood these items on the desk, putting the live round inside an empty casing at one point. This student reported to the police that he told the

Shooter to put the ammunition away because someone could get hurt or the Shooter could get in trouble, and the Shooter responded that it would be fine. According to the police notes, this student said that the Shooter left the live round and empty casings on the desk for the rest of the class.

Another student in Jasinski's fourth-hour World History class also reported to the police that he had seen the Shooter place empty bullet casings on his desk in that class. The police notes indicate that this student said that prior to November 30, 2021, the Shooter brought empty bullet casings of various sizes and placed them on the desk.

Another student in Jasinski's fourth-hour class who sat near the Shooter told the police that he too had seen the Shooter with ammunition at school. In a written statement, this student said that "Monday [the Shooter] brung bullets to school;" this student also said that the Shooter "told me he bought a new gun and showed me pictures." This student reported that the Shooter said that "he was gonna shoot the bullets in the firing range." According to the police notes of their interview of this student, the Shooter showed the ammunition and the photos of the gun to the student in Jasinski's fourth-hour history class on November 29.

There is no evidence that any of the students who saw these ammunition rounds or pictures of the Shooter's gun reported what they saw to Jasinski or anyone at OHS prior to the shooting, nor is there any evidence that Jasinski saw the Shooter with ammunition in class that day or any other day.

During this fourth-hour class, the Shooter's mother texted him because she had listened to the voicemail that Fine had left for her. Specifically, at 11:53 a.m., the Shooter's mother texted him: "Seriously?? Looking up bullets in school??" After this first text, the Shooter and his mother exchanged texts between approximately 11:54 a.m. and 12:30 p.m. (during second lunch and the remainder of fourth hour) and the Shooter told his mother what had happened in the meeting with Fine and Hopkins:

Mother, 11:53 a.m.: Seriously?? Looking up bullets in school?

[The Shooter], 11:54 a.m.: What?

[The Shooter]: Oh yeah. I already went to the office for that.

[The Shooter]: It was in first hour all I did was look up a certain caliber at the end of class because I was curious.

[The Shooter]: It was on my phone.

[The Shooter]: completely harmless

[The Shooter]: teachers just have no privacy

[The Shooter]: They said I'm all good

[The Shooter]: I understand why I they talked to me and they said they that is m good.

[The Shooter]: This is nothing I should get in trouble about

Mother, 12:13 p.m.: You're not they left me a voicemail (Included emojis of a woman covering her face)

Mother: Did you at least show them a pic of your new gun?

[The Shooter]: NO I didn't show them the pic my god

[The Shooter]: I only told them I went to the range with you on Saturday

[The Shooter]: It was a harmless act

[The Shooter]: I have this bullet cartridge in my room that I didn't what kind of bullet it was and it said it was a 22 so at the end of first hour I just looked up different types of 22 bullets and I guess the teachers can't get their eyes of my screen smh

Mother, 12:30 p.m.: lol I'm not mad. you have to learn not to get caught

[The Shooter]: IK lol

[The Shooter]: laughing emojis

[The Shooter]: I just didn't want something this little tog et [sic] me in trouble because....well I didn't get to get in trouble lol

[The Shooter]: I want to hear the voicemail when I get home tho

[The Shooter]: Also I never tried to hide looking up the bullet. I just didn't think a teacher would be staring at my phone

Mother: Ok I saved it

Finally, as noted below, the Shooter may have written an entry in his journal in World History class that referred to his meeting with Fine and Hopkins (see “Unknown Class Period(s) or Time of Day,” *infra*).

**Fifth Hour, 12:52 p.m. to 1:50 p.m.**

The Shooter’s fifth-hour class was Business Management with Octi Mezin in Room 403. Mezin refused to speak with us but referred us to the statement that he provided to law enforcement after the shooting. Mezin told law enforcement that the Shooter’s brother had been one of his students in the past and that Mezin had a good rapport with the brother. Mezin tried to establish a similar connection with the Shooter but he was not receptive to Mezin’s efforts. Mezin told law enforcement that, on occasion, he brought up with the Shooter his brother’s name to try to make conversation with the Shooter, but the Shooter brushed him off and seemed like he did not want to talk about his brother. According to Mezin, the Shooter was never rude to him or other students, but Mezin did not see him interacting much with other students. Mezin said that after the shooting, he looked at the Shooter’s work in his class and nothing stood out to him.

According to the Shooter’s journal, discovered after the shooting, the Shooter wrote an entry during this fifth-hour class period. Specifically, in his journal, the Shooter wrote, “This is the last passage I will write. It’s currently 29/11/2021 1:23. Exactly one day before the shooting. I love you Mom, I love you Dad, I’m sorry for never saying it back. I love you Honey and Dexter [the Shooter’s pets]. Please . . . . . Forgive ME.” There is no evidence that anyone other than the Shooter saw or knew about this journal entry prior to the shooting.

At the Shooter’s Miller hearing, Dr. Lisa Anacker, a psychiatrist and consulting forensic examiner, testified on behalf of the prosecution during the prosecution’s rebuttal case about her evaluation of the Shooter on March 15, 2022. On cross-examination by the Shooter’s attorneys, Dr. Anacker testified that the Shooter told her that at some point during the school day on November 29, 2021, he wrote in his journal that he was going

to do the shooting the next day. It seems likely that the journal entry quoted above is the entry that the Shooter described to Dr. Anacker.

Dr. Anacker testified that the Shooter told her that while writing this, he was so sad that he put his head down on the book and cried in class, but nobody noticed. We did not find any evidence to support this statement by the Shooter. As noted above, Mezin refused to speak with us and the report of his interview with law enforcement after the shooting makes no mention of the Shooter's actions the day before the shooting, and no other witnesses who we interviewed described any incident resembling what the Shooter described to Dr. Anacker.

In addition, as noted below, the Shooter may have written another entry in his journal in this Business Management class that referred to his meeting with Fine and Hopkins (see "Unknown Class Period(s) or Time of Day," *infra*).

#### **Sixth Hour, 1:56 p.m. to 2:58 p.m.**

The Shooter's sixth-hour class was Communication as Improv ("Improv") with Debra Brown in Room 321. Brown did not respond to our interview request.

At the Shooter's Miller hearing, the OCSO officer in charge of the investigation testified that at 2:07 p.m. on November 29, the Shooter used Google to search "type of 22 bullets" on his phone. We did not identify any evidence that the teacher or any student in this class saw or knew about the Shooter searching for this content.

A student in this Improv class was interviewed by the police on December 1, 2021 and provided a written statement. According to the police notes of the interview, this student stated that the student spoke to the Shooter in their class on November 29 and that he seemed tired, but he did not talk about hurting anyone. In the student's written statement, the student said that the Shooter's behavior on November 29 "was normal[,] maybe a little down but nothing out of ordinary."

This student said that the student met the Shooter in this Improv class in August 2021 and they began talking frequently ("for a[n] hour four days a week"). The student said

that the student and the Shooter talked about his home life and his interest in guns. The police notes state that this student said that the Shooter showed the student pictures of guns and targets from his shooting practice. In the student's written statement, the student said that the Shooter had shown the student "pictures of the guns that he owned even the one he used on Tuesday." Later in that written statement, this student said that "when [the Shooter] showed me the gun he seemed excited but he didn't say it could hurt people."

This student did not specifically state in the police interview or written statement *when* the Shooter showed the student a picture of the gun that he used in the shooting, but it seems likely that he showed it to the student in Improv class on November 29. As noted above, the Shooter's father purchased the gun used in the shooting, on November 26, 2021, the day after Thanksgiving. This student and the Shooter were in Improv class together in the sixth-hour period on Monday, November 29, which was the first day back to school after Thanksgiving break. In the student's written statement, the student said that the Shooter seemed normal in that class that day, and in the very next sentence, the student stated that he seemed excited when he showed the student the picture of the gun. The juxtaposition of these two sentences, plus the timing of the gun purchase over Thanksgiving weekend and the students' return to school on November 29, suggests that the Shooter showed the picture of the gun to this student in Improv class on November 29.

There is no indication that the teacher in this classroom or any other students saw the picture of the gun at any point in class. According to the police notes of this student's interview, the student stated that "no one else in the class [k]new about the pictures" of the guns that the Shooter showed the student. There is no evidence that this student alerted the teacher or anyone else at OHS on November 29 or at any other time about the Shooter's excitement about his new gun or his picture of it. Given the "Oxford in November" context cited by several witnesses – a time frame in which these witnesses said that students often talked about guns and hunting – the Shooter's enthusiasm for his new weapon may not have seemed remarkable to this student.

## Unknown Class Period(s) or Time of Day

At the Shooter's Miller hearing, two psychiatrists who evaluated the Shooter testified about events that the Shooter had described to them – events that occurred during the day on November 29, 2021, but at unspecified times.

At the Shooter's Miller hearing, Dr. Anacker testified during the prosecution's rebuttal case about her evaluation of the Shooter on March 15, 2022.<sup>138</sup> She stated that the Shooter told her that he had shown a live round of ammunition to a classmate at school on November 29, 2021. There was no testimony about when this happened.<sup>139</sup> As set forth above, classmates in the Shooter's first- and fourth-hour classes told the police that the Shooter showed them a live round that day, so the incident that Dr. Anacker recounted in court could have been the same incident that any of these students described.

Dr. Colin King, a psychologist who appeared as a defense witness for the Shooter, testified on direct examination that the Shooter told him about an unspecified time in which he placed bullet casings on his desk:

Q: Did [the Shooter] disclose to you a situation where he actually brought casings to school and displayed them on his desk?

A: He did.

Q: Can you explain that?

A: Certainly. He indicated to me that he brought one live round, and actually my review of the records and with the detectives who interviewed some of the students, one of the students did confirm that [the Shooter] showed him a live round and shell casings, so I have no reason to doubt what he said, and he placed some shell casings on the desk in his class, and a teacher walked by – he didn't name the teacher – and I said to him multiple times are you sure, and he said yes.<sup>140</sup>

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<sup>138</sup> See *generally* Aug. 18, 2023 Miller Hearing Tr. at 1-11 (background of Dr. Anacker).

<sup>139</sup> See Aug. 18, 2023 Miller Hearing Tr. at 60 (Dr. Anacker testimony).

<sup>140</sup> Aug. 1, 2023 Miller Hearing Tr. at 50 (direct testimony of Dr. Colin King).



As indicated in Dr. King's testimony, the Shooter did not specify the class in which this alleged incident took place or identify the teacher who purportedly walked by his desk. A student in the Shooter's fourth-hour class told the police that the Shooter had put bullet casings on their shared desk on November 29, as set forth above, and Dr. King's testimony may relate to the same incident. There is no evidence that Jasinski, the teacher of this fourth-hour class, saw the Shooter displaying ammunition in class that day or any other day.

Finally, it appears that at some point on November 29, 2021, the Shooter wrote in his journal about being called out of class to meet with Hopkins and Fine. Specifically, in an undated journal entry, the Shooter wrote, "I was just looking up some bullet calibers in ELA and got called down to the office for it. I wasn't even scared I was almost about to say I'm shooting up the school. I don't care about anything anymore." This entry appears on the same page as the above-described entry that the Shooter described as "the last passage I will write" (see discussion of Fifth Hour, *supra*). The Shooter therefore likely wrote the entry about his visit to the office in any of his third-, fourth-, or fifth-hour classes – after the meeting (which ended at approximately 10:00 a.m., give or take a few minutes) and before his "last passage" (which was written at 1:23 p.m.).

## **After School**

### **J. Kubina and Karpinski Reviewed the Shooter's Previous Work**

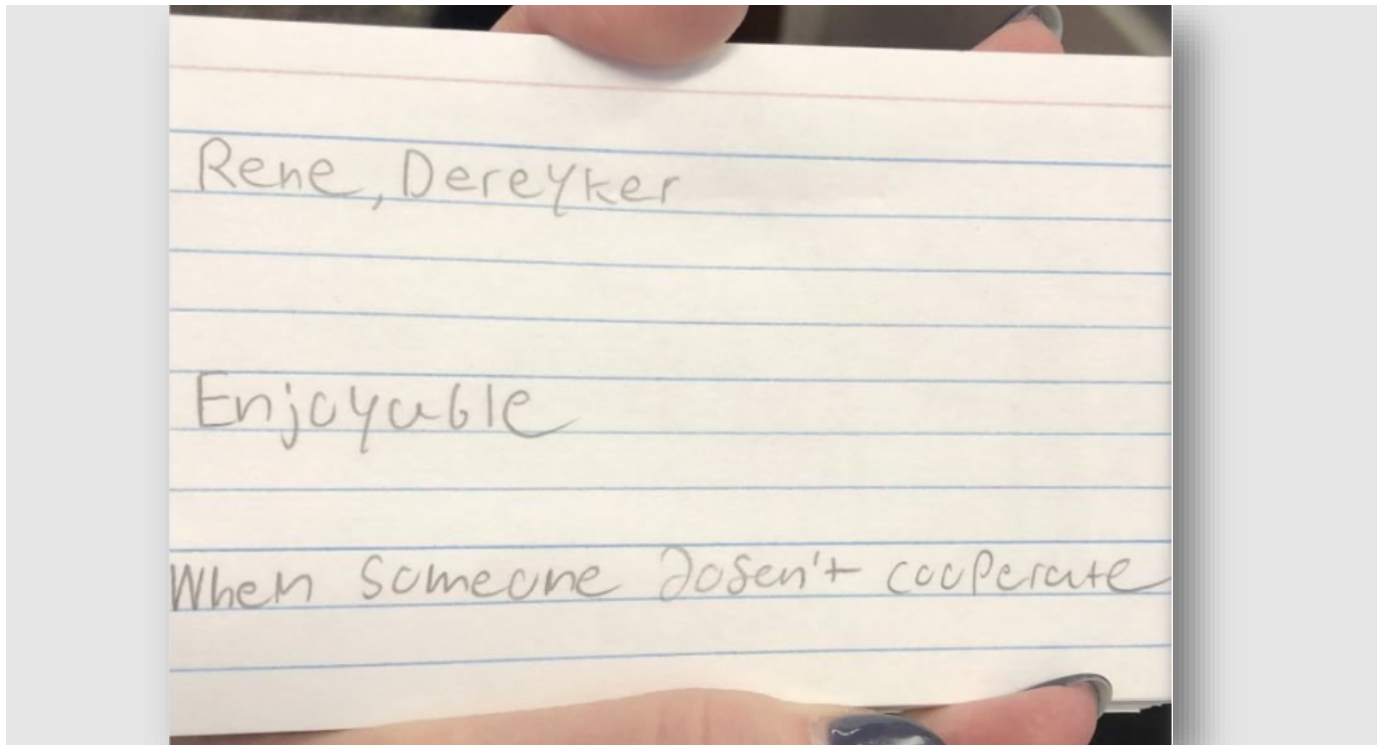
At her deposition, Kubina testified that she told her first-hour co-teacher, Karpinski, about seeing the image of bullets on the Shooter's phone and reporting that observation to Fine, Ejak, and Hopkins. As noted above, a law enforcement report reflects that Karpinski said that she (not Kubina) saw the Shooter looking at images of bullets on his school-issued Chromebook and that they had drafted the email to Fine and Ejak together. Karpinski testified that Kubina told her that "she really didn't think anything of it at first just since Oxford is a big hunting community," but because it was "like a Google stock image of a bullet" and not from a big online store, Kubina "reported it out of an abundance of caution." Karpinski stated that she hadn't noticed anything about the Shooter's behavior in class,

and said that Kubina “agreed she had never really noticed anything before either, but that image of the bullet, we wanted to follow up and look at some of his other assignments.”

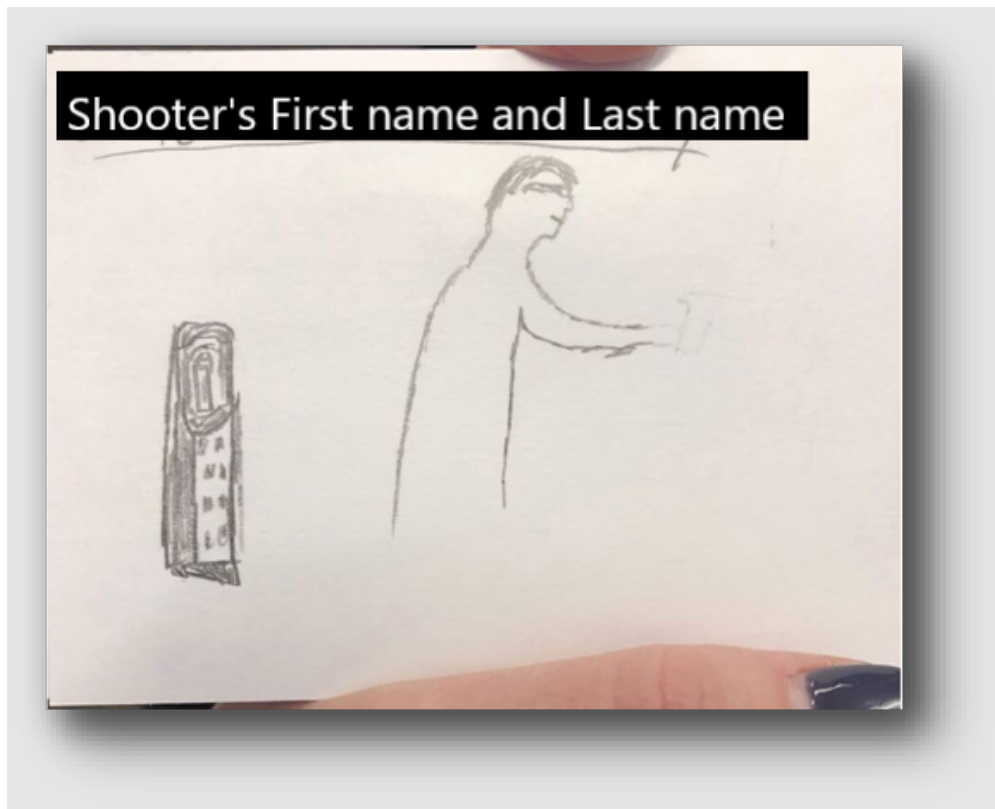
As noted above, Kubina had done a quick search in the Shooter’s Google Classroom for his prior completed ELA assignments, and Karpinski stated that she and Kubina looked at those online documents together after school. Karpinski testified that there was nothing notable in the Shooter’s electronic documents.

Kubina said that this conversation with Karpinski prompted her to look for an index card (the “Index Card”) that the Shooter had filled out in her ELA class at the beginning of the year. Kubina testified that she typically asked her students to fill out an index card at the start of the year “as kind of a little introduction” and “a way for [her] to get to know the student;” she also used the information on the cards to assign the students to groups throughout the year. Kubina asked her students to provide three pieces of information on one side of this card: (1) the name of their previous year’s ELA teacher; (2) one word to describe the previous 16 months (referring to the period of time dominated by COVID); and (3) a pet peeve. On the other side of the card, she asked them to write down their name “and just a little bit about yourself,” which “students take in different ways.” Kubina kept her students’ index cards in her classroom, and she would flip through them in class at times when she wanted to randomly call on a student for an answer.

The Shooter’s answers to the three questions listed above appeared on one side of his index card:



On the other side of the Index Card, the Shooter wrote his name and drew two images:



In her deposition, Kubina described what she thought was depicted in the Shooter's drawings on this card: "On the left hand side. Could be a building. A magazine clip. A person who's wearing glasses. And there he erased the gun." Kubina explained that on the original notecard, although part of the image had been erased, she could see "a little bit of residual drawing" that looked to her like a handgun. She stated that when she looked at the Shooter's index card after school on November 29, she thought that the drawing on the left side could be a building; after the shooting, it occurred to her that the image could have been a magazine for a gun. Kubina testified that she "didn't pay close attention" to the Shooter's index card at the beginning of the school year when he had filled it out because she collected approximately 180 of the cards from all of her students.

After reviewing the Shooter's index card after school, Kubina showed it to Karpinski. Karpinski saw an erased gun as well. According to Karpinski, she and Kubina "put the two pieces together" (meaning the image of bullets that the Shooter had been looking at and this index card) "and said, like, 'This is a follow-up e-mail that needs to happen.'" Karpinski noted that she also thought "'This could be a shooting range,' which is a common sport in the town of Oxford."

Kubina took pictures of both sides of the card (as shown in the two images above) and emailed them to Fine and Hopkins at 3:21 p.m., with an explanation of the context of what the Shooter had written on the card:

**From:** Kubina, Jacquelyn <[REDACTED]>  
**Sent:** Monday, November 29, 2021 3:21 PM  
**To:** Fine, Pamela <[REDACTED]>; Hopkins, Shawn  
<[REDACTED]>  
**Subject:** Student Concern Follow-up

Hi there--

I just wanted to send you what I discovered about [REDACTED] the Shooter that I hadn't noticed up to this point (pictures below). I normally have students fill out note cards at the beginning of the year and generally I usually just read through the back and keep them for activities that require volunteers in the future; however, after discovering what [REDACTED] was looking at today in class, this seemed to correlate. [REDACTED] the Shooter

Also, the questions on the back of the note card were:

1. Who was your ELA teacher last year?
2. Write a word or phrase that describes the last 18 months.
3. What is one of your pet peeves?

His answers to #'s 2 and 3 just seem a bit odd compared to what is on the front as well and what happened in class today. Let me know if they don't upload on here.

Thanks,

Mrs. Jacquelyn Kubina  
Oxford High School  
English Language Arts 10 and 12

In her deposition, Kubina explained that when she stated in this email “this seemed to correlate,” she meant that she correlated the image of the bullets she had seen on the Shooter’s phone and the erased image of a gun on the Shooter’s index card. Kubina also thought that the Shooter’s answers to questions 2 and 3 were “odd answers compared to some of [her] other students” and therefore she wanted Fine, Ejak, and Hopkins “to check

in with [the Shooter].” By continuing to identify and forward information about a student who had caught her attention, Kubina once again did the right thing.

Kubina appears to have provided conflicting information about whether her reference to “previous work” in her 9:33 a.m. email included both the ELA survey and the Index Card, or just the ELA survey. In her deposition, Kubina stated that at the time she sent her emails to Fine, Ejak, and Hopkins on the morning of November 29, she had not yet found and reviewed the Index Card. In addition, according to the police notes of an interview of Kubina on the same day as the shooting, Kubina stated that she had been thinking about the Shooter after school on November 29, so at that time, she pulled out the index card that he had filled out earlier in the year. Based on these statements, the Index Card could not have been part of the “previous work” that “leans toward the violent side” that Kubina mentioned in her email at 9:33 that morning.

However, according to the notes of a second police interview of Kubina, which occurred on December 20, 2021, Kubina stated that when she stated in the 9:33 a.m. email that she could bring the Shooter’s previous work to the office, she meant *both* the ELA survey and the Index Card. If this statement were true, that would mean that Kubina found and reviewed the index card on the morning of November 29, before she sent her email at 9:33 a.m. – which conflicts with what she said in her 3:21 p.m. email to Fine and Hopkins (“I hadn’t noticed up to this point”), her deposition testimony, and her first statement to the police on November 30, 2021.

We believe that the information that Kubina provided under oath in her deposition and in the police interview on the same day as the shooting likely reflects her most accurate memories of when she saw the index card on November 29. Moreover, in her deposition testimony, Kubina stated that during the second-hour class period on November 29, she looked at the Shooter’s previous work “on Google Classrooms,” which holds electronic versions of students’ work, and the Shooter’s ELA survey was saved in his Google Classroom. Kubina testified that she “got to her computer” and looked at the Shooter’s prior work at approximately 9:25 a.m., which would have been shortly before she sent her 9:33 a.m. email to Fine and Ejak. The Shooter’s index card was an actual note card, not

an electronic document, and it was located in Kubina's physical classroom (not an electronic "classroom").

Based on the foregoing evidence, the Index Card was not included in the "previous work" that "leans toward the violent side" that Kubina mentioned in her morning emails to Fine, Ejak, and Hopkins. Accordingly, even if Fine, Hopkins, or Ejak had accepted Kubina's offer to bring the Shooter's "previous work" to them during the fifth hour at OHS on November 29, the Index Card would not have been provided with the ELA survey because Kubina did not look at the Index Card until after the end of the school day.

At her deposition, Karpinski stated that at some point after school ended on November 29, she and Kubina also discussed seeing the Shooter writing in a journal in their class. Specifically, Karpinski testified that she told Kubina, "'The only time I've ever noticed [the Shooter] do anything out of the ordinary was he wrote in a journal one day and it was after he had already completed his work.'" Karpinski recalled this event because she taught lessons in which she encouraged students to journal "but they never do," and therefore "it just stuck out" to her that the Shooter was using a journal because "you don't typically see that very often." According to Karpinski, Kubina said that she also recalled this incidence of the Shooter writing in a journal.

Karpinski testified that when the Shooter was writing in his journal, she tried to see what he was writing:

So after the shooting happens I wondered, "Well, maybe he was writing plans in that journal." That's not something I would have ever been able to see the day he was writing in class. I actually – I'm really nosy, I stepped over there to see if I could see what he was writing or drawing and it was just words across the pages. There was no indentations, markings, scribbles, drawings, nothing.

#### **K. Fine Reviewed the Shooter's Index Card That Evening**

As the above-described timing of Kubina's review of the Shooter's index card and her sharing it with Fine and Hopkins via email indicates, Fine and Hopkins had not seen the Index Card when they met with the Shooter earlier that day. Hopkins did not see Kubina's

email with the attached Index Card until the morning of November 30; Fine saw it later on November 29.

Specifically, in the evening of November 29, when she was at home, Fine read Kubina's email and saw the images of the Shooter's index card. Fine testified that after reading Kubina's email and reviewing the Index Card, she did *not* have any concerns about what she saw on that card. Fine explained that by this point in the day, she had already reviewed the Shooter's records in PowerSchool, met with the Shooter, talked with Hopkins about him, and left a message with the Shooter's parents. Against the backdrop of knowledge that she had about the Shooter from those sources, Fine did not think that the answers that the Shooter had provided on the Index Card or the drawings that he had made on that card were cause for concern:

I read question two, which was How have the last 18 months been for you. His answer was enjoyable. I had no concerns at all. . . . [Q]uestion three was What is your pet peeve, and he said When people don't cooperate. I consider that to be within a normal answer. And so I looked at those, I had no concerns.

I scrolled up, I saw a note card that was three months old with doodles on it. This was a three-month old card that [Kubina] sent me that he had drawn on his first day of class or something, and I saw a student with no legs, no feet, it was a very rudimentary type drawing. His arm – he looked like he was wearing glasses, his arm is sticking out with no hand and he had a building behind him. I did not have concerns about that.

Fine did not respond to Kubina's after-school email. She testified that even if Kubina had told her that a gun had been erased from one of the drawings on the card:

It wouldn't have made a difference in my thoughts about – there's no threat in that picture. So after speaking to [the Shooter] if I had seen the erased gun in his hand after a student [i.e., the Shooter] just told me his hobby is to go to the gun range, there's no threat in that photograph [of the Shooter's drawings].

Based on everything that she knew about the Shooter as of the end of the day on November 29, Fine did not believe that there was anything that indicated that he posed a threat to himself or anyone else. Accordingly, she did not contact any OHS administrator



or security personnel about the Shooter; she did not initiate any threat or suicide assessment process; and she did not ask Kubina to see the “previous work” that “leans toward the violent side” (likely the ELA survey) mentioned in Kubina’s morning emails on November 29.

Kubina did not talk to Fine or Hopkins on November 29 or November 30 about their meeting with the Shooter or any of the information she had provided to them in her emails, nor did she speak to Ejak on November 29 about the Shooter.

#### **L. OHS Knowledge at the End of the Day on November 29**

At the close of the day on November 29, Kubina, Karpinski, Fine, Ejak, and Hopkins were all aware that the Shooter had been looking at an image of bullets on his phone during the school day. Either Kubina or Karpinski observed this conduct personally and reported it to the other (again, there is conflicting evidence on this point), the Dean of Students (Ejak), the Shooter’s counselor (Hopkins), and the school’s restorative practices/bullying prevention coordinator (Fine). Fine, Ejak, and Hopkins were all aware that Kubina thought some of the Shooter’s previous work leaned toward the violent side. Kubina was aware that Fine and Hopkins had met with the Shooter to discuss his conduct, and she informed Karpinski of this fact. Kubina also provided Fine and Hopkins with the Index Card, after reviewing that work with Karpinski. In elevating the Shooter’s conduct and classwork to an administrator, the Shooter’s counselor, and another staff member who worked closely with students, Kubina (in collaboration with Karpinski) did exactly what she should have done.

Only Fine, Hopkins, and Ejak were aware of what had transpired in the meeting between Fine, Hopkins, and the Shooter. Fine and Hopkins heard firsthand the Shooter’s explanation that he had been looking at an image of bullets because he needed more ammunition after visiting a shooting range with his mother over the weekend and that shooting was a family hobby. Although Ejak was not present for this meeting, Fine told him about both the meeting with the Shooter and her voicemail to the Shooter’s mother, and as noted above, he was aware that the Shooter had been looking at an image of

bullets during first hour on November 29. As Dean of Students, Ejak was an OHS administrator (as set forth on the OHS website).

On November 29, Hopkins possessed even more information about the Shooter than Fine and Ejak. As discussed above (see “The Shooter’s History in Oxford Community Schools,” *supra*), in May 2021, close to the end of the prior school year, Hopkins had received an email from one of the Shooter’s ninth-grade teachers, in which she asked him to call the Shooter down to his office to discuss his failing grade in her course and habit of sleeping in her class. As also discussed above, Hopkins had also received two emails from the Shooter’s Spanish teacher in the fall of 2021, in which she noted concerns she had about problems the Shooter may have been having. In response to the most recent of those emails from the Shooter’s Spanish teacher, which she sent on November 10, 2021, Hopkins sought out the Shooter during the school day and spoke briefly to him in the hallway.

To the best of our knowledge, OHS administrators Wolf, Gibson-Marshall, and Kurt Nuss and OHS primary security personnel SRO Louwaert and Rourke were all at OHS on November 29 and unaware of what had happened – the Shooter’s viewing of an image of bullets in class; Kubina’s emails alerting others to the Shooter’s conduct; his previous work that “leans a bit towards the violent side” (the ELA survey); the index card; the meeting with the Shooter; Fine’s decision to contact the Shooter’s parents and the message she left; and Hopkins’s prior interactions with and regarding the Shooter.

Later in this report, we examine the key question of what, if anything, these individuals should have done with this knowledge. In the threat/suicide assessment discussion in this report, below, we examine the District’s threat/suicide assessment policies, guidelines, and forms as they existed on November 30, and threat/suicide assessments as they were actually performed at OHS at that time, and analyze what should have happened at OHS on both November 29 and November 30 as OHS personnel learned more information about the Shooter on those two days.

Finally, before moving to the events of November 30 leading up to the shooting, we note that to the best of our knowledge, none of the people who were aware of the Shooter's viewing of an image of bullets on his phone in class or who knew what had occurred in the meeting between the Shooter, Fine, and Hopkins, entered what they knew into PowerSchool (by creating a log entry) or any other data repository to create a record that could be accessed in the future if needed. In other words, if an authorized OHS employee wanted to search for more information about the Shooter to better understand and support him, that OHS employee would not find any of the information about the Shooter that was gathered by Fine, Hopkins, Kubina, or Karpinski on November 29 in PowerSchool or any other accessible source at OHS. That information remained siloed in the personal knowledge of those four individuals. If another OHS employee was searching for more information about the Shooter, that person would have to speak to one of those four individuals. Later in this report, we discuss the use of PowerSchool as a repository where teachers, counselors, administrators, and staff can document information about students making improper or concerning statements and/or engaging in improper or concerning behavior.

This is a significant point, because as it turned out, one of those four people was scheduled to be away from OHS on November 30 and another individual almost stayed home from OHS on November 30. As recounted below, Fine was not available on the morning of November 30 because she was teaching at the middle school and later dealing with another student matter at OHS. In addition, we learned that Hopkins was almost not able to go to work that day due to a family issue. However, he was able to go to work, with his knowledge of what had happened with the Shooter on November 29.

### **Tuesday, November 30, 2021**

During the 2021-22 school year, prior to the shooting, the average daily attendance at OHS was 93% of students present. On Tuesday, November 30, the second day of school after the Thanksgiving break, just over 93% of students (1,596 students) were reported present. There were 112 students reported absent that day.

Jim Rourke, the OHS security officer, was not at OHS on November 30 prior to the shooting. He took the day off for a family appointment. Rourke had notified the SRO, Louwaert, on November 29, that he would not be at OHS on November 30. Louwaert testified that he and Rourke had an understanding “that there would be one person in the building with a gun at all times if possible.” This was not an OHS or OCS requirement or a formal agreement between Louwaert and Rourke, just an understanding that it was “a good idea.”

Rourke told us that he typically monitored the cameras when he was at his desk in the OHS security office. Kim Potts recalled that on November 30, the monitors were not displaying any camera feeds because Rourke was absent and nobody else had logged into the camera system. Accordingly, the monitors were not showing what was happening around the school that day. As set forth more fully below in our section on emergency planning at OHS before the shooting, we found no plan for monitoring school cameras in an active shooter situation inside the school or in any other emergency, and accordingly, there was no staff member assigned to this task.

### **Before School**

Hopkins testified that on November 30, before school, he saw for the first time the index card that the Shooter had filled out in Kubina’s ELA class at the beginning of the school year. That morning of the shooting, Hopkins printed out Kubina’s November 29, 3:21 p.m. email with the pictures of the Index Card, and he looked at the card between 7:00 a.m. and 7:30 a.m. Hopkins’s interpretation of the drawings on the Shooter’s index card is identical to Fine’s interpretation; he described the drawing of a person on the card as “the man without a hand” and the other drawing as “a building.” Like Fine, Hopkins did not see anything odd or significant in the Shooter’s answers on the Index Card. Neither Hopkins nor Fine circled back to Kubina to ask why she sent them the Index Card.

Video footage from OHS cameras shows that the Shooter was dropped off at school at 7:46 a.m.

**First Hour, 7:48 a.m. to 8:50 a.m.**

**M. Karpinski Saw the Shooter Watching a Violent Shooting Video in ELA**

Once again, the Shooter began his school day in ELA with Kubina and Karpinski in Room 305. During this class, Karpinski noticed that the Shooter was watching a video on his phone in class that depicted a person shooting other people, shown from the gunman's perspective. She testified that she had been walking around the classroom and as she approached the Shooter's desk, she either said out loud or thought, "I'm just checking to make sure that you're done with your assignment." According to Karpinski, the Shooter "didn't really look up at me or anything" and "he wasn't trying to hide his phone, he was just watching it."

As set forth above, Karpinski was aware that Kubina had contacted Fine and Hopkins the day before about the Shooter looking at an image of bullets and about the Shooter's Index Card, and therefore Karpinski emailed Fine and Hopkins at 8:05 a.m. to alert them to what she had seen:

**From:** Hopkins, Shawn [REDACTED]  
**Sent:** Tue 11/30/2021 8:38:58 AM (UTC-05:00)  
**To:** Karpinski, Allison [REDACTED]; Fine, Pamela [REDACTED]  
**Cc:** Kubina, Jacquelyn [REDACTED]  
**Subject:** RE: [REDACTED] The Shooter's Initials

Thanks for the additional info...I'll be checking back in with him.

---

**From:** Karpinski, Allison <[REDACTED]>  
**Sent:** Tuesday, November 30, 2021 8:05 AM  
**To:** Fine, Pamela <[REDACTED]>; Hopkins, Shawn <[REDACTED]>  
**Cc:** Kubina, Jacquelyn <[REDACTED]>  
**Subject:** [REDACTED] The Shooter's Initials

Good morning!

I know Jackie emailed you guys yesterday with some concerns about [REDACTED] the Shooter [REDACTED] in our first hour class. Today he is watching videos on his phone of a guy gunning down people. It looks like it's a movie scene, and not security footage/a real event, but definitely still concerning when taking into account some of his other behaviors.

Just wanted to keep you guys updated.

Allison Karpinski

Karpinski testified that when she used the words “behaviors” in this email, she was referring to the Shooter looking at an image of bullets on November 29 as well as to the index card he had created earlier in the year. Karpinski also testified that she purposefully made a distinction in this email between “a movie scene” and “security footage/a real event,” explaining:

I'm only twenty-five years old, so, the major national tragedies of my generation are Sandy Hook and Parkland so it is something that I take a lot of personal time to research, and I know that the Santa Fe shooter was obsessed with the Columbine shooters and would often watch that footage of Columbine shooters. So for me it was important that he was not fixated on actual events.

Karpinski did not see the Shooter's behavior in watching this video (or viewing an image of bullets) as indicative of potential violence toward himself or others, but she thought it reflected a change in his typical personal behavior. Once again, we note that by promptly reporting concerning student behavior, Karpinski acted appropriately under the circumstances.

Kubina had not seen the Shooter watching the shooting video in class that morning. As shown above, Karpinski copied Kubina on her email to Hopkins and Fine and also told Kubina that she was sending an email to her. Kubina testified that Karpinski told her that she had seen the Shooter watching a video of a person gunning down other people, but Karpinski did not mention this in her deposition.

Fine was not at OHS when Karpinski sent this email; she was at OMS, where she co-taught an anti-bullying and mentorship class. Through this program, OHS students, including Tate Myre and Kylie Ossege, would go to OMS for the first-hour class period and teach bullying-prevention lessons to the middle school students. Fine read the email from Karpinski on her phone, while she was at OMS. In our interview, Fine stated that she was angry after reading the email from Karpinski.

In her deposition testimony, Fine stated that she was concerned by the email from Karpinski because the Shooter had disregarded her instructions from the day before. Fine resisted any suggestion that she was concerned about the *content* that the Shooter had been watching in ELA class on November 30:

- “[A]t the time I received the email [from Karpinski] my concern . . . is that I had a conversation with the student that I believed went well and that he had listened and he said I will never do it again; and the next day he did it again in the same class.”
- “My concern at that point was he didn’t listen to me.”
- “I have a student now who is not following directions.”
- “So you’re asking me now on the 30th, would that [the fact that the Shooter was watching a video of a shooting] have changed things for me, yes, because he is directly disregarding my conversation with him on the 29th.”

Similarly, in our interview with Fine, she characterized the Shooter's viewing of the shooting video in his ELA class as insubordination. She told us that she did not view this

behavior as a threat because students watched this kind of content all the time. At her deposition, Fine stated:

He directly violated my instructions and I was upset. . . . All I can tell you for sure is that it was insubordination at this point, that I was upset at the insubordination. That was my primary thought. I can't go into what all my other thoughts were. My primary thought was this kid didn't listen to me. I told him. So that was my primary thought.

Fine recalled that Hopkins called her as she was experiencing her irritation at the Shooter, which was very soon after she had read Karpinski's email. Hopkins asked Fine if she had seen Karpinski's email, and Fine confirmed that she had. Fine recalled that she "said something along the lines of[,] Are you kidding me, I told him this yesterday, Shawn, I told him yesterday." Fine told Hopkins that she would be at the middle school all day, "and he said, I know, I've got it, and I said okay and I hung up."

Because Hopkins said that he would handle the situation with the Shooter, and because she had an obligation to lead the anti-bullying program at OMS, Fine did not leave the middle school to return to OHS at this time. Moreover, in Fine's view, because the Shooter had directly disobeyed Fine's instructions from the day before, this insubordination was now a disciplinary matter to be addressed by Ejak, the Dean of Students.

Fine testified that after this conversation with Hopkins at approximately 8:05 a.m. about Karpinski's email, she had no further involvement in any of the events involving the Shooter on November 30 prior to the shooting itself. As recounted in detail below, the Shooter's math teacher alerted Hopkins and Ejak to disturbing images and statements that the Shooter drew on an assignment during his second-hour Geometry class, but Fine never received this information or saw these drawings and statements on November 30. Hopkins and Ejak met with the Shooter and his parents to discuss these troubling images and statements, as described below, but Fine did not participate in these meetings.

Hopkins responded to Karpinski by email approximately a half-hour later:





Hopkins testified that when he sent this email to Karpinski, he “was on the phone regarding a different situation.” Twelve minutes after Hopkins sent this reply to Karpinski, Kubina, and Fine, and before he took any further action regarding the Shooter, Hopkins was alerted by Ejak to a different teacher’s concern about the Shooter, as recounted in more detail below.

In the meantime, during his ELA class, the Shooter texted a friend who was no longer attending OHS:

Hey, man. Times have gotten rough ever since you left. I don't know if you are dead or you moved away, but I hope you're doing well. I'm about to do something really bad and there's no turning back, so I'll probably never be able to see you again. I hope the best for you and I'm sorry for anything I've ever done.

There is no evidence that any teacher or student in the Shooter's ELA class, or anyone at OHS, saw or knew about this text on the Shooter's phone. The friend to whom the Shooter sent this text was in a medical facility at the time and did not have access to his phone from at least October 31, 2021, and therefore he did not read this text from the Shooter.

### **Second Hour, 8:56 a.m. to 9:57 a.m.**

#### **N. A Teacher Finds Concerning Drawings and Statements on the Shooter's Math Assignment**

The Shooter's second-hour class on Tuesday was Geometry with Becky Morgan in Room 202. Morgan refused to speak with us, but we know the following from her deposition testimony and statement to police.

On November 30, Morgan asked her second-hour students to work independently on a test review assignment. The students could submit this assignment for extra credit on the upcoming test, but they were not required to turn their papers in. Morgan walked around the classroom that morning, asking the students if they had any questions. Morgan told the police that she noticed that the Shooter was obviously not working on the assignment, so she walked over to his desk and saw that he had drawn a picture of a handgun and written several troubling statements on his paper. At her deposition, Morgan testified that "it was definitely the words" that caught her attention, and "[s]pecifically the phrases, 'The Thoughts won't stop, help me.'" Morgan remembered being "hyperfocused" on these words and did not recall whether the other statements on the paper registered with her at the time. Morgan testified that when she saw those words, she thought that the Shooter "needed to talk to someone."

Morgan picked up the Shooter's paper and used her phone to take a picture of it. The photo that Morgan took is shown here:

Shooter's First name and Last name

# Chapter 5 - Test REVIEW #1 November 30<sup>th</sup> 2021

## 7: Using Congruent Triangles

8:59 AM

I can use  $\cong$   $\Delta$ s.

Given:  $\overline{MQ} \cong \overline{NT}$   
 $\overline{MQ} \parallel \overline{NT}$   
Prove:  $\overline{MN} \cong \overline{QT}$

Given:  $\overline{YX} \cong \overline{YX}$   
 $\overline{ZY}$  bisects  $\angle YXW$   
Prove:  $\overline{YZ} \cong \overline{YZ}$

- Reason Bank
- Given
  - Given
  - CPCTC
  - CPCTC
  - SAS
  - SAS
  - Reflexive Property
  - Reflexive Property
  - Def'n of Bisector
  - Alt. Int.  $\Delta$ s Thm.

- 1.
2.  $\Delta 1 \cong \Delta 2$
3.  $\overline{MT} \cong \overline{NT}$
4.  $\Delta MNT \cong$  \_\_\_\_\_
- 5.

1.

2. The thoughts

3. Won't stop

4. HELP me

- 1.
2.  $\Delta 1 \cong \Delta 2$
3.  $\overline{XZ} \cong \overline{XZ}$
4.  $\Delta YXZ \cong \Delta WYZ$
- 5.

1. Blood
2. Everywhere
- 3.
- 4.
- 5.

I can prove  $\Delta$ s  $\cong$ .

### 5.3, 5.5-5.6: Congruent Triangles

Mark any given information on the diagram. Are the triangles congruent? Which theorem proves this? Write congruent statements for the bottom row.

<p>My life is useless</p>	<p>The World is dead</p>		
$\Delta PQR \cong$	$\Delta ABC \cong$	$\Delta WXY \cong$	

Sent from my iPhone

As seen in the photo, there are several disturbing drawings and statements on the Shooter's math paper. There is a drawing of a handgun with the words "The thoughts

won't stop" and "Help me" written underneath. There is also a drawing of a person with two elongated dark marks on its torso, its arms splayed (one up, one down), and a shaded cloud emanating from the head. To the right of the drawing of this person is a drawing of a bullet, with the words "Blood everywhere" appearing on top of this drawing. There is also a drawing of a face that is both smiling and crying, as well as two other statements: "My life is useless" and "The world is dead." Looking at the drawing of the person in context with the other drawings and statements on the page, it would be reasonable to perceive that the drawing is of a person laying on its back as if at a crime scene, with two bullet holes in the torso and blood emanating from the head.

After Morgan took the picture of the Shooter's math paper, she returned it to him and admonished him to refocus on the assignment. Morgan testified that she did not speak to him about what she had seen written on his paper because she believed that the Shooter needed to talk to someone who was more skilled in handling this type of student issue.

**O. Morgan Reported the Concerning Drawings and Statements Directly to an OHS Administrator**

After taking a picture of the Shooter's math assignment, Morgan left the room – and her class unattended – to alert the front office about it. At her deposition, Morgan explained why she went to the office: "I thought this was something that I wanted to make sure that he was – that he got to talk to somebody today, and I didn't want him slipping through e-mails so that's why I went down to the office and reported it, I mean, to that level." She did not recall ever acting with similar urgency in response to any other student's written or spoken statements. Morgan's decision to immediately escalate what she had observed was precisely the right thing to do.

According to Ejak, Morgan went to the office at approximately 9:00 a.m. Morgan testified that she intended to report what she had seen on the Shooter's paper to Fine, because she knew that Fine had called the Shooter out of Morgan's class the day before and she thought that "if I'm sending a student down to the office who maybe – who maybe needed to talk to somebody it would be best to talk to somebody that they knew of, at least had

some interaction with prior.” However, as noted above, Fine had begun her day at the middle school and she had not yet returned to OHS at this time.

Ejak testified that he was the only person available in the front office when Morgan arrived. Morgan showed Ejak the photo of the Shooter’s math assignment on her phone and pointed out the two statements that had caught her eye (“The thoughts won’t stop” and “help me”). Ejak testified that Morgan was concerned about the “inappropriate statements” that the Shooter wrote on his math assignment and she had come down to the office because she wanted to make someone aware of what the Shooter had written. According to Morgan, Ejak told her that he would talk to Hopkins “and they would come” (to her classroom, presumably). Morgan said that she had to return to her class, which she had left unattended.

In his deposition, Ejak testified that when he viewed Morgan’s photo of the original version of the Shooter’s math assignment, he saw the drawing of the gun and the bullet and the words “blood everywhere.” He recalled “seeing a person,” but he “didn’t have time to look at it and examine it to the extent to figure out what it might be.” Ejak testified that he saw the statements that the Shooter had written on the math assignment (such as “help me,” “my life is useless,” and “the world is dead”) and “that was where my focus was. I focused on the statements rather than the drawings.”

Ejak stated that in looking at these drawings and statements, he did not see anything that indicated that the Shooter might pose a threat to anyone. Specifically, Ejak testified that he had “come across kids drawing violent pictures” and “kids draw this kind of stuff all the time.” He stated that the drawing was “inappropriate for school, but I wouldn’t say it was concerning. I don’t see a threat anywhere on here [referring to the entire math assignment] to anybody.” Rather, Ejak looked at the Shooter’s math paper in the context of “the day before and bullets. Like it – there was a – like a correlation between he was interested in guns.” But based on the *statements* that the Shooter had written, Ejak “figured that [the Shooter] would benefit from talking with Shawn [Hopkins] so that we could figure out how we could best help him or support him.”

Ejak testified that after speaking to Morgan, he walked to Hopkins's office to tell him what Morgan had shared. Hopkins stated that Ejak came to his office at approximately 8:50 a.m., which is inconsistent with Ejak's recollection of Morgan coming to the office at approximately 9:00 a.m., as mentioned above. Ejak told Hopkins that Morgan had come down to the office and showed him a photo of the Shooter's math assignment. Ejak was aware that Hopkins and Fine had met with the Shooter the previous day, which is why he sought out Hopkins. Ejak did not have the Shooter's math assignment in his possession at this point, nor did he have a photo of the math paper yet. Ejak testified that he recounted to Hopkins some of the statements that the Shooter had written on his math paper, but Hopkins testified that he did not recall Ejak describing any of the statements or the drawings on the assignment.

After speaking to Ejak in the office and showing him the photo of the Shooter's math paper on her phone, Morgan returned to her second-hour math class. Morgan testified that when she got back to her classroom, she "crouched next to [the Shooter] to have a private conversation," asking him, "Is there something I can do to help you,' you know, 'Something I can do to help you with this?'" She explained that she was referring to his math work when she asked these questions, to try to make him more comfortable in class without talking about the issue that had prompted her report to the office, because she did not feel trained to talk to him about what he had written on his assignment. In response, the Shooter gave Morgan "excuses why he wasn't working on his work," which she found to be typical of a student who didn't want to do his work. As she spoke to the Shooter, Morgan "was looking at him not the paper . . . trying to just, you know, just connect with him." She testified that she "noticed that the paper was scribbled out" but Morgan "didn't look at it in any detail to know what was scribbled out and what wasn't."

After speaking with Ejak, Hopkins decided to go to Morgan's classroom to pull the Shooter out of math class for a meeting. Hopkins testified that he was concerned about the Shooter and "wanted to make sure he was okay."<sup>141</sup> Hopkins stated that the purpose of

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<sup>141</sup> Hopkins Prelim. Exam. Tr. at 115.

meeting with the Shooter was “to find out what our next steps would be,” in light of the incidents involving the Shooter earlier in the day and the day before.<sup>142</sup>

At 9:14 a.m., Hopkins entered Morgan’s classroom and approached the Shooter, who was sitting in the front row of the classroom. Hopkins told the Shooter that they needed to talk and asked the Shooter to come with him. The Shooter stood up and followed Hopkins out of the classroom, leaving his backpack by his desk. Before leaving the classroom, Hopkins obtained the Shooter’s math assignment, either by picking it up from the Shooter’s desk or receiving it from Morgan.<sup>143</sup> The Shooter’s math assignment had changed drastically since Morgan’s earlier photo of it, because the Shooter attempted to conceal the concerning statements and drawings on the paper. The Shooter’s math assignment now looked like this:

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<sup>142</sup> Hopkins Prelim. Exam. Tr. at 115.

<sup>143</sup> In his Preliminary Exam testimony, Hopkins stated that he “grabbed the math assignment off his [the Shooter’s] desk.” Hopkins Prelim. Exam. Tr. at 113. In his deposition Hopkins stated twice that Morgan gave him the Shooter’s math paper. See Hopkins Dep. Tr. at 85. Although Morgan testified that she recalled seeing that the paper had been scribbled out when she was talking to the Shooter upon her return from the front office, she did not recall what happened to the paper after that.

Shooter's First name and Last name

Chapter 5 - Test REVIEW #1 November 30<sup>th</sup> 2021

5-7: Using Congruent Triangles 8:59 AM I can use in  $\Delta$ ...

Given:  $\overline{MQ} \cong \overline{NT}$   
 $\overline{MQ} \parallel \overline{NT}$   
 Prove:  $\overline{MN} \cong \overline{QT}$

Given:  $\overline{YX} \cong \overline{WX}$   
 $\overline{ZX}$  bisects  $\angle YXW$   
 Prove:  $\overline{YZ} \cong \overline{WZ}$

- Reason Bank:
- Given
  - Given
  - CPCTC
  - CPCTC
  - SAS
  - SAS
  - Reflexive Property
  - Reflexive Property
  - Def'n of Bisector
  - Alt. Int.  $\angle$ s Thm.

- 1.
2.  $\angle 1 \cong \angle 2$
3.  $\overline{MT} \cong \overline{NT}$
4.  $\Delta MNT \cong \Delta QNT$
- 5.

1. ~~\_\_\_\_\_~~  
 2. ~~\_\_\_\_\_~~  
 3. ~~\_\_\_\_\_~~  
 4. The thoughts won't stop

1. RMX 808
2.  $\angle 1 \cong \angle 2$
3.  $\overline{XZ} \cong \overline{XZ}$
4.  $\Delta YXZ \cong \Delta WXZ$
5. ~~\_\_\_\_\_~~

1. ~~\_\_\_\_\_~~  
 2. ~~\_\_\_\_\_~~  
 3. ~~\_\_\_\_\_~~  
 4. ~~\_\_\_\_\_~~  
 5. Video game this is

5.3, 5.5-5.6: Congruent Triangles

Look at any given information on the diagram. Are the triangles congruent? Which theorem proves this? Write congruent statements for the bottom row.

<del>_____</del>	Harmless act	I love my life so much!!!	Were all friends here
		<del>_____</del>	
$\Delta PQR \cong \Delta PQR$	$\Delta PQR \cong \Delta PQR$	$\Delta ABC \cong \Delta ABC$	$\Delta WXY \cong \Delta WXY$

As depicted in the image above, the Shooter scribbled over his drawings of a gun and a body with holes in it and a cloud around it, although the body is still partially visible. He completely obliterated the statement, "Blood everywhere," and partially obscured the statements, "my life is useless," "the world is dead," and "Help me," while leaving the



statement, “The thoughts won’t stop.” He wrote new statements that were upbeat and positive: “Were [sic] all friends here,” “OHS rocks!,” and “I love my life so much!!!!” The Shooter also wrote, “Harmless act” and “video game this is,” in an attempt to explain the images he had drawn.

Video footage from OHS shows Hopkins and the Shooter walking to the front office, and the Shooter is holding a piece of paper in his hand, which may be his math assignment.

#### **P. Hopkins and Ejak Met with the Shooter**

At approximately 9:17 a.m., Hopkins and the Shooter returned to the front office and went to Hopkins’s office, where Ejak was waiting. At this point in time, Hopkins had the Shooter’s altered math assignment and may also have learned some details from Ejak about the original version of the assignment, but Hopkins had not seen the original version himself. Ejak had seen Morgan’s photo of the original, unaltered math assignment and now saw the altered version that Hopkins brought back to his office.

Hopkins told the Shooter that they needed to discuss an email that he had received about the Shooter and the Shooter’s math assignment. First, Hopkins asked the Shooter “to explain to me what was going on first with Miss Karpinski, to explain the video that [he] was watching.” Hopkins said that he “had a conversation about the video to ask what it was because the e-mail [from Karpinski] was not overly descriptive as to what it was.”<sup>144</sup> The Shooter said that he had been watching a video game, and “stated that he had an interest in designing video games after high school.” Hopkins did not ask the Shooter to show him the video that he had been watching in ELA class.

At his deposition, Hopkins described his initial reaction to the Shooter’s explanation of what he had been watching in Karpinski’s class. Like Fine, Hopkins seemed to be concerned about the Shooter’s disregard of their instructions about appropriate cellphone usage:

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<sup>144</sup> Hopkins Prelim. Exam. Tr. at 114.

[The Shooter] stated that he was watching a video game, which is a fairly common thing for students to do. And my first – my first thought with it was we just had a conversation about cell phone usage, about appropriate cell phone usage, and here we are a day later having another message about watching something that while probably more common amongst high schoolers to either watch violent video games or violent shows, it still isn't something we should be doing during class.

Hopkins then “brought out the math assignment and set it between us and asked him, okay, we just got this [referring to the assignment]. Please tell me what's going on here.”

Hopkins testified that the Shooter provided this explanation:

He initially pointed to some of the drawings on here and stated that he liked video games and was drawing scenes from video games, that he wanted to design video games, that he – he was interested in them, it was a hobby that he spent his time doing, and that he liked doing drawings from that.

Hopkins stated that up to this point in the conversation, the Shooter “was kind of the way I would describe him the previous day [in the November 29 meeting] of understanding the situation, saying, yeah, I shouldn't have – I shouldn't have been watching stuff on my phone.”

Hopkins then pointed out the words that were visible on the Shooter's math assignment, like, “the thoughts won't stop,” and the partially-obscured statements, “Help me” and “my life is useless.” At this point in the conversation, the Shooter's demeanor “really started changing” and “[h]e became sad.”<sup>145</sup> Hopkins testified that the Shooter “started pausing more in his speech”<sup>146</sup> as “he started bringing up themes of sadness.” Specifically, at his deposition, Hopkins recalled:

[The Shooter] stated that things have been hard lately, that the family dog had dies, that he had a – a grandparent pass, that he had a friend who wasn't able to attend school anymore, that they had gone away. And I really saw that flip in him, start to open up where he went from just kind of like agreeable – agreeable, cordial, to showing this appropriate sadness, that he had these things that had happened that were definitely – like, they were sad. . . .

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<sup>145</sup> Hopkins Prelim. Exam. Tr. at 116.

<sup>146</sup> Hopkins Prelim. Exam. Tr. at 116.

[H]is level of sadness when he – when he talked about the dog dying was – the tone of his voice changed. His pace of speech became slower. . . . [Y]ou could tell he had that almost – I would describe it as like this like empathy for sadness was what I saw displayed. So while I wouldn't call it anything inconsolable or high level, it was present, appropriate, and visible.

In his preliminary examination testimony, Hopkins cited two other events that the Shooter mentioned at this time. First, the Shooter said that COVID had been “incredibly difficult” for him, and specifically, being out of school and having virtual classes had been difficult for him<sup>147</sup> (statements that contradicted what he had written on the Index Card, which Hopkins had viewed that morning). Second, the Shooter “talked about an argument about grades the previous night with his parents.”<sup>148</sup>

Ejak, who seemingly listened to the conversation between Hopkins and the Shooter without joining in, provided a similar account of the meeting up to this point. As Ejak listened, Hopkins did “a mental health check, check in with him, try to figure out what was going on.” According to Ejak, the Shooter “explain[ed] very logically the reason for the drawings and his interest in video game development and how he likes to try to draw that kind of stuff because he had an interested in graphic design, something that he could work on . . . after high school.” Ejak continued:

I listen[ed] to [the Shooter] explain some of these statements and even thank us for being so thorough because he realized how bad this looked. And based on the altered version [of the math paper] that we were looking at, the impression I got from that was that he was worried that he was going to be in trouble or have some type of discipline because of like basically his insubordination from the day before, being on his phone again. And at no point in time was I aware that there would be a threat. I didn't think there was any reason to believe that. What he had to say was – made perfect sense.

Like Fine and Hopkins, Ejak also testified that because it was not uncommon for OHS students to use and talk about guns, he did not view the Shooter's interest in guns and

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<sup>147</sup> Hopkins Prelim. Exam. Tr. at 117.

<sup>148</sup> Hopkins Prelim. Exam. Tr. at 117; see also Aug. 18, 2023 Miller Hearing Tr. at 61 (the Shooter told Dr. Anacker that he had a fight with his parents on the night of November 29).

bullets – both of which were drawn on the Shooter’s math paper – as a cause for concern when he and Hopkins met with the Shooter. Ejak stated that “a fascination for that [guns and bullets] isn’t unusual, especially in the Oxford community. I mean, we have kids taking pictures before [H]omecoming holding their guns. That’s a pretty normal thing in that community.” Ejak also said that he had seen students draw guns on papers before, “a small handful” of times; in those situations, he called the student’s parents and spoke to the student.

After listening to the Shooter talk about these sad events that he had recently experienced, Hopkins “started looking at this more of like, okay, we have a kid in front of me who’s got a lot going on that’s – that’s sad.” Hopkins testified that he asked the Shooter, “Are you a threat to yourself or others?” and the Shooter responded “I can see why this looks bad. I’m not going to do anything.” When interviewed by law enforcement on November 30 after the shooting, Hopkins stated, “He [the Shooter] was adamant. I’m not going to hurt myself. I’m not going to hurt others.” In his court and deposition testimony, Hopkins did not characterize the Shooter’s denial of any intent to harm in such emphatic terms.

In his preliminary hearing testimony, Hopkins characterized this part of the conversation – in particular, the question about whether the Shooter was a threat to himself or others – as a “risk assessment”:

Q: Backing up just a little bit about the risk assessment, when did you conduct that with [the Shooter]?

A: It was prior to calling Mom.

Q: And what kinds of things did you ask him?

A: I asked him if he was a threat to himself or others, and his statement back to me was, I can see why this looks bad. I’m not going to do anything. I then asked him to describe some of the words and pictures that he had written on the sheets.<sup>149</sup>

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<sup>149</sup> Hopkins Prelim. Exam. Tr. at 124-25.

Hopkins's self-described "risk assessment" was not nearly as comprehensive as the District's suicide assessment protocol, which had been circulated to Hopkins as recently as September 30, 2021, as discussed in the section on threat and suicide assessment below.<sup>150</sup> Nor was this so-called "risk assessment" equivalent to the threat assessment set forth in District policy, which is also discussed below.

At his deposition, Hopkins pushed back against the idea that he should have performed a formal suicide assessment of the Shooter. He testified that "[s]uicidal ideation does not mean that a student is contemplating suicide," and specifically that the Shooter "based on the information I had was not thinking of committing suicide." Hopkins stated that he "was concerned that if we did not intervene at an earlier state, that sadness [that the Shooter was displaying] could become a higher level of concern."

In his preliminary examination testimony, Hopkins explained his view of the difference between "suicidal ideation" and "actively suicidal":

Suicidal ideation are [sic] thoughts, patterns, behaviors, feelings associated with suicide, sadness, depression, negative self-talk, all of those themes that we see associated with suicide . . . . Actively suicidal would contain a plan, a method, a date, action, statements, something that he could take action on.<sup>151</sup>

In other words, in Hopkins's own view, the key difference between "suicidal ideation" and "actively suicidal" is a plan and/or other specific indicators of an intent to commit suicide. However, Hopkins never asked the Shooter if he had a plan to harm himself, which is a different, more specific question than Hopkins's question about whether the Shooter was a threat to himself or others.<sup>152</sup> Although other statements by an at-risk student could certainly provide evidence that the student is "actively suicidal," asking the student

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<sup>150</sup> At the preliminary examination hearing, Hopkins testified on cross-examination that the assessment that he conducted (which was described as a "suicide assessment" at this point in his testimony, rather than a "risk assessment") was "a series of questions to gain information from the student" and that he derived these questions from his training rather than a form.

<sup>151</sup> Hopkins Prelim. Exam. Tr. at 118.

<sup>152</sup> See Hopkins Prelim. Exam. Tr. at 125.

explicitly whether he has a plan would also provide key information about the student's intent. Hopkins testified that he did not ask any questions about a suicide plan because the Shooter had said "I'm not going to do anything" when Hopkins asked if he was a threat to himself or others."

However, at the preliminary examination hearing, Hopkins acknowledged that teenagers may lie, and that he had no way of knowing whether the Shooter's answer to the question, "Are you a threat to yourself or anyone else?" was true.<sup>153</sup> In fact, Hopkins testified that he did not believe the Shooter's answer to this question:

Q: And you told the parents that you had done an assessment to determine if he was a threat to himself or others, correct?

A: I told the parent that I believed he was a threat to himself in spite of his statement.

Q: You believed he was a threat to himself despite his statement.

A: Yes.<sup>154</sup>

If Hopkins believed – as he testified – that the Shooter was lying when he said that he was not a threat to himself, then by his own informal standards, he should have asked the Shooter if he had a plan to hurt himself. As stated above, Hopkins testified that he did not ask any questions about a suicide plan because the Shooter had said "I'm not going to do anything" when Hopkins asked if he was a threat to himself or others" – but Hopkins admitted that he did not believe the Shooter when he said this.<sup>155</sup>

Similarly, if Hopkins believed – as he testified – that the Shooter was lying when he said he was not a threat to himself, then he should have asked the Shooter if he had access

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<sup>153</sup> See Hopkins Prelim. Exam. Tr. at 145-46.

<sup>154</sup> Hopkins Prelim. Exam. Tr. at 147-48; see also Hopkins Prelim. Exam. Tr. at 154 ("Q: And when you talked to the parents, you told the parents you had done your assessment and [the Shooter] was not a threat to himself – or I'm sorry, to other students, correct? A: I stated that he was a threat to himself.").

<sup>155</sup> At the Shooter's Miller hearing, Dr. Anacker testified that the Shooter attempted to commit suicide in October 2021 by taking 8-10 allergy pills; he fell asleep and woke up sick the next morning. See Aug. 18, 2023 Miller Hearing Tr. at 54.

to a weapon. Hopkins testified that he did not ask the Shooter if he had any type of weapon or anything that could be used to hurt himself or others “because I asked him if he was – if he was a threat to himself or others . . . . And he stated that he was not.” But Hopkins believed that the Shooter was a threat to himself, so by his own reasoning, he should have asked the Shooter if he had access to a weapon – particularly because Hopkins knew that the Shooter had used a gun just days earlier at a shooting range. By failing to ask this question, Hopkins and Ejak missed a key opportunity to at least attempt to gain more information about the Shooter’s ability to cause harm to himself or to others. At this point in time, Hopkins and Ejak knew that the Shooter was looking at an image of bullets in class the day before, watched a violent shooting video in class after being warned against viewing such content in school, went to a gun range days earlier, and wrote troubling statements and drawings on his math paper. Although the Shooter may have lied about his access to a weapon, the question should have at least been asked at this point. We examine best practices in this area in the threat assessment discussion below.

Moreover, if Hopkins believed – as he testified – that the Shooter was lying when he said that he was not a threat to himself, then he should have questioned whether the Shooter was lying when he said that he was not a threat to other people, particularly in light of the disturbing statements and images that the Shooter wrote and drew on his math assignment, the violent shooting video he had been watching, and the image of bullets he had been viewing on his phone.

In his interview with law enforcement on November 30 after the shooting, Hopkins said, “my thought was him, personal . . . I didn’t really think of it as a threat to the school, I really didn’t.” At his deposition, Hopkins testified that when he read the statements that the Shooter had written on his math paper, he focused on the fact that the Shooter was using a singular voice rather than plural expressions:

The one thing that I kept as a theme throughout all that was everything was so singular. When I looked at it, it was my life is useless. When I looked at it, it was help me. When I looked at it, there’s one body. . . . Which was why I – I took it in the direction I did and made the judgment call I did. Because

there weren't things that were saying I hate or I want to do this to someone or multiple people there. I – I saw it as something that was just an individual experiencing sadness based on what they had said who maybe if left untreated could become suicidal.

In other words, Hopkins did not view the Shooter's statements as an expression of hostility against others or an indication of an intent to do something to someone else. As a result, Hopkins did not undertake any type of threat assessment.

From this point on, the actions that Hopkins and Ejak took and the decisions that they made reflect the systemic failures of the District and OHS leaders to implement the formal threat assessment policy at OHS and to properly train OHS staff on that policy. These systemic failures directly led to Hopkins and Ejak making crucial mistakes when evaluating the disturbing statements and drawings on the Shooter's math assignment and the information that Hopkins knew about the Shooter from the previous day and earlier reports from one of the Shooter's teachers. In the threat assessment section later in this report, we discuss these systemic failures and individual mistakes in detail.

#### **Q. Hopkins Called the Shooter's Parents**

Hopkins decided that "there was enough suicidal ideation based on [the Shooter's] sadness and based on some of the words he had written" on the math assignment that a call to the Shooter's parents was warranted. At the preliminary examination hearing, Hopkins explained what would trigger him to call a student's parent: "When the student is a minor, when I have concerns that there needs to be follow-up mental health support for a student, when I have concerns that the student may potentially become suicidal."<sup>156</sup>

Hopkins testified that he told the Shooter what he intended to do, explaining to him:

[M]y next step in this is I need to call parents. I need to get – I need to get them involved, because I want to make sure that you get help. You know, I – I can accept that you're not going to do anything, and I'm glad, but I want to make sure that we don't let this get worse, that we address sadness.

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<sup>156</sup> Hopkins Prelim. Exam. Tr. at 120.



Hopkins asked the Shooter “if he had a preference if I called mom or dad,” which was in keeping with Hopkins’s usual practice. The Shooter told Hopkins that it would probably be easier to contact his mother. Hopkins described the Shooter’s demeanor at this point as “very muted” and “resigned to the fact that I was going to call home.”<sup>157</sup> Hopkins called the Shooter’s mother at approximately 9:24 a.m., and when she did not answer his call, he left a voicemail for her. Hopkins also tried to call the Shooter’s father but was unsuccessful.

At approximately 9:27 a.m., as Hopkins and Ejak were “still kind of looking through some of this trying to gauge where [the Shooter] was at,” the Shooter’s mother returned Hopkins’s call. Ejak and the Shooter were still in Hopkins’s office, and Hopkins put the phone on speaker. Hopkins testified that he explained to the Shooter’s mother “what we had seen” (referring to the math assignment and other information that Hopkins had<sup>158</sup>) and “some of the thoughts that – that [the Shooter] had shared, some of the feelings he’d expressed.” Hopkins asked the Shooter’s mother to come to the school for a meeting. She said that she was at work and that she would try to get the Shooter’s father to come to school, and Hopkins told her that he had tried to reach the Shooter’s father himself, without success.

According to Ejak, during this phone call, the Shooter’s mother provided confirmation of some of the sad events that the Shooter had described to Hopkins and Ejak earlier. Specifically:

And then once we had gotten his mom on the phone and she began to confirm this information, everything seemed to line up with what we were hearing from him. . . .

[S]he just agreed with what he was saying, and she agreed with his reasoning behind the way he was feeling, sad with the passing of a dog and a grandmother, which is what he had explained to us before calling her.

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<sup>157</sup> Hopkins Prelim. Exam. Tr. at 120-21.

<sup>158</sup> Hopkins Prelim. Exam. Tr. at 122-23 (“Q: What did you tell Mom? A: I stated that I was concerned about [the Shooter] based on some of the time I’d had speaking with and based on the assignment and information I had.”)

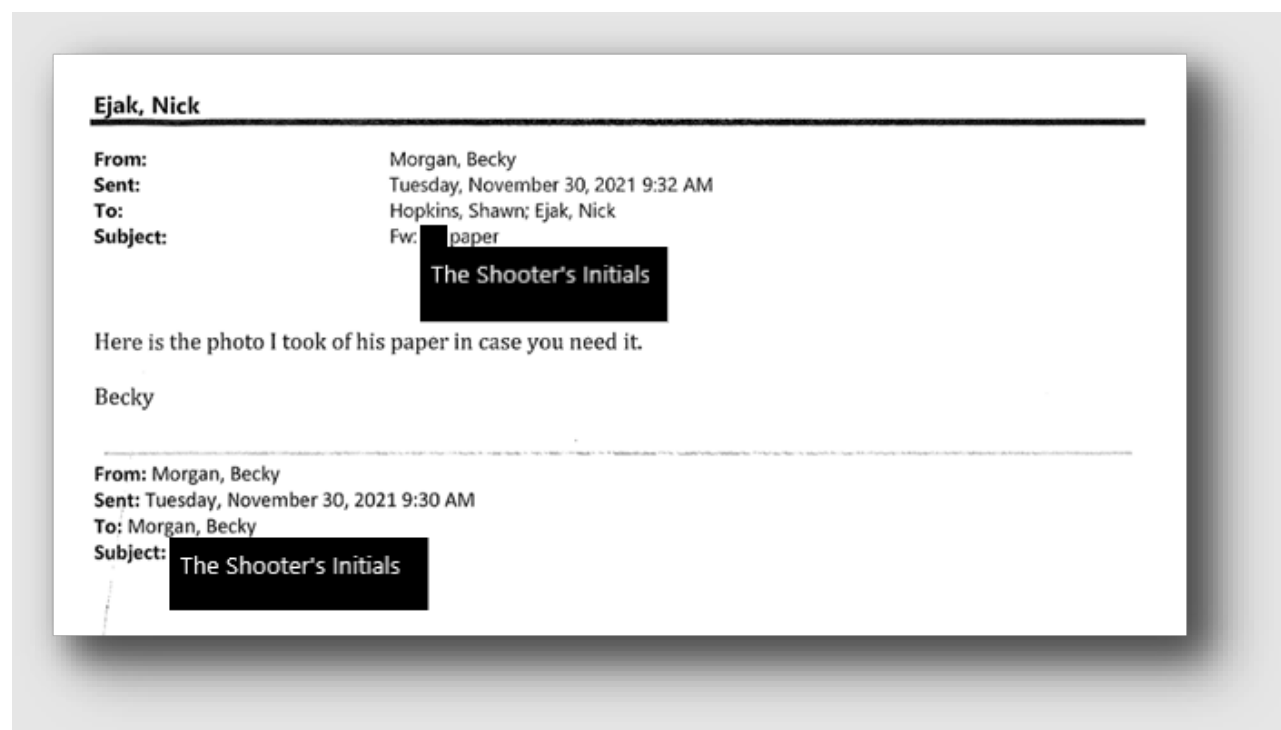
In Ejak's mind, the fact that the Shooter's mother confirmed some of the things that the Shooter had told Hopkins and Ejak "lowered any level of suspicion for him not telling the truth, because I have a confirmation from a parent." At the same time, Ejak acknowledged that students who may have bad intentions are concerned about being caught and "often try to cover up stuff so they don't get in trouble." Nevertheless, Ejak would not characterize the Shooter's dramatic swings between his original statements on the math assignment – for example, crossing out "my life is useless" and adding "I love my life!" – as "mixed signals" from the Shooter that might have caused concern, stating that students trying to cover things up to avoid consequences was "pretty typical" behavior and "wasn't unusual."

At some point in the conversation, the Shooter's mother indicated that she wanted to speak to her son to find out from him what was going on. According to Hopkins, the conversation between mother and son was brief, with the Shooter giving "a typical kid answer of, I don't know what's going on. I just – I – I kind of – you know, I just – I don't know." Hopkins then sent the Shooter's mother a picture of the Shooter's altered math assignment, with the various cross-outs and added positive statements, "to give her greater context of what – what we were looking at so she could understand." The call ended with the Shooter's mother saying again that she would try to reach the Shooter's father.

The Shooter's mother briefly mentioned this call with Hopkins when she and her husband were at the police station on November 30, following the shooting and the Shooter's arrest. When the Shooter's parents were interviewed by police officers that day after the shooting, the Shooter's mother said that she received a call from "the counselor" and he did not "seem worried about it." In the context in which this call occurred, her use of the word "it" seems to refer to the Shooter's math assignment.

At 9:32 a.m., approximately a half-hour after the meeting between the Shooter, Hopkins, and Ejak had begun, Morgan sent an email to Hopkins and Ejak to which she attached

her photo of the original drawings and statements that the Shooter wrote on his paper, prior to the alterations:



As shown in the image above, Morgan did not address this email to Fine. Fine testified that she did not see the original version of the Shooter's math assignment until it was published by a newspaper after the shooting.

This was the first time that Hopkins had seen the original version of the Shooter's math assignment, and he was now able to see the words and images that the Shooter had written before later attempting to conceal them. Hopkins testified that when he viewed the original drawing of a person on the math paper, he saw it as a body that could have been shot. With respect to the troubling phrases that had been crossed out ("help me," "blood everywhere," "my life is useless") and the positive phrases that had been added ("I love my life so much!!!!" "harmless act," "OHS rocks," "we're all friends here"), Hopkins testified that his interpretation was "that we had a kid who was drawing on his – on his test and probably didn't want to get in trouble so tried to cover it up."

Hopkins testified that as soon as he received this email from Morgan, with the original version of the Shooter's math assignment, he forwarded the email to the Shooter's

mother, “so she could see why I was calling her to please come to the school.” At approximately 9:40 or 9:45 a.m., the Shooter’s mother called Hopkins again, to tell him that she was unable to contact her husband and that she would come to the school in approximately a half-hour.

Ejak told law enforcement on November 30 after the shooting that “[the Shooter’s] parents were called when Shawn and I were talking with [the Shooter] and we asked that they come up to meet at the school because *we didn't feel like it was safe to send him back to class based on the statements he wrote on that paper*” (emphasis added). We do not know what Ejak meant by “safe” in this context and we could not ask him because he refused to talk with us. Looking at the plain meaning of the words, Ejak is saying that he and Hopkins found the Shooter’s statements on the math paper alone to be alarming enough that the Shooter could not safely be returned to class. Ejak’s words also suggest that both he and Hopkins contemplated that the Shooter’s parents would take the Shooter out of school after the meeting. If it was not safe for the Shooter to be in class, as Ejak said, then the Shooter would have to go somewhere else.

#### **R. Ejak Retrieved the Shooter’s Backpack from Morgan’s Classroom**

Both Hopkins and Ejak testified that Ejak left Hopkins’s office shortly after learning that the Shooter’s mother would come to OHS. It appears as if Ejak went to both Morgan’s classroom and the Shooter’s third-hour classroom before returning to his own office to await the arrival of the Shooter’s mother. As Hopkins stated in his deposition:

During this time, [the Shooter] had also expressed some concerns that he was going to miss his third hour chemistry class. He was concerned about staying up with the work in that class. And so he asked if we could get homework. Mr. Ejak then went, retrieved his materials from this math class, set them down in the office, and then also went to his third hour chemistry class and brought back information about what – what [the Shooter] should do for that class.

Hopkins testified that the Shooter had not specifically asked for his backpack: “[The Shooter] did not request the backpack . . . . The backpack was not even a conversation

at that point. The backpack was retrieved because classes were changing and we would not leave it in a class for new students.”

Ejak testified that shortly before the close of the second-hour period (which ended at 9:57 a.m.), he went to Morgan’s classroom to get the Shooter’s backpack, which “was still sitting at his desk.” Morgan picked up the backpack and handed it to Ejak. Ejak stated that he “made a joke about how very easily [Morgan] picked up the backpack and then my arm dropped a little bit because of the weight.” Morgan recalled that Ejak said “Wow, this is lighter than I thought it would be,” which she understood as a comment about the bag’s weight relative to its size (i.e., Ejak expected the bag to be heavier, given its size). Ejak said that the Shooter’s backpack was “heavy” but “typical of a student backpack.” Morgan testified that the Shooter’s backpack was zipped up.

As mentioned above, although Fine intended to spend November 30 at the middle school, she returned to OHS; Fine came back to the high school to address a “crisis” involving a different student. Fine testified that she returned to OHS at approximately 9:12 to 9:15 a.m. and worked on the crisis involving the other student. Fine told us that when she was back at OHS, she saw Ejak walk by her office and she asked him what he was doing. According to Fine, Ejak told her that he was going get the Shooter’s backpack and that the Shooter’s parents were coming down to the school. Fine told us that Ejak did not mention the Shooter’s math assignment to her. We have not seen any evidence indicating that Fine received any communication from Morgan, Hopkins, Ejak, or anyone else relating to the Shooter’s writings on his math assignment or that she was aware of the disturbing statements and drawings that the Shooter created on that work.

Fine told us that after this conversation with Ejak, she believed that the situation with the Shooter was being handled, because the Dean of Students was now involved and the Shooter’s parents were coming to the school. Fine testified that she wrapped up her work on the crisis involving the other student at approximately 11 a.m., and from that time until the time the shooting began, nothing about the Shooter was brought to her attention, nor was she copied on any of emails relating to the Shooter that morning other than the first email from Karpinski.

Ejak carried the Shooter's backpack to Hopkins's office, where he "set it in front of the chair that was next to [the Shooter]." Hopkins recalled that it was approximately 10:00 a.m. when Ejak brought the Shooter's backpack to his office. According to Hopkins, "Mr. Ejak stated that the bag was heavy," directing this comment to the Shooter, and the Shooter responded that his coat and computer were in the bag. Hopkins testified that the Shooter's backpack "was truly not an item of note during that meeting," explaining:

The backpack just sat in my office. It was never a thing. I don't have any memory if [the Shooter] retrieved anything out of his backpack or not. But it wouldn't have been odd to me if he had. It wouldn't have been odd to me if he hadn't. It was never a thought. It sat in the classroom by itself. There was no like thought given to it by me.

Neither Hopkins nor Ejak looked inside the Shooter's backpack after Ejak brought the backpack to Hopkins's office. Hopkins testified that he did not give any thought to the idea of searching the Shooter's backpack, nor did he discuss such an idea with Ejak. Ejak testified that he "had no reasonable suspicion to look inside" the backpack; when asked why he didn't ask the Shooter to consent to a search (in the absence of reasonable suspicion), Ejak stated that he "would never ask that question" because he "had no reason to."

At the Shooter's Miller hearing, Dr. Colin King, the defense psychologist, testified that the Shooter told him that a school administrator (Ejak) retrieved his backpack and that the Shooter was certain that his backpack would be searched. King testified:

[The Shooter] said for the first time in his life, he felt relieved. He said he just knew the sheriffs were going to burst into the office and arrest him, because there was no way after all that they saw that they were not going to search that backpack.

King stated that the Shooter believed this because he recalled an occasion on which school officials searched the locker of a student who had been suspected of using drugs: "[H]e remembered them searching that kid's locker, and he felt fairly sure that they were going to search his backpack."

As discussed above, under applicable OCS policies and guidelines, a principal may search a student and his bag when there exist grounds sufficient to cause the principal to believe that the search of a student or his bag will lead to the discovery of evidence that the student possesses an item that presents an immediate danger of physical harm to students and staff.<sup>159</sup> At this point, when Ejak had retrieved the Shooter's backpack, the circumstances relevant to reasonable suspicion had changed significantly since the Shooter's meeting with Fine and Hopkins the day before.

Specifically, by this point, the Shooter had disobeyed direct instructions not to view violent content on his phone in class, and he had been caught watching a violent shooting video in the very first class period of his day, less than 20 minutes after he had been dropped off at school. The Shooter wrote multiple statements on his math assignment – “the thoughts won't stop,” “help me,” “my life is useless,” “the world is dead,” and “blood everywhere” – that caused his second-hour teacher to immediately leave her classroom and alert an administrator. On this same math paper, the Shooter drew a gun, a bullet, and a body with gunshot wounds in a pool of blood. Hopkins believed that the Shooter was appropriately sad after suffering the losses of loved ones and that the Shooter was not being honest when he said he did not want to hurt himself. Hopkins and Ejak also knew that the Shooter had been at a shooting range just days earlier.

At this point, Hopkins and Ejak had enough concerning information about the Shooter to contact Principal Wolf to allow Wolf to consider whether to initiate a threat assessment. Given the information that had been gathered about the Shooter at this point, as set forth in the preceding paragraph, Wolf should have initiated the threat assessment procedure contemplated in District policy – as set forth in the threat assessment section, below – with the Shooter remaining out of class until that assessment was complete. Under the circumstances, the Shooter should have been sent home pending the outcome of a threat assessment, but if the school decided to let him stay (as it did), then the Shooter and his bag should have been searched.

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<sup>159</sup> OCS Policy 5771; OCS Administrative Guideline 5771.

At this point, based on the facts stated above, the reasonable suspicion calculus had changed dramatically since the previous day. To conduct a search, Wolf would have been required to first ask the Shooter for his consent to search the backpack, and the Shooter would have either said yes or no. If he said yes, Wolf or Louwaert could have searched the backpack and found the gun. If the Shooter said no, Wolf, Ejak, Hopkins, and possibly SRO Louwaert, if he had been consulted, could have factored that denial into the threat assessment. And even without the Shooter's consent, the OHS team had reasonable suspicion to justify a search of the Shooter's backpack.

The failure to bring Wolf and Louwaert into the situation highlights the importance of having a formal, standing multi-disciplinary threat assessment team and activating this team when a staff member (such as Hopkins) believes that a student may harm himself. Hopkins and Ejak had their perspectives on the Shooter's conduct, with Hopkins looking at it through the lens of a counselor and seeing a student who was sad and might hurt himself. It is unclear what Ejak thought about the Shooter's conduct, but his role at OHS was a disciplinary one. Wolf and Louwaert would have brought their own perspectives to the situation, which is one of the key reasons to have a threat assessment team that includes people with varied professional backgrounds and experience.

In particular, consulting Louwaert would have made a difference on November 30. When asked hypothetically if he would want to be involved in a situation with a student who had done things like the Shooter did on November 29 and 30, Louwaert said that he would want to be involved.<sup>160</sup> Louwaert testified at his deposition that if he was shown materials relating to a student that suggested a potential for violence, he would "be likely to ask him during that conversation if he had access to weapons."<sup>161</sup> Of course, the Shooter may

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<sup>160</sup> Responding to the plaintiffs' lawyer's hypothetical, Louwaert testified that if someone had showed him a math assignment like the one in question and told him that the student who created it had also been looking at an image of ammunition and a violent shooting video and asked him if he should be involved in looking further into those circumstances, his answer would be "yes."

<sup>161</sup> Louwaert further testified that if the student in question had a backpack in his possession, it was likely that he would have asked if the student had access to weapons in that backpack. Louwaert also testified that if this same hypothetical student, with the same circumstances as the Shooter, did not consent to a search of the backpack, that would lead Louwaert to separate the student from the backpack until a search warrant could be obtained.



have lied if asked this question, but he may have told the truth – we do not know because the question was never asked.

Louwaert, the SRO, was at OHS at the time Ejak retrieved the Shooter's backpack and brought it to Hopkins's office. Louwaert testified that he was at OHS from the beginning of the school day until he left the premises somewhere between approximately 11:30 a.m. and 12:00 p.m., and GPS records from the OCSO confirm his recollection, as set forth in more detail below. Louwaert testified that when he was at the high school in the morning of November 30, nobody contacted him about any issue related to the Shooter.

The failure by Hopkins or Ejak to at least contact Wolf and Louwaert to ask about a search of the Shooter and his backpack stands out because the school seemed to be willing to search OHS students and their belongings in connection with suspected use of vapes, a relatively-minor disciplinary offense that poses far less risk to the student population than the violence suggested by the Shooter's drawings. Rourke, the OHS security officer, testified as follows:

Q: [L]et's take your hypothetical. Another student comes to you and says "Joe Smith has a vape pen in his backpack." What happens next?

A: I would go get the student, take him to the office, tell the administrator what I was told, and then they would determine whether I search or not.

Q: Did that ever happen?

A: Oh, sure.

Q: Was there ever a time when an administrator in that situation said "I'm not going to permit just because Sally said that Pete has a vape pen, that's not good enough for me"?

A: Not that I recall. . . .

Q: Where you had reason to believe from another student that a kid had drugs in the school and you wanted to be able to search their personal belongings, that happened more than once?

A: Yes.

Q: Can you give me even the roughest estimate as to how often that happened over your –

A: For everything, like vapes, drugs?

Q: Sure, the works.

A: I don't know. I'd say at least 10 a year.

Rourke testified that the decision on whether to search a student's belongings was not made by him; his role was to carry out a search when directed by an administrator or other OHS person authorized to make such a decision. Indeed, several parents of OHS students told us that their children had been searched by school personnel who suspected that the students possessed vapes at school.

If the Shooter's backpack had been searched, that search would have revealed not only the gun that the Shooter used in the shooting, but the journal in which he detailed his plans to commit his crimes and approximately 52 images of guns drawn on approximately 90 pages of papers. The Shooter's journal was introduced as an exhibit at his Miller hearing, and Detective Lieutenant Willis of the OCSO testified about some of the journal entries in which the Shooter detailed his plans to obtain a powerful handgun, bring it to school, and kill as many people as he could.

The Shooter's backpack remained with him in Hopkins's office until the Shooter returned to his third-hour class.

### **Third Hour, 10:03 a.m. to 11:04 a.m.**

Hopkins and the Shooter remained in Hopkins's office as they waited for the Shooter's mother to arrive at OHS. Hopkins testified that he "didn't want to leave [the Shooter] alone." As they waited, Hopkins initiated a conversation with the Shooter to ease any tension and to give the Shooter the chance to share additional information, more if he chose to do so:

I oftentimes during that waiting period of – of a parent coming, it can be quite uncomfortable. So I wanted to try and engage him and continue offering that opportunity for a student to talk, that if anything more was going

to come up, but to not continue pressing on something when we had conformation that a parent was coming. So I – I asked him, you know, about some of the things he – he wanted to do after – after high school.

It appears that Ejak was not present for this part of the conversation between Hopkins and the Shooter, although he may have briefly entered Hopkins's room at some point during this conversation to drop off the Shooter's backpack and Chemistry work.

According to Hopkins, the Shooter said that "he was interested in video game design." Hopkins told the Shooter "about a program we have for it through our Oakland Technical campus" and showed the Shooter videos related to the technical campus offerings. In addition, after Ejak brought the Shooter's Chemistry work to him, the Shooter was "also going through and going over notes and work for his third hour – third hour class."

Hopkins also showed the Shooter a list of mental health resources that Hopkins intended to show his mother when she arrived at school. He testified:

And I also wanted to show him what I was going to share with his parents. That's something I would do with kids often. When I'm going to provide parents with information, I want the student to also – to see it and to know what I'm going to be discussing with their parents. I wanted to create as little anxiety as possible for a student who is sad. And I – I showed him a list of resources, of mental health resources that we were going to be providing to – to his parents. Because I wanted him to have the opportunity to get help, that I saw sadness and I saw something that I – I wanted to provide some long-term support for someone who's just going through periods of, you know, appropriate sadness.

The list of mental health resources that Hopkins showed to the Shooter was a four-page printed Excel spreadsheet that had been created by the previous Superintendent of Student Services for the school district. The list included the names of mental health providers, as well as contact and insurance information.

#### **S. Hopkins and Ejak Meeting with the Shooter and his Parents**

The Shooter's mother and father arrived at OHS at approximately 10:37 a.m. After checking in at the OHS main office, they waited in the adjacent counseling office lobby.

Hopkins was notified of their arrival, and he texted Ejak and asked him to return to Hopkins's office for the meeting. Hopkins met the parents in the counseling office lobby at approximately 10:40 a.m. and brought them to his office, where the Shooter was waiting.

According to Hopkins, when the parents entered his office, "it was different than other meetings I've seen like that," because "[t]hey weren't friendly or showing care to their . . . son."<sup>162</sup> Hopkins testified that he participated in approximately twelve to fifteen meetings per year with parents about students' mental health and safety,<sup>163</sup> and he stated that "typically you would see more affection" between parents and child. Neither the Shooter's mother nor his father greeted or hugged or even touched their son.<sup>164</sup> In Hopkins's view, the parents' interaction with the Shooter "just wasn't what I would have been expecting." The Shooter's father sat down in a chair next to the Shooter, in front of Hopkins's desk, while the Shooter's mother sat in a chair farther away from Hopkins's desk.

Ejak joined the meeting in Hopkins's office a few minutes after it had begun. The parents listened as Hopkins reviewed what had been said during the meeting between Hopkins, Ejak, and the Shooter earlier that morning. Hopkins testified, "I described why I was concerned about [the Shooter], that he had stated that he was not a threat to himself, but I had concerns about suicidal ideation and I had concerns about his well-being." Hopkins did not recall either parent asking him any questions as he described his concerns,<sup>165</sup> but he did remember the father interacting more with the Shooter than the mother at this point. Hopkins did not recall the Shooter's mother saying anything to her son at any point during the meeting.<sup>166</sup>

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<sup>162</sup> Hopkins Prelim. Exam. Tr. at 126.

<sup>163</sup> Hopkins Prelim. Exam. Tr. at 129.

<sup>164</sup> See Hopkins Prelim. Exam. Tr. at 126.

<sup>165</sup> See Hopkins Prelim. Exam. Tr. at 127-128, 169.

<sup>166</sup> Hopkins Prelim. Exam. Tr. at 131.

According to Hopkins, he then began to review the list of mental health resources with the Shooter's mother, while the father spoke to the Shooter:

So as I was going over the resources with mom and providing her with that information, dad actually sat and looked at the math assignment with [the Shooter]. Dad showed as much level of concern as – as was shown during that time. Dad looked at [the Shooter] and said, you know, we – you – we've talked. You can talk to your counselor, you've got a journal, and just said things that allowed – that feel that he – he cared at – at the level that seemed appropriate at the time.

Ejak had a similar recollection of the Shooter's father's interaction with his son:

[The mother] had the packet [i.e., the list of mental health resources] in her hand. The – [the father] was – seemed to be the only one that spoke to [the Shooter], which my impression was that he had a level of care basically stating like, you know you can always talk to me about this stuff. We talk is what he said. He did mention that [the Shooter] could write his – what – his thoughts out in his journal, which made it seem like he was using that as a therapeutic technique.

At the preliminary examination hearing, Hopkins testified that he wanted to convey that even though the Shooter had denied feeling suicidal, Hopkins thought that the Shooter needed mental health support:

I provided a list of resources of mental health support and stated that though [the Shooter] doesn't – though he states he's not a threat that I am concerned about his well-being and that I am concerned that he needs somebody to talk to for mental health support.<sup>167</sup>

At his deposition, Hopkins provided similar testimony on this point:

When I – I spoke with mom about the resources, I – I wanted to – to express that I thought this was something that we want to – we want to move on, not that [the Shooter] had explain – [the Shooter] wasn't displaying or confirming anything active as far as suicidal or any of that, and in fact denied it with his – with his words, but that we wanted to make sure to give support.

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<sup>167</sup> Hopkins Prelim. Exam. Tr. at 128. As noted above, later in his Preliminary Exam testimony, Hopkins stated that he believed that the Shooter was a threat to himself.

Hopkins testified that he asked the Shooter's mother to confirm some of the statements that the Shooter had made in his meetings with Hopkins and Fine on November 29 and Hopkins and Ejak on November 30. The Shooter's mother verified that she and the Shooter had visited a shooting range over Thanksgiving weekend, that the Shooter's grandmother and the family's dog had passed away, and that the Shooter had struggled with virtual school during the COVID lockdowns. In addition, she acknowledged that she had received Fine's voicemail the previous day. According to Ejak, during this discussion, the Shooter's mother also mentioned that a friend of the Shooter was no longer attending OHS.

Hopkins and Ejak both testified that the Shooter's mother said that she and her husband could not take the Shooter to a mental health provider that day because they both had to return to work. At the preliminary examination hearing, Hopkins testified that the Shooter's mother's exact words were "Today is not possible. We have to return to work," and the Shooter's father "did not object" to the mother's statement.<sup>168</sup>

We note that the chief operating officer of the company at which the Shooter's mother worked – who was her direct supervisor – and the company's human resources director both testified that the company always allowed its employees to take time to address family issues.<sup>169</sup> Indeed, the Shooter's mother had left work to attend the meeting at OHS. In addition, the COO testified that the company allowed employees to work from home when necessary and that the Shooter's mother had taken advantage of that flexibility at times.<sup>170</sup> The company also allowed employees to bring their children to work "quite a bit."<sup>171</sup> The evidence from the preliminary examination hearing established that the Shooter's mother had more flexibility in her work schedule than she expressed in telling Hopkins, "Today is not possible. We have to return to work." And as a food-delivery

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<sup>168</sup> Hopkins Prelim. Exam. Tr. at 129 (testifying that [Shooter's father] "did not object to anything that Mom said" with regard to not being able to take the Shooter to mental health treatment that day).

<sup>169</sup> Andrew Smith Prelim. Exam. Tr. at 73, 79; Kathy Poliquin Prelim. Exam. Tr. at 102-103.

<sup>170</sup> Andrew Smith Prelim. Exam. Tr. at 73.

<sup>171</sup> Andrew Smith Prelim. Exam. Tr. at 78.

driver, the Shooter's father presumably also had the ability to rearrange his work schedule to obtain the recommended mental health treatment for the Shooter. However, there is no indication that either parent raised even the possibility of rearranging any work obligations they purportedly had to try to obtain the recommended care for their son.

Hopkins told the Shooter's parents that he expected them to obtain the recommended treatment as soon as possible and within 48 hours at the latest. Once again, the Shooter's mother stated that they could not take the Shooter for the immediate treatment that Hopkins recommended. As Hopkins testified:

Mom stated they were not able to get him into therapy that day, that they – they weren't able to do that. I then asked mom I would like it done as – as soon as possible. Today if possible. And she again said today is not an option. We have to return to work. To which I responded 48 hours, then I'd like – I'd like to get started on it. I'll be following up. So it was one that I wanted to make sure that even though I didn't see an active situation, that we didn't want it to – to lead into potentially depression or something like that longterm, or, you know, a student becoming suicidal. We didn't want it to – to become that based on the level of sadness that I had seen and witnessed through my conversations.

Ejak also recalled that Hopkins told the parents that he wanted them to get the Shooter to mental health treatment "as soon as possible . . . hopefully that day if they were able to," and he heard Hopkins "mention to the parents that he would be following up within 48 hours to confirm that they had secured counseling."

Ejak testified that the Shooter's parents "seemed receptive to the idea of getting him some help" and that the parents "never said they weren't going to. They said they would get him into it. So when they left there, I felt confident that they were going to do it." Hopkins was less optimistic than Ejak, testifying that the parents' response to his recommendation of mental health support for the Shooter "wasn't the way I wanted that response to be. I was hopeful that he would be seen right away." Hopkins acknowledged that the Shooter's parents agreed to seek counseling for the Shooter, based on Hopkins's recommendation and described the parents as "compliant."<sup>172</sup> Hopkins testified that he "didn't have a

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<sup>172</sup> Hopkins Prelim. Exam. Tr. at 130. A co-worker of the Shooter's mother told police after the shooting that when the mother returned to the office after meeting with Hopkins and Ejak, she said that she was

reason to believe it wouldn't happen" (referring to the parents taking the Shooter to get mental health treatment), but he "didn't feel 100 percent confident that it would happen."<sup>173</sup>

Hopkins testified that he was "a little bit taken aback" when the Shooter's mother said that they could not take the Shooter to mental health treatment that same day.<sup>174</sup> According to Hopkins, he had "never had parents arrive to the school and not take their student home" in previous meetings when he had explained his concern about the child's well-being and recommended that they take their child to receive help.<sup>175</sup> In Hopkins's view, the Shooter's parents did not seem to be urgently concerned about the safety of their son.<sup>176</sup> Confronted with the assertion by the Shooter's mother that it was "not possible" to take the Shooter out of school to obtain the recommended mental health treatment, Hopkins did not insist that the Shooter leave school with his parents:

Q: Okay. If you thought it was inappropriate for [the Shooter] to stay in school that day, you could have said he has to leave, correct?

A: I could have stated that, correct. . . .<sup>177</sup>

Q: So ultimately you did not take a firm position [the Shooter] needs to go home from school.

A: Correct.

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going to get counseling for her son. Specifically, this co-worker stated that the Shooter's mother said that she would be getting her son some counseling because he was having trouble after his dog or dogs had died, a family member had passed away, and his best friend had gone to a rehabilitation facility.

<sup>173</sup> Hopkins Prelim. Exam. Tr. at 130; see *also* Hopkins Dep. Tr. at 125 ("I did believe they were going to do it based on the interactions we had.").

<sup>174</sup> Hopkins Prelim. Exam. Tr. at 130.

<sup>175</sup> Hopkins Prelim. Exam. Tr. at 129-30; see Hopkins Dep. Tr. at 125.

<sup>176</sup> Hopkins Prelim. Exam. Tr. at 169 ("Q: Did they ever seem concerned for the safety of their son? A: Not in the immediacy, no.").

<sup>177</sup> Hopkins Prelim. Exam. Tr. at 148.



Q: You did not go to Mr. Ejack [sic], the dean of schools, and say, [the Shooter] needs to go home from school, you make him go home, correct?

A: Correct.<sup>178</sup>

Similarly, Ejack testified:

[T]hey seemed receptive to the idea of getting him some help. They did state that they weren't able to do it today. We didn't insist that they do it immediately, especially after they said they had to return to work. But [the Shooter] wasn't in need of immediate care by any means. It was just important that he talked with somebody, get – get started in some outside counseling. . . .

And so nothing was unusual about hearing that [referring to the Shooter's mother's statement that they could not take the Shooter for treatment that day] when you don't have an immediate reason to take your child for mental health services.

Hopkins testified that the parents specifically asked if the Shooter could remain at school that day:

Parents asked if possible if [the Shooter] could stay in school that day. That he – he stated that virtual learning was hard, we had just been virtual for a couple of days the week previous, we had approximately seven weeks of virtual learning the previous year, and that he just didn't learn well when he wasn't in person. . . .

Hopkins granted the parents' request to allow their son to remain at school. When interviewed by law enforcement on November 30 after the shooting, Hopkins said that while he recommended that the parents take the Shooter home, the "parents said that he learns better in person, that virtual has been a disaster, and to be honest, I just caved to it."

Hopkins testified that he decided it would be beneficial for the Shooter to remain at OHS with other students:

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<sup>178</sup> Hopkins Prelim. Exam. Tr. at 149-50; see also *id.* at 130 ("Q: Did you ask them to take him home or did you ask them to take him to get treatment? A: I asked them to take him to get therapy.").

So when – when parents were asking to return to class, it – it came with some understanding. I had just seen a student who was asking about his chemistry homework and showed signs that he was worried about missing that class. So it was one that – it was thinking in – in – through everything that we have a student who, you know, is asking to be – to be with his peers in class, seeing a student who – who know, if – if he’s, you know sent home, is that going to be what’s best for him. If we keep him with his peers, we know that students are happier when they’re with their peers, that keeping a – a student who’s displayed signs of sadness with an appropriate peer setting in a controlled peer setting was what ultimately I decided would be best after that meeting.

At the preliminary hearing, Hopkins testified that his “primary concern was that [the Shooter] would not be alone. . . . [b]ecause suicidal ideation, I don’t want a student left alone.”<sup>179</sup> At some point in this part of the meeting, Hopkins asked Ejak “if there was any disciplinary reason why [the Shooter] could not return to class” and Ejak responded, “No.”<sup>180</sup>

As noted above, Ejak told law enforcement on November 30 after the shooting that “[the Shooter’s] parents were called when Shawn and I were talking with [the Shooter] and we asked that they come up to meet at the school *because we didn’t feel like it was safe to send him back to class based on the statements he wrote on that paper*” (emphasis added). We repeat that we do not know what Ejak meant by “safe” in this context and we could not ask him because he refused to talk with us. If Ejak meant it was not safe for the Shooter to be sent back to class because he might hurt himself, this is the opposite of what Hopkins allowed to happen in the face of the parents’ refusal to take the Shooter to treatment that day, with Ejak’s support. If Ejak meant that it was not safe for the Shooter to be sent back to class because he might hurt others, then he and Hopkins should not have allowed him to go back to class, regardless of what the Shooter or his parents wanted.

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<sup>179</sup> Hopkins Prelim. Exam. Tr. at 130.

<sup>180</sup> Hopkins Prelim. Exam. Tr. at 132; *see also id.* at 158 (“There was no discipline issue, correct.”). The precise point at which Hopkins asked this question of Ejak is not entirely clear from Hopkins’s testimony (and there is no mention of Hopkins asking this question in Ejak’s testimony), but the overall flow of the conversation suggests that Hopkins made this inquiry at approximately this juncture (i.e., after the Shooter’s parents asked if the Shooter could stay at OHS).

We note that Hopkins and Ejak made these consequential decisions – giving the parents 48 hours to obtain the recommended mental health support, allowing the Shooter to return to class – without stepping out of the room to consult privately, outside of the presence of the Shooter and his parents. And as set forth in more detail below, they did not seek the opinions of OHS administrators Wolf, Gibson-Marshall, or Nuss, whose offices were nearby.

At the OCSO substation on November 30 after the shooting, the Shooter’s mother told the police that Hopkins told her and her husband that the Shooter was “more than welcome to stay at school or he could go home.” Of course, this statement elides the fact that the Shooter’s mother told Hopkins and Ejak that it was “not possible” for them to take the Shooter out of school to obtain the mental health care that Hopkins recommended. At the preliminary examination hearing, Hopkins testified that he did not give the Shooter’s parents the choice of allowing the Shooter to “stay in school or go home,” stating: “I did not provide options. I provided the recommendation that he gets help as soon as possible, today [if] possible.”<sup>181</sup>

Hopkins advised the parents to obtain mental health support for the Shooter and stated that he wanted them to obtain that support as soon as possible, and specifically that same day, if possible. When the Shooter’s mother said that same-day treatment was not possible because of the parents’ work obligations Hopkins and Ejak acquiesced to the mother’s request that the Shooter remain at school. Hopkins told the parents that he expected them to take action to provide mental health treatment to the Shooter and that he would be following up to confirm that they had done so. The Shooter’s parents agreed to seek counseling for the Shooter, based on Hopkins’s recommendation.<sup>182</sup> After conferring with Ejak, Hopkins decided that the Shooter could remain at OHS for the remainder of the school day.

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<sup>181</sup> Hopkins Prelim. Exam. Tr. at 148.

<sup>182</sup> See Hopkins Prelim. Exam. Tr. at 172.

There has been much public speculation as to whether Hopkins and Ejak *should* have insisted that the parents remove the Shooter from the school, even if they were unable to take him to treatment that same day. Two former OCS Board of Education members have alleged that the decision by Hopkins and Ejak to allow the Shooter to return to class that day directly conflicted with the threat assessment protocols set forth in OCS policies, guidelines, and forms.<sup>183</sup> We examine this question in the threat/suicide assessment section below.

While much of the court and deposition testimony focused on two obvious choices available to Hopkins and Ejak – send the Shooter home or allow him to go back to class – in our investigation, we learned that Hopkins and Ejak seemingly had another option available to them, in which the Shooter would not have been returned to class but also would not have been left alone. An OHS employee who asked to remain anonymous and with knowledge of the inner workings of the OHS counseling office told us that on other occasions when a student was unable to remain in class and a parent was unavailable to pick the student up, the student was allowed to remain in the counseling office during a class period or until the end of the school day, at which time the student was sent home by his/her usual mode of transportation or some other arrangement was made. For example, this employee cited an occasion on which a student who lost a parent to suicide stayed in the counseling office because the lesson in her English class that day would have triggered that trauma. This employee recalled another occasion when a student who had been physically abused by a parent stayed in the counseling office until Child Protective Services (“CPS”) could arrive.

The employee recalled that over the course of many years, there were approximately ten students who stayed in the counseling office and did not return to class when their parents could not pick them up early from school or an alternative arrangement could not be made. These students would stay in the counseling entrance area, where the counseling

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<sup>183</sup> See, e.g., Matthew Fahr, “Former board members say Oxford school shooting could have been prevented,” *The Oakland Press*, Nov. 28, 2022 (available at <https://www.theoaklandpress.com/2022/11/28/former-board-members-say-oxford-shooting-could-have-been-prevented/>).

administrative assistants could keep an eye on them and they could do their schoolwork. Because Hopkins and Ejak refused to speak with Guidepost, we could not ask them if they considered this option with the Shooter, and neither Hopkins nor Ejak was asked about this possibility during their depositions. This option may not have prevented the shooting as the Shooter might have just waited until the end of the day, when the hallways would have been filled with students, or the next day or another day, but it was still an option on the day of the shooting.

Hopkins said that he intended to contact CPS about the Shooter if his parents did not follow through on Hopkins's recommendation to obtain mental health treatment for the Shooter within 48 hours. Hopkins testified that his "plan was to meet with [the Shooter] the following morning and follow up with the parents the following day," and he "would have called CPS had they not followed through" because that failure "would have risen to the level that they were being neglectful with his mental health, and it would have risen to the level of suspected abuse or neglect from an adult." In the meeting on November 30, Hopkins did not tell the parents that he intended to call CPS if they did not obtain mental health support for the Shooter, nor did he tell Ejak.

Neither Hopkins nor Ejak ever asked the Shooter during this meeting if he had access to a gun or other weapon, nor did they ask his parents if the Shooter had access to a gun or other weapon at home. As stated above, Hopkins testified that he did not ask the Shooter this question because the Shooter had said he was not a threat to himself or others (even though Hopkins believed that the Shooter was a threat to himself). Ejak testified that he did not ask the Shooter or his parents whether the Shooter had access to any weapons. Both Hopkins and Ejak resisted the suggestion that they knew that the Shooter had access to a firearm because they knew he had been to the shooting range with his mother just days earlier. And neither the Shooter nor his parents voluntarily disclosed the fact that the father had purchased a gun on November 26, 2021 for the Shooter or for the Shooter's use and that gun was not secured at their house.<sup>184</sup>

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<sup>184</sup> See Hopkins Prelim. Exam. Tr. testimony at 161, 162, 168.

During this meeting, neither Hopkins nor Ejak asked any questions of the Shooter's parents to probe more deeply into any of the explanations that the Shooter had offered to explain his in-class behavior on November 29 and 30 or gather more information about his overall mental health. For example, they did not ask the parents about shooting being a family hobby, or the Shooter's supposed interest in video game design. They did not ask about any prior mental health issues experienced by the Shooter or any prior suicide attempts. They did not ask about possible drug or alcohol use by the Shooter. They did not ask for more details about how the Shooter felt about his friend going away. They did not point out the Shooter's two failing grades and ask what might be causing that poor performance.

This point in time – before the meeting between Hopkins, Ejak, the Shooter, and his parents had concluded, and the Shooter returned to class with his backpack – was the last best chance for the shooting to have been averted. There was still time for Hopkins or Ejak to contact Wolf and Louwaert to discuss the possibility of searching the Shooter's backpack, either with or without consent. There was still time for the Shooter's parents to disclose that the Shooter had access to a newly-purchased, unsecured gun at home – a gun that looked just like the gun the Shooter had drawn on his math assignment. There was still time for the Shooter's parents to consent to a search of their son's backpack, even over his objection, because he was a minor.

#### **T. The Shooter Returned to Class with his Backpack**

As set forth above, Hopkins testified that after the Shooter's parents stated that they could not remove him from school and take him immediately to a mental health care provider, he believed that the best course would be to keep the Shooter around other people, so that he would not be left alone. As a result, he and Ejak decided to allow the Shooter to return to class.

According to Hopkins, the meeting with the Shooter's parents lasted less than 15 minutes and ended "abruptly" when the mother asked "are we done?" after hearing from Ejak that

there was no disciplinary reason preventing the Shooter from returning to class.<sup>185</sup> Hopkins testified that he gave the Shooter a pass to return to class and told him “I just want you to know that I care about you.”<sup>186</sup> He explained that he said this “because I thought it was a really rough situation to be showing signs of needing help, of needing support and it felt like he got the opposite when I tried to get him that help and support.”<sup>187</sup>

Video footage from OHS shows that the Shooter and his parents left the front office at 10:52 a.m., with Hopkins walking the Shooter out and the parents trailing behind. The Shooter returned to his third-hour Chemistry class, taking his backpack with him. Neither parent hugged or touched their son, or even said goodbye to him, in Hopkins’s recollection.<sup>188</sup> As noted above, Hopkins had noted the parents’ earlier lack of affection toward their son (when they entered his office) and found it atypical under the circumstances.

After the Shooter and his parents left Hopkins’s office, Ejak remained behind. Hopkins told Ejak that he would monitor the Shooter’s class attendance for the rest of the day and that he would follow up with the Shooter the next morning to see how the rest of his day and night on November 30 went and to find out what plan the parents had developed to get counseling for the Shooter. As Hopkins testified, “My intention was to check up on [the Shooter] in the morning to make sure the process was taking place.”<sup>189</sup>

Hopkins checked the school’s attendance system to be certain that the Shooter had returned to his third-hour class.<sup>190</sup> Hopkins did not alert the Shooter’s third-hour teacher (or his fourth-hour teacher) about the suicidal ideation he had observed in the Shooter.<sup>191</sup>

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<sup>185</sup> Hopkins Prelim. Exam. Tr. at 132.

<sup>186</sup> Hopkins Prelim. Exam. Tr. at 132.

<sup>187</sup> Hopkins Prelim. Exam. Tr. at 132-33.

<sup>188</sup> Hopkins Prelim. Exam. Tr. at 133.

<sup>189</sup> Hopkins Prelim. Exam. Tr. at 155.

<sup>190</sup> See Hopkins Prelim. Exam. Tr. at 134.

<sup>191</sup> See Hopkins Prelim. Exam. Tr. at 158-59.

We could not ask Hopkins and Ejak any questions about their statements, actions, and inactions related to the Shooter on November 29 and November 30 because both refused to speak with us.

## **U. Observations About These Meetings**

### **OHS Knowledge After the Meetings with the Shooter and his Parents and Before the Shooting**

After the Shooter himself, the Shooter's parents knew the most information about their son and the possibility that he might pose a threat to himself or others. They knew that there was a new, unsecured gun in their house that the Shooter had practiced using just days earlier.

Of the OHS personnel, Hopkins possessed the most information about the Shooter prior to the shooting. Specifically, at the conclusion of the meeting with the Shooter and his parents, when the Shooter went to the remainder of his third-hour class with his backpack, Hopkins knew the following information:

1. In May 2021, the Shooter's ninth-grade ELA teacher, Rene DeRyckere, referred the Shooter to Hopkins because the Shooter was frequently trying to sleep in class and was failing as well.
2. In May 2021, the Shooter's ninth-grade Biology teacher alerted Hopkins to the Shooter's refusal to retake a test that he had failed.
3. In May 2021, Hopkins called the Shooter to his office.
4. In early September 2021, McConnell informed Hopkins that the Shooter had written in an autobiographical "get to know you" poster that he "feels terrible" and that "his family is a mistake." Hopkins did not speak to the Shooter about these statements.
5. On November 10, 2021, McConnell told Hopkins that the Shooter was having "a rough time right now" and "might need to speak to you." When Hopkins spoke to the Shooter in response to this report, he did not ask the Shooter any questions to gather any additional information.



6. The Shooter had been looking at an image of bullets in ELA class on November 29, 2021 and Kubina had alerted Hopkins, Fine, and Ejak about this conduct.
7. The Shooter had practiced shooting with his mother at a gun range on November 27, 2021.
8. Kubina alerted Hopkins, Fine, and Ejak that she had found previous work by the Shooter that she believed “leans a bit toward the violent side,” although Hopkins was not aware of what this previous work was because he did not ask to see it.
9. The Shooter had filled out an index card in Kubina’s class that indicated that he found the COVID shutdown period to be “enjoyable” and that one of his pet peeves was when people did not cooperate; Kubina told Fine and Hopkins that she found these responses “odd.” This card also had a drawing of a loaded gun magazine and a person holding its arm out, with the person’s hand pointing an erased gun. Kubina told Hopkins and Fine that “this seemed to correlate” with “what [the Shooter] was looking at today in class.”
10. In ELA class on November 30, 2021, the Shooter had watched a video on his phone of people being gunned down by a shooter, directly disobeying instructions from Fine and Hopkins. Karpinski alerted Hopkins and Fine to this incident, describing it as “definitely concerning when taking into account some of his other behaviors.”
11. On his math assignment on November 30, the Shooter had drawn pictures of a gun, a bullet, and a person who appeared to be a shooting victim with multiple wounds and a cloud around the figure that looked like a pool of blood. On this paper, the Shooter had also written “The thoughts won’t stop,” “Help me,” “Blood everywhere,” “My life is useless,” and “The world is dead.” After his teacher saw these images and reported them to the main office, the Shooter crossed out the images of the person and the gun, scribbled over most of the statements, and wrote new positive statements on his paper.
12. The Shooter was sad because his grandmother and one of the family dogs had passed away recently.
13. A friend of the Shooter was no longer attending OHS.

Ejak did not possess all of the information that Hopkins had about the Shooter, but he was aware of the following information at the time the Shooter left Hopkins's office with his backpack to resume his schedule:

1. The Shooter had been looking at an image of bullets in ELA class on November 29.
2. The Shooter had practiced shooting with his mother at a gun range on November 27.
3. Kubina had found prior work completed by the Shooter that she believed "leans a bit toward the violent side," although Ejak was not aware of what this previous work was because he did not ask to see it.
4. In ELA class on November 30, the Shooter had watched a video on his phone of people being gunned down by a shooter, directly disobeying instructions from Fine and Hopkins.
5. On his math assignment on November 30, the Shooter had drawn pictures of a gun, a bullet, and a person who appeared to be a shooting victim with multiple wounds and a cloud around the figure that looked like a pool of blood. On this paper, the Shooter had also written "The thoughts won't stop," "Help me," "Blood everywhere," "My life is useless," and "The world is dead." After his teacher saw these images and reported them to the main office, the Shooter crossed out the images of the person and the gun, scribbled over most of the statements, and wrote new positive statements on his paper.
6. The Shooter was sad because his grandmother and one of the family dogs had passed away recently.
7. A friend of the Shooter was no longer attending OHS.

Neither Hopkins nor Ejak were aware that the Shooter had a gun because they did not ask him about access to any weapons and neither the Shooter nor his parents volunteered that information.

If Ejak or Hopkins had searched on November 30 for relevant information about the Shooter on publicly-available social media platforms, they would have discovered

evidence that the Shooter had access to a gun. As set forth above, there were several Instagram accounts under different variations of the Shooter's name, but only one has been verified by law enforcement as an account used by the Shooter. This Instagram account was set to public, meaning that anyone could see the content posted by this account if they were aware of the account. If OHS personnel had looked at this account, they would have been able to see photos of a handgun with the accompanying caption, "Just got my new beauty today [emoji] SIG SAUER 9mm. Ask any questions I will answer." The drawing of the gun on the Shooter's math paper looked like the gun in the Shooter's Instagram post.

OHS administrators Wolf, Gibson-Marshall, and Nuss and OHS security personnel Louwaert and Rourke were not aware of what had happened on the morning of November 30 prior to the shooting – the Shooter's viewing of a violent shooting video in class, Karpinski's email alerting Hopkins and Fine to this conduct, the Shooter's disturbing statements and drawings on his math assignment and his subsequent attempt to conceal those statements and drawings, the meeting with the Shooter and the later meeting with the Shooter and his parents, Hopkins's belief that the Shooter might pose a threat to himself, and Hopkins's direction to the Shooter's parents to obtain mental health treatment for their son as soon as possible.

Later in this report, we examine the key question of what, if anything, these individuals should have done with the cumulative and collective knowledge they possessed by this point on November 30. In the threat assessment discussion in this report, we examine the District's threat assessment policies and forms as they existed on November 30 and threat assessment as it was actually performed at OHS at that time, and analyze what should have happened at OHS on both November 29 and November 30 as OHS personnel learned more information about the Shooter on those two days.

#### **Fourth Hour, 11:10 a.m. to 12:46 p.m.**

After Chemistry, the Shooter's next class was World History with Jasinski in Room 256. The students in Jasinski's fourth hour class had "B" lunch, which started in the middle of the fourth-hour class period; on November 30, their lunch break ran from 11:40 a.m. to

12:10 p.m. Hopkins testified that he checked the school's attendance system to be sure that the Shooter went to his fourth-hour class and his lunch because he wanted to make sure that the Shooter was never alone.<sup>192</sup>

While walking into Jasinski's classroom that day, a student said, "I wish it was the last day of school" (referring to the last day of school before the December holiday break). This student told police that the Shooter responded, "Don't worry, it is the last day of school." This student said that at some point during the first part of class, he tiredly wondered when the class would end, and the Shooter again said that it was the last day of school, a sentence that the Shooter continued to repeat in the first part of class. There is no evidence that this student reported the Shooter's statements to anyone at OHS prior to the shooting. In addition, this student stated that the Shooter asked him what class the student would be in during fifth hour.

At approximately 11:40 a.m., Jasinski's fourth-hour students left the classroom to go to lunch (in the middle of class), and the Shooter brought his backpack with him. According to police notes, a classmate said that the Shooter always left his backpack in the classroom during lunch, so this student noticed when the Shooter kept his bag with him that day. At approximately 11:40:56 p.m., the Shooter went to the bathroom after leaving Jasinski's classroom; he exited the bathroom at approximately 11:51:43 a.m. and went to a lunch table in the engineering hall.<sup>193</sup> From approximately 11:53 a.m. to 12:10 p.m., the Shooter sat alone at this lunch table, looking at his phone without eating.<sup>194</sup>

At approximately 12:12 p.m., the Shooter and his fourth-hour classmates milled about the door to Jasinski's classroom, entering the room at approximately 12:20 p.m. A student

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<sup>192</sup> Hopkins Prelim. Exam. Tr. at 134.

<sup>193</sup> At the Shooter's Miller hearing, Dr. Anacker testified that the Shooter went to the bathroom multiple times before he embarked on the shooting to load his gun. Aug. 18, 2023 Miller Hearing Tr. at 106-107 (testimony of Dr. Lisa Anacker).

<sup>194</sup> Dr. King, who testified for the defense at the Shooter's sentencing hearing, wrote in his expert report that OHS video footage showed the Shooter crying at lunch on November 30. See Aug. 1, 2023 Miller Hearing Tr. at 217-221. The video was played in court during the prosecution's cross-examination of Dr. King, and it did not appear as if the Shooter was crying. Guidepost has reviewed this video and did not see the Shooter crying at his lunch table on November 30.

interviewed by police after the shooting said that the Shooter showed him a live round and one or two empty bullet casings. This student said that another student grabbed the live round out of the Shooter's hand and held it up as if to show the teacher, and the Shooter grabbed it back and put it away in his pocket or backpack. According to police notes, this student also said that the Shooter asked him if he (the student) had earplugs; he thought that the Shooter had a hearing sensitivity and that was the reason for his question. The Shooter also asked this student and the other two students at their classroom table again what classes they had during fifth hour.

Another student in Jasinski's fourth-hour history class told law enforcement after the shooting that a friend of his showed him real bullets on the day of the shooting. After this student saw the bullets, he saw his friend give the bullets back to the Shooter. There is no evidence that Jasinski saw the Shooter displaying ammunition in class that day or any other day and.

Another student in the Shooter's fourth hour World History class also heard the Shooter's comment about that day being the last day of school. Specifically, this student told police that he heard the student described above say that he wished it was Christmas break and that the Shooter responded by saying that it was the last day of school. There is no evidence that this student reported this statement to anyone at OHS prior to the shooting. This student also stated that near the end of the fourth hour class period (after lunch), the Shooter asked him and two others what classes they would be in during fifth and seventh hours. After they told him where they would be, this student asked the Shooter why he wanted to know, but the Shooter did not respond.

There is no evidence that any of these students reported the Shooter's questions to anyone at OHS prior to the shooting. Once again, we reiterate that we are not faulting these students in any way for not reporting this information. They could not have been expected to know the Shooter's reasons for making these statements or asking these questions; they are not educators, counselors, or mental health professionals. These students are not to blame for the Shooter's actions on November 30.

### **Passing Time, 12:46 p.m.**

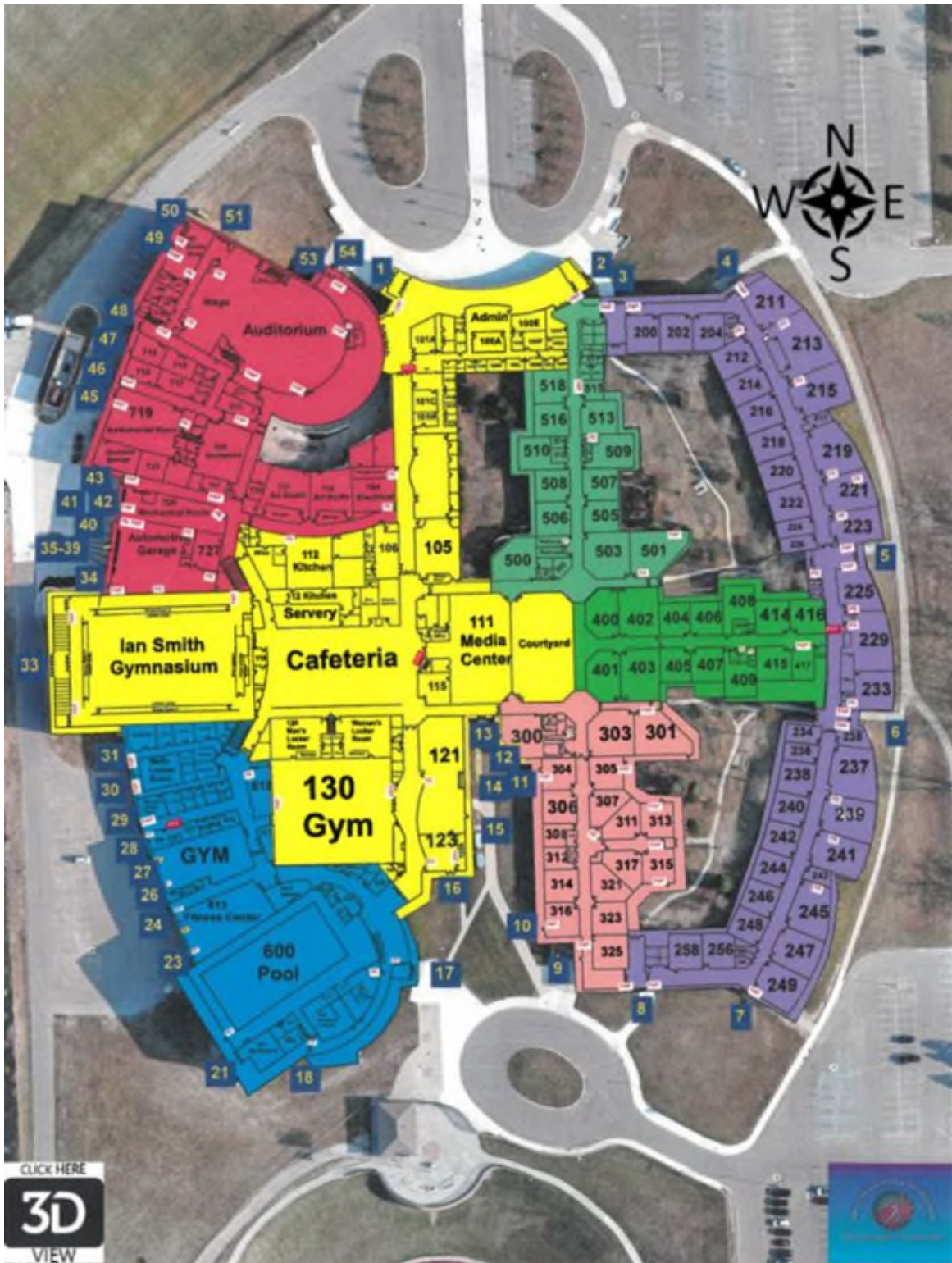
At 12:46 p.m., the Shooter left his fourth-hour classroom (Room 256) and entered the bathroom that was just one classroom away, at the western end of the 200 hallway.

### **XIII. November 30: The Shooting**

We begin our narrative of the shooting by focusing on the actions of the Shooter from the time he entered a bathroom at the western end of the south 200 hallway until the time he surrendered to police outside another bathroom in the middle of the long 200 hallway. While focusing largely on the Shooter's acts and movements, this narrative also includes details about the actions of students and teachers who were present in the different areas of the 200 hallways as the Shooter moved through those areas, including the victims of his crimes. Certain key events – such as the activation of the emergency lockdown protocol and ongoing communications between the school and 911 operators – are interspersed with the account of the Shooter's actions, to provide general context about OHS administrators' immediate response to the shooting and a sense of when law enforcement was alerted to the crimes unfolding at the school.

After providing a detailed account of the Shooter's actions on November 30, we discuss the actions of several key individuals, including SRO OCSO Deputy Louwaert, Principal Wolf, Assistant Principals Gibson-Marshall and Nuss, School Monitor Potts, Deputy Superintendent Weaver, and Restorative Practices/Bullying Prevention Coordinator Fine. Finally, we highlight the accounts of students and teachers who were locked down in classrooms or escaped from the school.

The map below, and attached hereto as Appendix A, shows the various hallways of OHS highlighted in different colors, with the 200 hallway denoted by purple. The interior courtyards of the school can be seen bounded by the different hallways. Walkways through the courtyards and along the exterior of the 200 hallway are visible as well.



The shooting occurred in the passing time between the fourth and fifth hours of the OHS class schedule. This passing time began at 12:46 p.m. and was scheduled to end at 12:52 p.m.

**A. Timeline of the Shooter’s Actions from 12:46 p.m. to 1:00 p.m.**

**1. 12:46 p.m. to 12:51 p.m. – The Shooter’s Preparations in a Bathroom**

OHS video footage shows that at approximately 12:46:36 p.m., the Shooter entered the boys’ bathroom at the south end of the 200 hallway, wearing a light gray sweatshirt and carrying a red backpack. This bathroom is identified by the red circle on the map below; it is next to Room 258, which in turn is next to the Shooter’s fourth-hour World History classroom, Room 256. We refer to this bathroom as the “First Bathroom” throughout this report.<sup>195</sup> There are two stalls in the First Bathroom, a larger accessible stall and a smaller stall, as well as a urinal and two sinks.

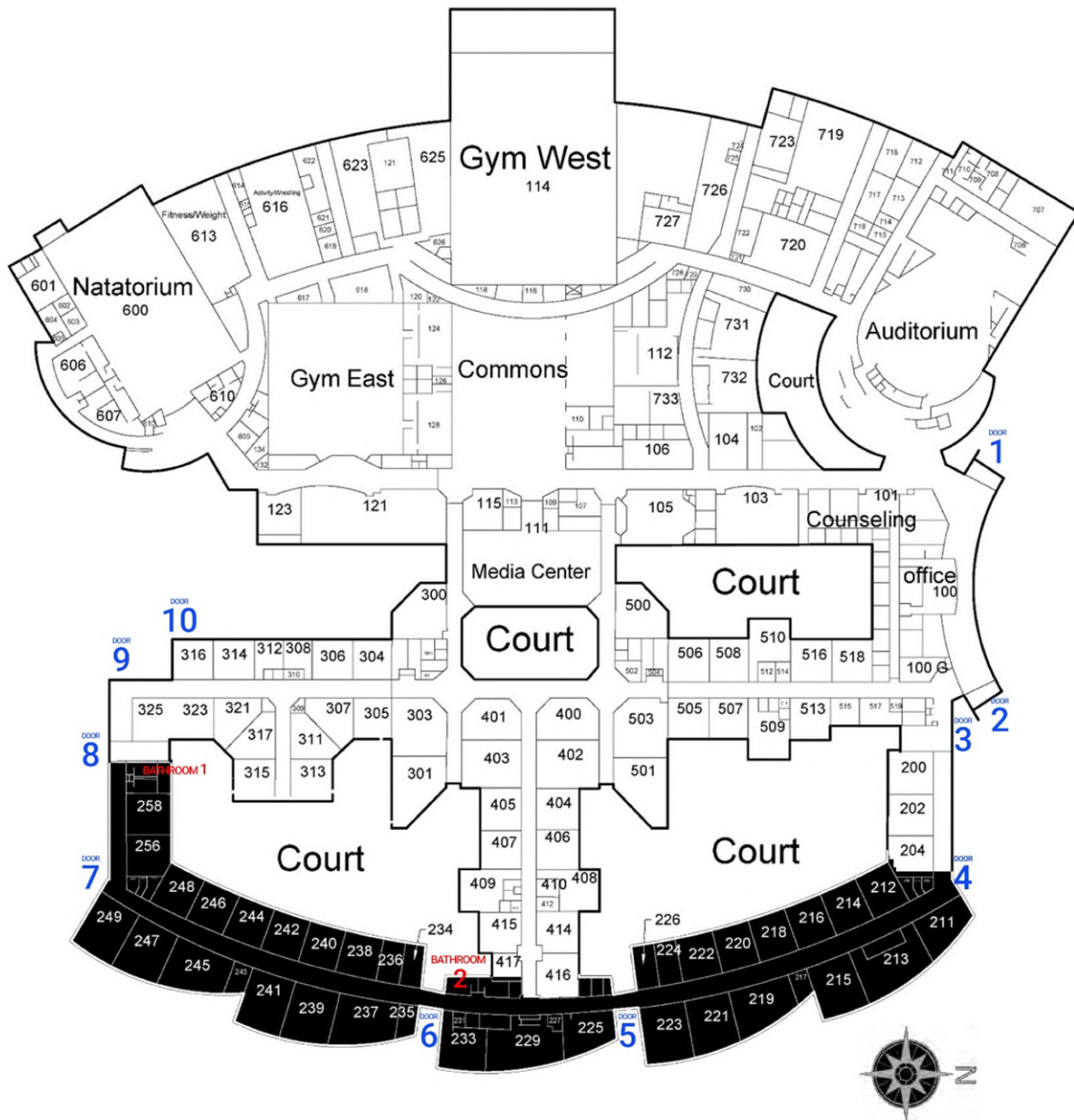
The map below depicts the layout of OHS, with areas relevant to the discussion that follows highlighted. The 200 hallway is shown in black, while the various exits from the school are identified by blue numbers. The First Bathroom can be seen on the map below, noted in red in the short south part of the 200 hallway, near Door 8. “Court” refers to the four interior courtyards at OHS. We will reproduce this map at different points of the discussion below as we recount the events that occurred on November 30.

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<sup>195</sup> OHS students refer to the bathrooms in this area as the “Wildcat bathrooms” because they are close to a large mural of the school’s mascot on a wall near Room 325.

The bathrooms at OHS did not have room numbers at the time of the shooting, nor are the bathrooms currently numbered. As stated in our recommendations, OHS should assign room numbers to the bathrooms so they can be easily described and found in an emergency.





During the time that the Shooter was in the First Bathroom, several other students used this bathroom as well. Some of the students were already in the bathroom when the Shooter entered it, some of them exited the room as the Shooter was making his preparations in the larger stall, and some of them were still in the bathroom when the Shooter emerged from the stall with his gun in his hand, concealed in his sweatshirt pocket.

Several students who were in the First Bathroom with the Shooter just before the shooting provided law enforcement with their recollections of the Shooter's actions. One student recalled that when he entered the First Bathroom, there were two or three other students in the common area of the bathroom and one person in the large stall. This student entered the smaller stall, and a few minutes later, he heard a bag being unzipped and the sound of the slide on a semi-automatic gun being pulled back and released forward. This student said that the Shooter walked out of the larger stall, past the smaller stall where this student was, and left the First Bathroom. This student then heard three gunshots and a scream, followed by another three shots that were more distant. As he heard the distant shots, this student left the small stall and went into the common area of the bathroom before joining two other students in the large stall. As recounted in more detail below, one of these students called 911 when they were in the large stall.

Another student told law enforcement that during passing time between fourth and fifth hours, he entered the First Bathroom. This student had to wait in the common area of the bathroom because the two stalls were occupied; he noticed that the door to one of the stalls did not open at all while he waited. The line for the stalls dwindled until only this student and one other person were waiting in the common area of the bathroom. This student suddenly heard the noise of a gun cocking. The door to the accessible stall opened and the Shooter walked out of the stall with his right hand thrust deeply into the pocket of his hoodie sweatshirt. This student said that he recognized the Shooter because they were in the same class during sixth hour, but he did not know the Shooter's name. The Shooter maintained eye contact with this student as the Shooter walked out of the First Bathroom. According to this student, after the Shooter left, the door to the small stall opened and another student walked out and started to ask, "Did he just cock a gun?" but was cut off by the sound of gunshots. This student pulled the other two students into the larger stall, locked the door and stood with his back against it, and called 911, as described in more detail below.

Another student told law enforcement that he and another student were in the First Bathroom waiting for a stall to become available. The Shooter walked out of the larger stall and past the student who was still waiting outside. As the Shooter left the bathroom,

this student heard a noise “that sounded like a gun cocking.” This student did not recall seeing a gun in the Shooter’s hand, but he thought that the Shooter’s hand was in the pocket of his hoodie. This student recalled that he then heard three loud gunshots. He said that after he heard the gunshots, he started to panic and was unsure what he should do. The other students in the bathroom told him to join them in the larger stall, and he did. As they huddled inside the larger stall in the First Bathroom, one of the other students called 911, as described in more detail below.

Another student told law enforcement that he went to the First Bathroom after lunch, on the way to his fifth-hour class. This student saw the Shooter enter the far rear stall and he heard a backpack dropping to the floor inside the stall, which was a familiar sound. This student then heard a firearm being loaded inside the stall, which was a sound the student was also familiar with, but the student did not immediately process this sound as he heard it. There was nothing else about the activities in the stall that the Shooter was in that caught this student’s attention. This student exited the bathroom and walked east in the short, southern 200 hallway. He estimated that he had taken about 20 steps away from the First Bathroom when he heard two loud sounds, which he initially thought were construction noises. This student then connected the sound he had heard in the bathroom (the gun being loaded) and the sounds he heard in the hallway (gunshots) and began to run. He ultimately exited the school through Door 6, near Room 233.

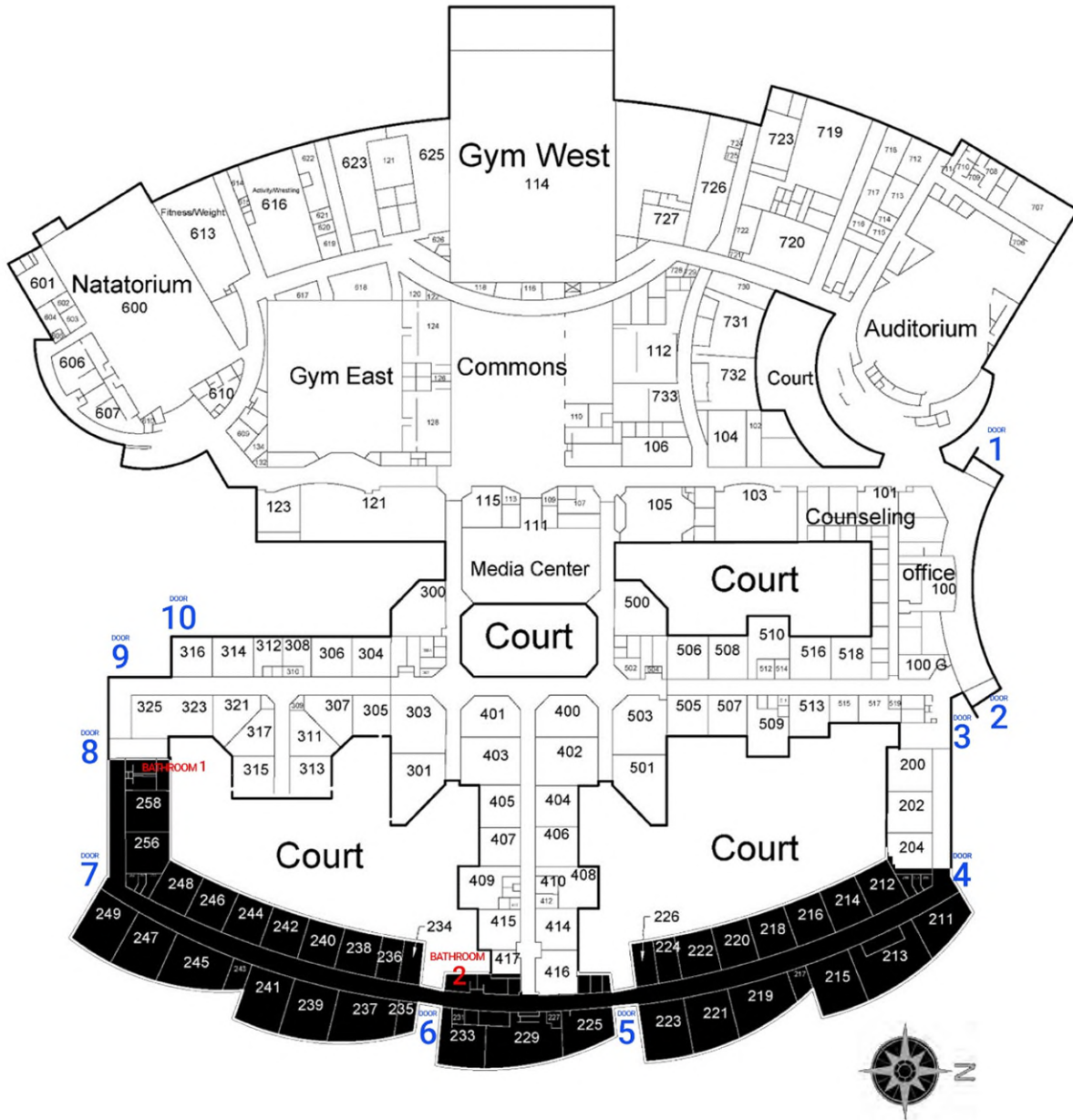
There has been public speculation that the Shooter hid his gun and ammunition in a ceiling tile in the First Bathroom and retrieved it when he entered the larger stall.<sup>196</sup> We have seen no evidence to substantiate this rumor and in fact, we obtained information from a credible source that the rumor was false. Moreover, the Shooter stated in his guilty plea allocution that he kept his gun and ammunition with him in his backpack on November 30 and removed these items from his backpack inside the First Bathroom.

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<sup>196</sup> Jill Lemond reported to the OCSO that a “community member” reported to the District that a student reportedly claimed that he heard “fumbling in the ceiling tiles” when the Shooter was in the large stall in the First Bathroom.

**2. 12:51:12 p.m. to 12:51:19 p.m. – The Shooter Wounded Seven Students Within Seven Seconds**

After exiting the First Bathroom with his gun, the Shooter shot and wounded seven OHS students, two of them fatally, in the span of only seven seconds. We believe that the last best chance to prevent the shooting had already passed, when Counselor Shawn Hopkins and Dean Nick Ejak allowed the Shooter to return to his third-hour class with his backpack, unaware that the backpack contained a gun and ammunition. When the Shooter emerged from the First Bathroom, no one could have prevented these first seven victims from being shot, short of having a security officer in this bathroom or immediately outside it, ready to thwart the Shooter before he used his weapon.



OHS video footage shows that the Shooter exited the First Bathroom at 12:51:12 p.m. He raised his arm, held it straight, and began shooting. At approximately 12:51:13 p.m., the Shooter shot and wounded Phoebe Arthur and Elijah Mueller. Another second later, at approximately 12:51:14, the Shooter shot Hana St. Juliana, Kylie Ossege, and Riley Franz, who were standing together in a group, wounding Hana, Riley, and Kylie. At approximately 12:51:15 p.m., the Shooter began moving east in the short, southernmost branch of the 200 hallway. At approximately 12:51:16 p.m., while still in the short south 200 hallway, the Shooter shot and wounded John Ascitutto and shot Hana again. At

approximately 12:51:19 p.m., the Shooter shot Madisyn Baldwin at very close range, mortally wounding her.

The Shooter fired his gun fourteen times in this part of the 200 hallway, as evidenced by the spent bullet cartridges on the ground. Crime scene investigators found damage caused by flying bullets in the walls, window ledges, carpeting, lockers, and bulletin boards in this hallway, as well as fired bullets and bullet fragments.

The facts relating to these first seven seconds of the shooting are recounted in detail below.

**a. Phoebe Arthur and Elijah Mueller**

At the time of the shooting, Phoebe Arthur and Elijah (“Eli”) Mueller were first-year students at OHS. They were both fourteen years old on November 30.

On the day of the shooting, video footage shows Phoebe and Eli walking east with another student in the short southern 200 hallway, passing the First Bathroom at approximately 12:49:57 p.m. The three students continued walking east until they rounded the southern corner of the 200 hallway at approximately 12:50:18 p.m. and began walking north in the long 200 corridor. Phoebe recalled that the student walking with her and Eli had to walk to the northern end of the long 200 hallway, while she and Eli needed to go back to the 300 hallway for their fifth-hour classes. Video footage shows that at approximately 12:50:38 p.m., Phoebe and Eli paused near Rooms 246/248; by approximately 12:50:42 p.m., they had turned back the way they came. At approximately 12:50:58 p.m., Phoebe and Eli turned the southern corner of the 200 hallway and were once again in the short southern 200 corridor, now walking west towards the First Bathroom.

As they walked together, Phoebe and Eli were on the right side of the short 200 hallway, with Phoebe on Eli’s right side, closest to the wall. At approximately 12:51:12 p.m., the Shooter came out of the First Bathroom and turned to his left, so that he was facing Phoebe and Eli. Phoebe recalled that the Shooter was very close to her and Eli, with nobody standing between him and them, and she remembered seeing the gun in the

Shooter's right hand when he emerged from the First Bathroom. When she was interviewed in the hospital days after the shooting, Phoebe said that she thought she stopped walking when she saw the gun because she was not prepared to see such a sight. She remembered seeing the Shooter lift his arm, point the gun, and start shooting.

Eli recalled that he and Phoebe were approximately ten to fifteen steps away from the First Bathroom when he heard a loud noise and saw the Shooter burst through the bathroom door into the hallway. Eli saw a gun in the Shooter's right hand. He said that the Shooter looked directly at him and then Eli heard a bang, followed by two more shots.

At approximately 12:51:13 p.m., the Shooter fired at Phoebe and Eli. Phoebe recalled that she and Eli were shot in the same round of bullets. She told law enforcement that she thought she had been hit before Eli, because she remembered falling to the ground immediately. The video footage shows that the Shooter fired at Phoebe first and then immediately aimed at Eli.

Phoebe could not look to her left (where Eli had been) because of her injury, and therefore she did not know what happened to Eli. Phoebe was able to look right, and when she did, she saw an uninjured girl next to her. This girl – a sophomore – told Phoebe to be quiet and that they needed to get into a room.

Prior to the shooting, this student had dropped her backpack off in her fifth-hour classroom in the long 200 hallway, Room 241, and started walking toward the girls' bathroom next to the First Bathroom. This student recalled that after she came around the corner from the long 200 hallway and was walking in the short south 200 hallway, close to Room 256 or 258, she saw the Shooter exit the bathroom and pull a gun out. She recognized the Shooter because he was in her Chemistry class that year. She saw the Shooter shoot the girl who was in front of her in the hallway (Phoebe) and the boy who was standing next to this girl (Eli); she did not know either of these students at the time.

This student realized what was happening and ducked down and covered her head. Before she turned away, she saw the Shooter fire additional shots at people in the hallway, including a group of girls standing across from her. She recalled thinking that the Shooter

would fire at her if he saw her, so she laid down and pretended to be dead. She remembered the Shooter walking or running past her, and she closed her eyes because she thought he was coming up to her.

When this student thought that the Shooter had gone, she looked around and asked who needed help. She saw two girls lying on the floor across the hallway from her – two of the girls who had been standing in the group – and another girl down the hall. When these two girls did not answer her, she believed that they were dead. The girl who had been standing in front of her in the hallway – Phoebe – screamed that she had been shot, and the student recalled that she was crying as well. The student told Phoebe she would be okay and helped Phoebe walk into a nearby open and empty classroom, Room 258 (next to the First Bathroom). Video footage shows the girls moving into Room 258 at approximately 12:52:04 p.m.

Once inside this classroom, this student locked the door using the Nightlock®, an emergency door-barricading device. She remembered that she was trying to remain calm and she was reassuring Phoebe that she would be okay. Phoebe did not know where she had been hit by the Shooter's bullets but told the other student that she could not feel her arm. Phoebe took her sweater off and the student could then see Phoebe's wounds. The student used Phoebe's sweater to apply pressure to Phoebe's wounds, keeping Phoebe upright. The student also took off her own sweatshirt to apply pressure to Phoebe's wounds. As the student tended to Phoebe's wounds, Phoebe remained conscious and generally coherent.

At some point, Phoebe called her mother (with the other student's assistance) to let her know that she had been shot. The student recalled speaking to Phoebe's mother herself to explain what was happening and to reassure her that Phoebe would be okay. The student used Phoebe's phone to call her own father, to let him know that she was safe. The student remembered that she started to get upset when she spoke to her father, and he encouraged her to stay calm and to continue helping Phoebe.



This student was aware that Phoebe needed medical help. The student heard first responders outside the classroom, and she eventually was able to get the attention of an OCSO deputy who was assisting the victims in the short south 200 hallway. This deputy recalled that he told the student to remain with Phoebe until additional assistance arrived. Another OCSO officer later helped the student move Phoebe from Room 258 to the hallway on a rolling chair, where they met up with emergency medical services (“EMS”). When Phoebe was in the hallway, Kim Potts, OHS’s armed lunchroom monitor, came over to help the student with maintaining pressure on Phoebe’s wounds. EMS first checked on Phoebe in the 200 hallway at approximately 1:18:24 p.m. Phoebe was eventually transported to the hospital, as noted below.

Returning to Eli Mueller, he recalled that after he heard the gunshots, he ran in the direction of the natatorium. Video footage shows that at approximately 12:51:21 p.m., Eli ran west to the end of the short 200 hallway and then turned right (north) into the 300 hallways. He eventually ran outside, meeting up with a group of students and a teacher. A long-term substitute teacher, who had evacuated her students from Room 249 through Door 7, called 911 to report a student who had been shot; this may have been the teacher who Eli encountered outside the school.

Phoebe was initially taken to McLaren Oakland Hospital, where she received emergency surgery. Later that same day, she was transported to Hurley Medical Center to receive advanced medical care for injuries caused by the shooting. Eli was also taken to McArthur Oakland Hospital, where he remained overnight for treatment of his wounds. Both Phoebe and Eli survived the shooting.

The student who helped Phoebe received a citizen citation award from the OCSO for her extraordinary display of composure and character in helping Phoebe on November 30.<sup>197</sup>

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<sup>197</sup> OCSO press release, “Sheriff Honors Deputies and Citizens with Life-Saving Citations and Community Service Awards,” (May 18, 2022) (<https://www.theoaklandpress.com/wp-content/uploads/2022/05/Sheriff-Bouchard-awards-2022.pdf>).

Video footage from OHS shows that EMS turned the corner from the long 200 hallway into the short south 200 hallway at approximately 1:13:33 p.m. to assist the wounded students.

**b. Hana St. Juliana**

Hana St. Juliana was a fourteen-year-old first-year student at OHS on November 30. Her sister and her father met with us and we are grateful for their willingness to speak to us about Hana and the shooting.

One of Hana's teachers told us that "Hana was a joy to have in class in all senses of the word. Her smile, laugh, and enthusiasm lit up the classroom, even behind the masks we were still wearing. Hana always took time to ask questions, work with others, and put forth her best effort. Her presence made a huge impact on those around her and she was already growing into a great role model for other students."

Hana and her older sister met up during the fourth-hour class period and walked around the school together for a bit before returning to their respective classes. Hana's fifth-hour class was World History with Jasinski in Room 256. Video footage shows that during passing time between fourth and fifth hours that day, Hana walked east with two other students in the short south 200 hallway; they passed the First Bathroom at approximately 12:49:06 p.m. The three students stopped in front of the windows, across the hallway from Room 258 at approximately 12:49:13 p.m. Hana and one of these students ultimately met up with two other girls, Riley Franz and Kylie Ossege. By approximately 12:49:52 p.m., these four girls were standing together by the windows across the hallway from Rooms 256 and 258.

At approximately 12:51:14 p.m., a second after he shot Phoebe and Eli, the Shooter aimed and fired multiple times at the group of girls by the windows, hitting Hana, Kylie, and Riley. As students began to run away, the Shooter fired at the fleeing crowd (hitting John Ascitutto, as described below) before again pointing his gun at the girls by the windows. The Shooter shot Hana again at approximately 12:51:16 p.m.

The video footage shows that after the students in the short south 200 hallway fled and the Shooter left that area, the only remaining people in that hallway were several students who had been shot – Phoebe, Hana, Kylie, and Madisyn Baldwin – and the student who had helped Phoebe and was uninjured. As noted above, this student saw Hana and the others lying on the floor, unresponsive and feared the worst. Kylie remembered that she and Hana were laying on each other. Kylie reached her hand over to touch Hana and tell her that everything would be okay.

About seven minutes later, at approximately 12:58:29 p.m., two OCSO deputies – SRO Louwaert and Patrick Yens – entered the short south 200 hallway. Louwaert and Yens walked over to the area where Hana and Kylie were, and were standing by the girls at approximately 12:58:38 p.m. As described in more detail in the section below recounting Louwaert’s actions on November 30, because Louwaert and Yens were searching for the Shooter, they were unable to immediately render first aid to Hana and the other students at that time. Kim Potts, the OHS armed lunch monitor, joined Louwaert and Yens in the short south 200 hallway at approximately 12:58:48 p.m. and Potts began to assist students who had been shot.

At approximately 12:59:12 p.m., Potts knelt by Hana, who was gravely injured from multiple gunshot wounds. Video footage shows that Potts initially was alone in the short 200 hallway (other than the wounded girls) as she attempted to administer effective emergency first aid to Hana. Louwaert had provided Potts with a tourniquet to use on Hana, but Potts was unable to put it on Hana by herself. When OCSO Lieutenant Scott Patterson arrived on the scene minutes later, he helped Potts to secure the tourniquet. Potts tried to help Hana as best as she could by putting direct pressure on her wound, talking to her, and asking her to keep making Potts’s hand move up and down (i.e., asking Hana to keep breathing). Potts recalled that Hana stopped breathing at some point. Nevertheless, Potts asked another person to continue to apply pressure to Hana’s wound, and Potts went to assist Phoebe and the other student, as noted above.

Hana had suffered multiple gunshot wounds and needed acute on-site emergency care from trained medical professionals. While Potts acted with well-intended compassion in

attempting to help Hana, it is clear from the video footage that Potts could not provide the same level of care as trained EMS personnel. As set forth above, video footage from OHS shows that EMS entered the short south 200 hallway at approximately 1:13:33 p.m., 21 minutes and 47 seconds after the first 911 call was placed and 15 minutes and 4 seconds after Louwaert and Yens first entered the short south 200 hallway. As Guidepost was engaged by the Board to examine the actions of the District in connection with the shooting, and not the response by law enforcement (other than the SRO) or EMS, we did not investigate why EMS arrived to treat Hana more than twenty minutes after the first 911 call. We understand that the victims' families and the larger community have many questions about first responders' actions on November 30, and we believe those agencies can best respond to those questions.

Hana was shot four times by the Shooter and died at 1:20 p.m. in the short south 200 hallway at OHS.

**c. Riley Franz and Kylie Ossege**

Riley Franz and Kylie Ossege were both seventeen years old and seniors at OHS on November 30. Kylie and her mother met with Guidepost, and we appreciate their willingness to speak to us about Kylie and the shooting.

Video footage shows that at approximately 12:49:41 p.m., Kylie and Riley walked east down the short south 200 hallway. Riley had planned to meet her sister near Jasinski's classroom, Room 256. As stated above, by approximately 12:49:52 p.m., Riley, Kylie, Hana, and another student were standing together by the windows across the hallway from Rooms 256 and 258.

As set forth above, the Shooter fired multiple shots at this group of girls at approximately 12:51:14 p.m. Riley recalled that as she and her sister were talking and looking out the window, they heard gunshots. Riley told law enforcement that the noise was like a balloon pop. She remembered seeing the Shooter, who she described as a male wearing black clothing and a black mask and holding a black pistol. Riley recalled seeing an orange tip

on the gun (which may have been a muzzle flash). Next, Riley realized that she was on the floor and her neck hurt.

Video footage shows that Riley fled the hallway area where she had been shot, running west in the short south 200 hallway and exiting the school through Door 8. Riley felt pain and other students told her that she had been wounded. Her sister ran into a nearby classroom to take shelter, waiting there briefly before running out of the school and off of school grounds. After she left the school, Riley's sister called Riley, who answered the call and stated that she had been shot and was on her way to the hospital.

Two students were on their way to gym class when they saw students running through the halls. One of these students recalled that a fleeing student told him that there was a shooter and to run. This student recalled that he and his friend did not know what was going on, so they just started to run. These two students eventually exited the school through doors near the pool.

The other student recalled that they saw Riley outside, crying as she spoke to her sister on the phone and holding her wound. The first student remembered seeing Riley by herself outside; she said that she needed help, so this student took her hand and brought her to the other student's car. The first student said that Riley was stumbling a bit and he thought she was just experiencing a little shock. When this student and Riley got to the other student's car, the other student pointed out that Riley had been shot, and the student who had been walking with Riley then realized that everything was real.

These two students, Riley, and another girl got into the car. The student who owned the car drove at high speed to McLaren Oakland Hospital. When they arrived at the hospital, the driver helped Riley out of the car.

For her part, Kylie Ossege remembered that as she stood with her friends near the windows across from Room 258, she heard a sound like a balloon popping. Kylie realized she had been shot. She did not feel any pain at that moment, but she soon felt numb and fell to the ground. Kylie recalled that Riley Franz was also on the floor. Kylie recalled that at one point, Riley shook Kylie and told her that they had go, but Riley could not get Kylie

up. In Kylie's recollection, she laid on the ground for approximately ten minutes, screaming for help but there was nobody around. Due to her injuries, Kylie struggled to use her legs to push herself upright; she tried to push herself up with her arms but was unable to do so because of her full backpack.

Video footage shows that when Louwaert and Yens entered the short south 200 hallway and walked near Kylie, at approximately 12:58:46 p.m., Kylie reached her hand out and grabbed at the bottom part of Louwaert's pant leg. Kylie recalled asking a law enforcement officer for help, and he told her that someone would come to help her. As noted above, Louwaert and Yens were looking for the Shooter at this point. Potts arrived and began to help Kylie and Hana with their injuries, reassuring the girls that additional help would arrive soon. Potts recalled that Kylie was struggling to breathe and that she asked Potts to help her sit up. Kylie remembered that when Potts tried to sit her up, it hurt too much.

When OCSO Lieutenant Patterson arrived in the hallway, he assisted in putting a tourniquet on Hana, as described above, and then helped Kylie, applying direct pressure to her wound. At some point, Deputy Superintendent Ken Weaver arrived in the hallway and Patterson asked Weaver to assume the responsibility of maintaining pressure on Kylie's wound. Kylie remembered Weaver holding one side of her wound while they waited for the ambulance; the bullet had gone through her body but Weaver could not find the exit wound because Kylie's backpack was in the way. When paramedics arrived, Weaver was able to use one of their knives to cut the backpack's straps to get it off Kylie. We describe Weaver's actions on November 30 in more detail below.

Riley Franz was treated at McLaren Oakland Hospital and discharged on December 1, 2021. Kylie Ossege was taken by ambulance to Saint Joseph Mercy Oakland Hospital in critical condition, where she remained for 48 days before discharge.

As noted above, video footage from OHS shows that EMS entered the short south 200 hallway at approximately 1:13:33 p.m.

**d. John Ascitutto**

John Ascitutto was a seventeen-year-old senior at OHS at the time of the shooting. John stated that prior to the shooting on November 30, he had signed out of school for the day and was going to leave OHS. Video footage shows that John was in the office at approximately 12:48:20 p.m., which was likely the approximate time that he signed out of school. John appeared on another OHS camera at approximately 12:50:48 p.m., walking south in the 300 hallway with another student.

John recalled that before the shooting began, he was walking with a friend near the “Wildcat bathrooms,” referring to the First Bathroom and the girls’ bathroom next to it. By approximately 12:50:55 p.m., John and the other student had turned the corner of the 300 hallway (where the Wildcat mural is located) and were walking east in the short south 200 hallway. At approximately 12:51:11 p.m., John and the other student passed the entrance to the First Bathroom and were drawing nearer to the group standing by the windows that included Hana, Kylie, and Riley, as described above.

John said that as he and his friend were walking down the short south 200 hallway, he heard five to seven gunshots. The video footage shows that the Shooter shot John at approximately 12:51:16 p.m., when he fired eastward at a group of students in the hallway. John recalled that he looked back in the direction of the sound of the shots and saw someone holding a gun (which he described as a pistol) near the bathroom. John and his friend started to run, getting separated from each other as they fled.

The video footage shows that at approximately 12:51:19 p.m., John stumbled in the hallway (possibly due to his gunshot wound) and knocked over a garbage can before he ran out of Door 7. John told law enforcement that he did not realize that he had been shot until he was outside the school. He found his friend in the parking lot and they went to the friend’s truck to get away from the danger.

The friend drove John to Crittenton Hospital (choosing this hospital because the friend’s mother worked there). Law enforcement records indicate that during this drive, John

called 911 to report his own injury and the fact that he was on the way to a hospital. At the hospital, John was treated for a serious gunshot wound.

**e. Madisyn Baldwin**

Madisyn Baldwin was a seventeen-year-old senior at OHS on November 30. Madisyn had transferred to OHS from Clarkston High School for her senior year. Madisyn's aunt and uncle met with Guidepost and we are grateful for their willingness to speak to us about Madisyn and the shooting.

Video footage shows Madisyn and another student walking south in the long 200 hallway; they passed Door 5 at approximately 12:49:15 p.m. and Door 6 at approximately 12:49:24 p.m. This student recalled that as he and Madisyn rounded the southern corner of the 200 hallway (to walk west in the short south 200 hallway), he heard the first shot fired by the Shooter. He recalled that there was a burst of shots at first. Madisyn and this other student both dropped to the ground at this point. The other student told law enforcement that he looked up and saw the Shooter across the hall or down the hall. He jumped up from the ground and ran around the corner that he and Madisyn had just turned and pounded on the door and window of Room 248, the first interior classroom at the south of the long 200 hallway. The teacher in that room let him in.

Madisyn remained crouched on the ground; a detective who testified at the Shooter's Miller hearing described Madisyn as "trying to hide the best she could." At approximately 12:51:19 p.m., the Shooter shot Madisyn at close range near the lockers on the interior wall of the short south 200 hallway.

Police Chief Harold Rossman of the Lake Orion Police Department responded to the reports of the shooting at OHS on November 30. When Rossman entered the school, he saw Madisyn lying on the floor to the left of Door 7. He checked for her pulse and began to perform CPR, but he could not save her. Madisyn died at 1:12 p.m. in the short south 200 hallway at OHS.



On November 30, in her second-hour Ceramics & Sculpture class, “Madi” worked on constructing a Childhood Memory Box. Madi’s close friend finished the Childhood Memory Box, which was then given to Madisyn’s parents.

**f. The Students Remaining in the First Bathroom Called 911**

After the Shooter left the First Bathroom, the three students remaining in that bathroom hid in the large accessible stall, as noted above. From inside the stall, one of the students noticed that there was an open backpack on the floor of the bathroom. Another student leaned his back against the stall door to barricade it and called 911. Based on these students’ statements to law enforcement and other available evidence, it appears as if the students took turns speaking to the 911 operator.

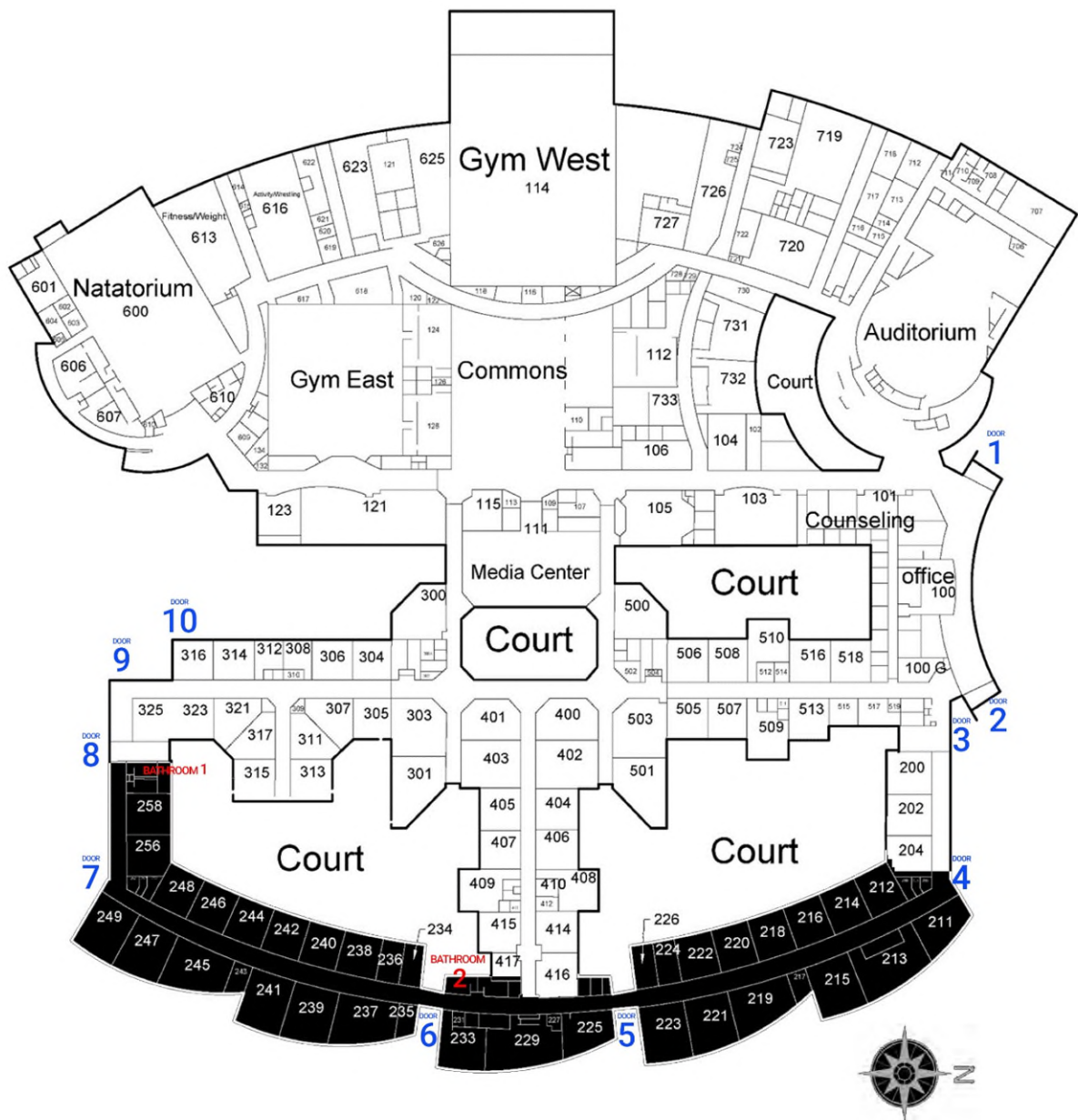
Law enforcement records indicate that a 911 call was received at 12:51:54 p.m. from a caller who said he was inside the Wildcat bathroom (the First Bathroom). In the log entry related to this call, the 911 operator stated, “My caller states they are in the bathroom with wildcat mural where subj left a backpack.” One of the other students inside the large stall recalled that the student who first called 911 became too upset to speak further, so this other student took the original 911 caller’s phone to continue to talk to the 911 operator. The boys in the stall reported that the Shooter had just exited the Wildcat bathroom (the First Bathroom) and left a bag behind. One of the boys told 911 that he heard the gun cock and the lock on the gun slide, and then heard three shots and someone screaming.

While this student was speaking to the 911 operator on the other student’s phone, he was also speaking to his mother on his own phone. She told law enforcement that her son said that the 911 operator advised them to try to barricade the bathroom door if they could, in case the Shooter returned. This student’s father told Guidepost that his son told him after the shooting that he and the other two students in the First Bathroom were concerned that the Shooter might return because he left his backpack in the bathroom. His son told him that the students tried to remove the grab bar from the wall of the larger accessible stall to use as a weapon.

Finally, one of the students in the First Bathroom told police that he could hear what was happening in the hallway outside, and he reported that he heard the Shooter saying “somebody help” as if he were attempting to lure people toward him.

**3. 12:51:21 p.m. to 12:53:40 p.m. – The Shooter Killed One Student and Wounded Another Student and a Teacher**

After shooting Madisyn Baldwin near the southeastern corner of the 200 hallway, the Shooter ran around that corner at approximately 12:51:21 p.m. and headed north in the long 200 corridor.



Room 249 is located at the southeastern corner of the 200 hallway and the door to this classroom was open at the time the Shooter ran by. It is clear from the video footage that nobody in this classroom would have had time to run to the door and close it before the Shooter ran past. The long-term substitute teacher in this classroom recalled that she ran to the door and closed it at some point after hearing shots. The teacher and her students heard additional shots in the hallway. At approximately 12:52:19 p.m., when the Shooter was walking north in the long 200 hallway, the teacher and students in Room 249 escaped the building through Door 7, which is next to this classroom.

Video footage shows that at approximately 12:51:30, the Shooter fired into a classroom near Rooms 245 and 247. A bullet went through the frame of the door to Room 247 and into the back wall of that classroom. In the area of Room 247, the Shooter changed the magazine on his gun; OCSO forensic investigators found an empty magazine on the floor outside Room 247.

Forensic evidence shows that the Shooter fired into Room 244 as well; OCSO forensic investigators found a bullet hole in the glass window next to the door of Room 244 and identified a corresponding bullet hole in the back wall of that classroom. Students who locked down in Room 244 recalled that gunshots were fired into the classroom after they closed the door.

At approximately 12:51:25 p.m., as the Shooter started his northward walk in the long 200 hallway, he fired at a student running north in that corridor, away from him. This student told law enforcement that she had been standing in the hallway with friends when she heard sounds like a water bottle popping (which was something that kids at school did). She initially did not realize what was happening; when she understood what the popping sounds were, she tried to enter a nearby classroom but it was locked. She ran north, dropping her backpack as she ran. When this student looked at her backpack after the shooting, she saw a bullet hole in the bag and discovered a bullet in a textbook inside her backpack.

As she ran, this student saw a friend of hers who was also unable to get into a classroom, so she grabbed her friend's hand and the two girls ran to a girls' bathroom in the 200 hallway. This bathroom was next to the bathroom in which the Shooter killed Justin Shilling, as set forth below. Another student was standing frozen outside the girls' bathroom. The students who had run down the hall pulled her into the bathroom with them and all three girls stood on the toilet together in the smaller stall. One girl's backpack knocked the handle of the toilet, causing it to flush. One student recalled hearing shooting while they were hiding; she also recalled hearing a gunshot, a scream, and a person run out of the adjacent boys' bathroom and yell for help.

When the three girls ran into this girls' bathroom, three other girls were already in there. One of these three girls recalled that she heard gunshots but she did not think they were real when she heard them. This girl had opened the door to go back to class when the other girls ran in screaming that there was a shooter. As the girls who entered the bathroom went to the small stall, the girls who had been in the bathroom already went to the bigger stall. The girls in the larger stall heard gunshots from outside the bathroom, and one of the girls recalled hearing screams as well. One of the girls in the larger stall left the stall for a moment to see if they could lock the bathroom door. One of the girls in the larger stall recalled that as she hid, she heard a shot from the adjacent boys' bathroom.

The Shooter continued northward and at approximately 12:51:38 p.m., he shot into another classroom, either Room 240 or 238. A teacher who had barricaded himself and his students in Room 238 after hearing the first shots, told us that the Shooter shot through the wall where the lockers were.

In the meantime, students who had been crossing through the northeastern courtyard during passing time were entering the long 200 hallway through the courtyard door located across from Door 5. We refer to this door as "the Courtyard Door" in this report. Up until approximately 12:51:29 p.m., students were entering through the Courtyard Door in a steady stream and at a walking pace, presumably heading to their fifth-hour classes. However, beginning at approximately 12:51:29 p.m., the students entering the long 200

hallway through the Courtyard Door saw the stream of students who were running north in that corridor away from the Shooter (who was at the southern end of the long 200 hallway and moving north as well). At this point, the students coming in through the Courtyard Door also began to run north as they entered the 200 hallway, joining the stream of fleeing students.

We briefly step away from the narrative of the Shooter's actions here to describe the first call that was made to 911 to report the shooting. As noted several times above, the Shooter opened fire when he emerged from the First Bathroom, which is next to Room 258. The room next to that is Room 256, Jasinski's classroom. Jasinski told law enforcement that she heard the gunfire in the hallway, but she did not recognize that she was hearing shots because she was not familiar with that noise. She saw kids running in the hall, so she immediately got up from her desk, closed her door, and engaged the Nightlock®. Jasinski recalled that a student in her class called 911 to report the shooting, but when the student became too upset to continue with the call, Jasinski took the phone and informed the operator what was happening. Law enforcement records show that this call was made at 12:51:46 p.m. To the best of our knowledge, this was the first call made to 911 from anyone inside the school.

**a. Tate Myre**

Tate Myre was a sixteen-year-old junior at OHS on November 30. His parents met with us to talk about their son and the shooting, and we are deeply grateful for their assistance.

Tate began the school day with his mentorship class, which met at OMS.<sup>198</sup> He presented a lesson on cyberbullying to a sixth-grade class. The sixth-grade teacher recalled that Tate conducted this lesson with "kindness and compassion" and joked and laughed with the middle schoolers as he sought to engage them in the lessons.

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<sup>198</sup> We reached out to the teachers of Tate Myre, Madisyn Baldwin, Hana St. Juliana, and Justin Shilling to learn more about their interactions with or observations of these students on November 30, 2021 and included in this report any information we received.

Tate and another student usually met up between classes and walked with each other. On the day of the shooting, Tate's fifth-hour class was scheduled to meet in a different classroom due to construction, and therefore he took a different route than they usually did. Video footage shows Tate and another student walking east in the 400 hallway at approximately 12:50:36 p.m. They turned left into the long 200 hallway, walked north to the Courtyard Door, and turned left through that door into the courtyard bounded by the 400, 500, and northern 200 hallways at approximately 12:50:55 p.m.

Video footage shows Tate and the other student walking west in the courtyard at approximately 12:51:13 p.m., the time when the shooting began. The other student's fifth-hour class was in Room 501, on the other side of the courtyard. She recalled that Tate walked with her about three-quarters of the way across the courtyard before he turned around. As mentioned above, due to a classroom switch, Tate's fifth-hour class was in Room 213 that day instead of Room 121. Video footage shows Tate walking back east in the courtyard behind another student at approximately 12:51:47 p.m., heading toward the long 200 hallway.

As set forth above, by approximately 12:51:29 p.m., students who had been walking east through this courtyard and through the Courtyard Door saw a stream of fleeing students when they entered the long 200 hallway, and they joined this stream. Tate was walking behind these students, and it is likely that nothing would have stood out to him about their movements while they were all in the courtyard because they did not start to run until they went through the Courtyard Door, ahead of him. Video footage shows that the student walking east in the courtyard ahead of Tate entered the long 200 hallway through the Courtyard Door at approximately 12:52:05 p.m., with Tate entering just two seconds later at approximately 12:52:07 p.m. Both students are walking at an unhurried pace, with no sense of urgency. The camera footage shows that the long 200 hallway was almost empty when they entered from the courtyard, because most of the students who had been there during passing time had either fled or entered classrooms to lock down. Given that fifth-hour classes were supposed to begin at 12:52:00 p.m., it seems likely that neither Tate nor the other student ahead of him immediately thought that it was unusual to see a mostly-empty hallway when they entered from the courtyard.

When the other student and Tate entered the long 200 hallway from the Courtyard Door at approximately 12:52:05 p.m. and 12:52:07 p.m., respectively, they each turned left and began to walk north. They were unaware that they were walking with their backs to the Shooter – he was south of them in the hallway and walking north behind them. At this point in time, there had been no announcement made about the shooting; the evidence indicates that the front office had not yet received any report of the gunshots, as set forth below.

Video footage shows that at approximately 12:52:10 p.m., the Shooter raised both arms, leveled his gun, and fired two shots northward. The Shooter was approximately 100 feet away from Tate. One of these shots hit Tate and he fell. The student who had entered the building just before Tate was a short distance ahead of him in the hallway when Tate was shot – he was close enough to Tate to be seen in the same camera frame at the moment Tate fell. This student did not realize what had happened because he continued to walk north at the same pace.

At approximately 12:52:20 p.m., the Shooter walked past Tate, who was lying on the ground, and shot him a second time. At this same time, the student who had entered the 200 hallway ahead of Tate attempted to enter a classroom around Room 221 or 219 before running north in the 200 hallway and exiting the building through Door 4.

### **The Front Office Learned About the Gunshots and Initiated the Lockdown**

At approximately 12:52:33 p.m., Principal Wolf made an announcement over the PA system that that the school was going into “ALICE” – the emergency protocol to respond to a violent incident, which had been included in student and staff training beginning in September 2018.<sup>199</sup> We refer to this announcement by Wolf as “the first ALICE announcement” throughout this report. We were able to determine the time of the first

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<sup>199</sup> We established the approximate time of the first ALICE announcement by listening to the recording of the 911 call from Jasinski’s student, which is described above. We describe the ALICE protocol and the District’s implementation of that protocol (including training of students and staff) in more detail in the discussion of OHS’s emergency preparedness, below.



ALICE announcement because it can be heard in the background of the 911 system recording of the 911 call made by the student in Jasinski's classroom at 12:51:46 p.m. (which is discussed above). In that recording, the chimes that precede PA announcements can be heard, with the first chime sounding approximately 47 seconds after the call began, at approximately 12:52:33 p.m. Wolf's precise words cannot be heard on this 911 recording, but we obtained another recording made during the shooting in which part of Wolf's announcement can be heard, as set forth below.

We backtrack from the key moment of the first ALICE announcement to describe the events that led up to it. Although we cannot pinpoint the moment that Wolf and the front office staff learned that shots had been fired within the school, the following narrative suggests that Wolf made the first ALICE announcement within seconds of learning about the shots. In addition, the video footage of the front office area in this time frame clearly shows that Wolf, Nuss, and others in this area were moving quickly as they performed various lockdown-related tasks.

At some point after the shooting started, Lauren Rambo, a Biology teacher in Room 237, called the office by dialing "3131" on her classroom phone. Dialing this number rings all of the telephones in the OHS main office until the call is answered; OHS staff are trained to do this in an emergency situation. Melissa Williams, Wolf's administrative assistant, picked up the phone and heard Rambo say that she thought she heard gunshots. After telling Rambo to lock down, Williams ran into Wolf's office to tell him about the report of gunfire.

Wolf recalled that he asked Williams what teacher made the report and what information she knew. Wolf told us that at the same time, he was already picking up his phone to dial into the PA system to make an ALICE announcement, and this is consistent with Williams's memory as well. Wolf and Williams have different memories of what Wolf said when making the first ALICE announcement. Wolf remembered that he said "we are going into ALICE" and he did not recall whether he said it was not a drill. Williams recalled that Wolf said that it was not a drill and that they were entering ALICE.

In addition to these statements by Wolf and Williams, we have heard and read different accounts of what people heard over the PA system when Wolf made the first ALICE announcement. Although announcements made on the school's PA system are not recorded by OHS, we obtained an audio recording made by a student who was locked down in a classroom during the shooting in which the beginning of the first ALICE announcement can be heard. After enhancing the sound quality of this recording and listening to it repeatedly, we believe that Wolf can be heard saying, "Pardon the interruption, staff and students, we are going to go into a, uh, ALICE lockdown, please lock and secure your doors. I'd ask the students that don't have the ability to do it now . . . ." At this point in the recording, Wolf's announcement was interrupted by the sound of three loud gunshots, and the rest of the announcement cannot be heard.

To the best of our knowledge, there is no other recording of the first ALICE announcement in which the entire first ALICE announcement can be heard. Some students and teachers reported that they heard Wolf say that it was *not* an ALICE drill, while others heard him say "ALICE drill." As noted above, in the recording that we have, only the first part of the announcement can be heard before gunshots drown out the rest of Wolf's words. As a result, we have only witness recollections of whether Wolf used the words "ALICE drill" at some point later in the announcement. We note that by the time Wolf made the first ALICE announcement, the chaos caused by the shooting had already begun to sweep through the school, which may have impacted the words that people heard over the PA system as well as their memories of those words.

In our review of law enforcement interviews and in our own interviews, we saw no evidence that the first ALICE announcement included any information about the location of the threat or any information about the shooter. The only information that Wolf had was that gun shots were heard and he immediately locked down the school based on that reported information. At the time that Wolf made the first ALICE announcement, nobody at OHS was monitoring the surveillance cameras in real time, nor had anyone looked at any recorded video footage of the shooting (although it would have been difficult at this point to identify which footage to review). In addition, any teachers or students who might have been able to provide information at this point about the Shooter's physical

appearance or location were either fleeing the Shooter, hiding in a classroom, or had already been wounded by the Shooter. Accordingly, nobody in the front office had any information about the Shooter's physical appearance or approximate location at the time of the first ALICE announcement, and therefore this information was not included in that first announcement.

Returning to Tate Myre, after he was shot, he lay alone in the hallway until shortly after approximately 12:53:51 p.m., when Gibson-Marshall saw him by the Courtyard Door. Gibson-Marshall realized that Tate was gravely injured and tried to save his life by performing CPR with mouth-to-mouth breaths. Shortly thereafter, Wolf and Nuss arrived to assist Gibson-Marshall; they repeatedly radioed Melissa Williams, who was on the phone with 911 in the front office, asking her to tell first responders that they needed medical assistance for Tate by Door 5. The actions of Gibson-Marshall, Wolf, and Nuss are described in detail later in this report.

In video footage, the first OCSO deputies to approach Gibson-Marshall and Tate can be seen at approximately 1:00:43 p.m. Several OCSO officers ultimately arrived at the area near the Courtyard Door where Gibson-Marshall was trying to save Tate, including OCSO Deputy Freiberg, who helped Gibson-Marshall in providing first aid to Tate. Because EMS never arrived to help Tate, the OCSO deputies decided to move him to a police vehicle and drive him to receive medical care. Video footage shows that at approximately 1:09:50 p.m., OCSO Deputies Freiberg, Yens, MacDonald, and Knodel picked Tate up; they then carried Tate to MacDonald's patrol vehicle (a large SUV), where they placed him in the back seat.

Deputy MacDonald then drove his police vehicle over to an ambulance from a nearby township that was also parked outside the school and told EMS in the ambulance that he had a gunshot victim in the back of his vehicle. EMS checked Tate for a pulse and were unable to find one. Tate's official time of death was 1:15 p.m., pronounced by the EMS crew in MacDonald's patrol vehicle, 23 minutes and 14 seconds after the first 911 call was placed.

**b. Aiden Watson**

Aiden Watson was a fifteen-year-old first-year student on November 30. His fifth-hour class that day was in Room 218. His parents met with Guidepost and we thank them for their willingness to speak to us about their son and the shooting.

Video footage shows Aiden entering the long 200 hallway at approximately 12:50:06 p.m. through the courtyard door across the hallway from Door 6. Aiden turned left and walked north in the long 200 hallway toward Room 218. At approximately 12:51:20 p.m., the northern part of this hallway was still filled with students walking to their classes, unaware of the shooting that had begun in the southern 200 hallway. Aiden approached the door to Room 218 at approximately 12:51:28 p.m., and seconds later, at approximately 12:51:34 p.m., students began to run north past him. Aiden paused outside Room 218 as the students ran by.

Aiden stood outside Room 218 for a few moments with a few other students, all of them looking southward to try to see what was happening. As noted above, Tate Myre was shot at approximately 12:52:10 p.m. south of where Aiden and the others stood. Aiden and the others quickly moved toward the door of Room 218, and the video footage shows that at approximately 12:52:12 p.m., Aiden was shot as he moved to enter Room 218. When speaking to law enforcement after the shooting, Aiden recalled that it felt as if he had been kicked in the leg.

Aiden remembered that when he entered Room 218, there were students in the classroom but no teacher. When Aiden was in the classroom, he felt more pain in his foot and he noticed he was bleeding. A friend of Aiden's who had run into Room 218 when the shooting started told law enforcement that he was afraid to stay in the classroom and he told the other students that they could run with him. Video footage shows that at approximately 12:52:28 p.m., this student ran out of Room 218, followed by Aiden, with both boys running north in the long 200 hallway. Aiden exited the school through Door 4, located at the northern end of the long 200 hallway, at approximately 12:52:36 p.m., followed closely by his friend.

Aiden and his friend ran through the parking lot located to the north of the school and continued all the way to Ray Road, where Aiden's friend flagged down a driver. The driver, John Parraghi, recalled that Aiden's friend came up to his car on North Oxford Road, told him that there was a shooter at the school, and that his friend (Aiden) had been shot. Aiden got into Parraghi's car and Parraghi drove him to his business, which is close to OHS. At that location, Parraghi and his employees wrapped up Aiden's leg and also called 911 and Aiden's mother. Aiden's mother arrived at the business at about the same time as the ambulance. EMS examined Aiden's wound and advised Aiden's mother to take him to the hospital because the ambulance needed to go to OHS.

Aiden was treated at McLaren Oakland Hospital on November 30 for a gunshot wound and discharged later that day.

**c. Molly Darnell**

Molly Darnell was the International Baccalaureate Coordinator and ELA coach at OHS at the time of the shooting. She had an office at OHS in Room 224. Darnell met with Guidepost and we thank her for speaking with us about the shooting.

During passing time between fourth and fifth hours, Darnell was in her office with her door open when she noticed students running in the hallway. She assumed that there was a fight occurring. Darnell picked up her phone to call the main office but it went straight to voicemail. Video footage shows that at approximately 12:51:51 p.m., Darnell stepped out of her office. She remembered seeing students running through the hallway and exiting the school through Door 4, leaving the corridor empty. Video footage shows that at approximately 12:52:03 p.m., Darnell went back into her office.

Darnell recalled that when she went back inside her room, she thought about what might be happening.<sup>200</sup> Around this time, she heard Wolf's announcement that the school was heading into lockdown and it was not a drill. At some point, Darnell also heard several pops and doors slamming, but she did not recall precisely when she heard these noises.

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<sup>200</sup> July 27, 2023 Miller Hearing Tr. at 213 (testimony of Molly Darnell)

She closed her door, grabbed the Nightlock®, and took a moment to recall how to install it. Darnell noticed the Shooter through the narrow glass window next to the door and she locked eyes with him. Darnell saw the gun in his hand and she jumped to her right.

Darnell recalled that the Shooter fired three shots at her. Video footage shows that at approximately 12:52:54 p.m., the Shooter turned to face Room 224 and although his upper body is not visible in the footage, OCSO crime scene investigators found three bullet holes in Darnell's door. Darnell recalled that her left shoulder began to sting. She looked at the windows in her office that faced the courtyard, saw that there was a bullet hole in the window glass, and then realized that she had been shot. Darnell crawled to the door and put the Nightlock® in place. In addition, she pushed a file cabinet and a rolling cart in front of her door.

Darnell texted her husband that there was an active shooter.<sup>201</sup> A bullet had gone through Darnell's upper left arm, so she used her sweater as a tourniquet.<sup>202</sup> As she sat in her office, Darnell texted with various people, including her sixteen-year-old daughter, and called her husband.<sup>203</sup> Darnell recalled that at approximately this time, she heard an announcement by Pam Fine that the school was still in lockdown.<sup>204</sup> We provide additional details of this second ALICE announcement below, when we discuss Fine's actions on November 30.

She also texted two teachers to let them know that she had been shot but was doing okay. One of these teachers called 911 to report Darnell's injury. At 1:19 p.m., the other teacher texted Nuss and Gibson-Marshall to alert them about Darnell's injury and the need to get assistance for her, and Nuss responded "Got her." Darnell recalled that Nuss came to her door to check on her, and while she answered him, Darnell would not open the door

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<sup>201</sup> July 27, 2023 Miller Hearing Tr. at 222 (testimony of Molly Darnell).

<sup>202</sup> July 27, 2023 Miller Hearing Tr. at 223 (testimony of Molly Darnell); Darnell OCSO Notes; Darnell FBI Interview.

<sup>203</sup> July 27, 2023 Miller Hearing Tr. at 223 (testimony of Molly Darnell).

<sup>204</sup> July 27, 2023 Miller Hearing Tr. at 226 (testimony of Molly Darnell).

because she “did not trust anything in that moment” and was not certain it was him. Additional details about Nuss’s visit to Darnell’s room are provided below.

Darnell remained in her office until two OCSO deputies escorted her out of the building and to an ambulance, which took her to McLaren Lapeer Hospital. She was treated for the gunshot wound and discharged later that day.

**d. The Shooter Fired Into Additional Classrooms**

Video footage shows that at approximately 12:52:24 p.m., the Shooter walked past the intersection of the 400 hallway and the 200 hallway. At approximately 12:52:42 p.m., the Shooter walked past Tate Myre, near the Courtyard Door, and continued north in the 200 hallway.

At approximately 12:53:08 p.m., the Shooter fired into a classroom at or near Room 220. Video footage shows that at approximately 12:53:08 p.m., the Shooter fired into a classroom at or near Room 220. Students who were locked down in Room 220 recalled that a shot came through the classroom door as they hid inside. OCSO forensic investigators identified a bullet hole in the door of Room 220 and corresponding bullet damage inside this classroom. Video footage shows that about three seconds later, at approximately 12:53:11 p.m., the Shooter changed the magazine on his gun for the second time. The Shooter put the used magazine in his pocket, replaced it with a new one that he drew from his pocket, and continued walking north in the 200 hallway.

**4. 12:53:32 p.m. to 12:54:21 – The Shooter Turned South Again and Encountered Gibson-Marshall in the Long 200 Hallway**

At approximately 12:53:32 p.m., outside Room 214, the Shooter turned around and was walking south back down the 200 hallway. Video footage shows that the Shooter fired into Room 215 at approximately 12:53:40 p.m. OCSO forensic investigators identified three bullet holes in the glass window next to the door to Room 215 and found corresponding bullet damage inside that classroom.

The teacher in Room 215 recalled that he was unable to safely install the Nightlocks® in his two classroom doors because he heard gunshots in the hallway that seemed to be coming closer to his room. He knew, however, that both doors were locked and unable to be opened without a key. Because the Nightlocks® were not in place, this teacher instructed his students to leave the classroom through the exterior (east) windows. We note that under the circumstances, this teacher's decisions with respect to the Nightlocks® and student evacuation were consistent with the ALICE protocol. This teacher remained in the classroom after the students had evacuated, and he discovered the bullet holes.

To the best of our knowledge, these shots into Room 215 were the final shots that the Shooter fired in the long 200 hallway, although he would later fire one final shot, killing Justin Shilling, in a bathroom in that hallway. After the shooting, the OCSO recovered a total of eighteen shell casings in the hallway between Room 249 (located at the very southern end of the long 200 hallway) and Room 213 (the northernmost part of the crime scene), including a casing from a bathroom in this hallway, from a shot that is described in more detail below.

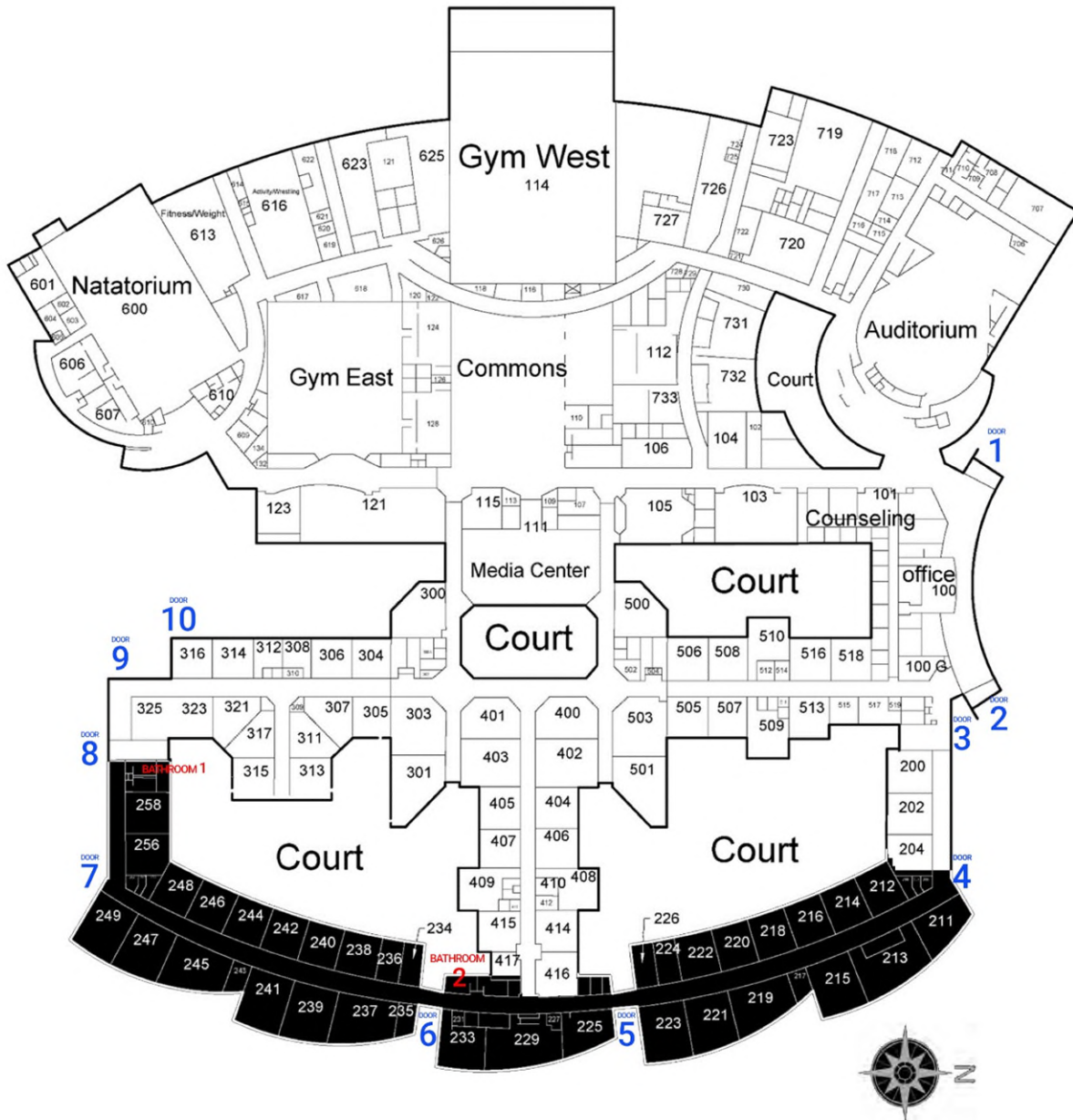
The video footage shows that after the Shooter fired into Room 215, he stopped walking for a moment and stared southward down the 200 hallway. He was likely looking at Gibson-Marshall, who had turned north into the long 200 hallway just a few seconds earlier, at approximately 12:53:37 p.m. Gibson-Marshall and the Shooter were now moving toward each other in the 200 hallway, with the Shooter walking south and Gibson-Marshall walking north. At approximately 12:54:21 p.m., the Shooter walked past Gibson-Marshall, who was standing near the Courtyard Door.

Gibson-Marshall's account of her encounter with the Shooter is described in the narrative about her actions on November 30.



**5. 12:54:52 to 12:59 p.m. – The Shooter Killed One Student and Attempted to Kill Another Student**

After the Shooter walked past Gibson-Marshall and Tate Myre, he continued south in the long 200 hallway until he reached the boys' and girls' bathrooms that were located south of the intersection of the 200 and 400 hallways, across from Room 233. At approximately 12:54:52 p.m., the Shooter entered the boys' bathroom. We refer to this bathroom as the "Second Bathroom" throughout this report.



**a. Justin Shilling and Keegan Gregory, Prior to the Shooter Entering the Second Bathroom**

Justin Shilling was a seventeen-year-old senior in the fall of 2021, nearing completion of OHS's rigorous International Baccalaureate Diploma Program. His family spoke to us about their son and the shooting, and we sincerely appreciate their willingness to meet with us.

Justin's fourth-hour class was Financial Management with Christopher Leigh in Room 401, and Leigh recalled that on November 30, Justin was his usual self – "a positive bright spot in his teacher's day, coming to class with a smile."<sup>205</sup>

Video footage shows that during passing time after fourth hour, Justin entered the First Bathroom at approximately 12:48:24 p.m., quickly came back out again, and walked east in the short south segment of the 200 hallway. At the time Justin ducked into the First Bathroom, the Shooter was already in that bathroom, along with several other students waiting their turn, as described above. Justin did not wait and left to find another bathroom. At approximately 12:49:08 p.m., Justin was walking north in the long 200 hallway toward the Second Bathroom. Video footage shows Justin entered the Second Bathroom at approximately 12:49:48 p.m.

Keegan Gregory was a fifteen-year-old first-year student who had only been at OHS for a few months. His parents also met with Guidepost to provide us with information about their son and the shooting, and we are thankful for their assistance.

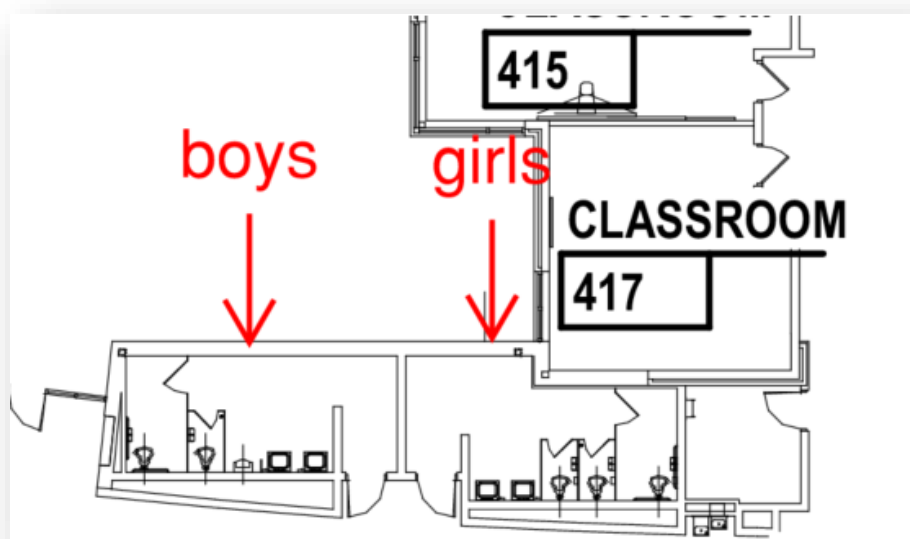
Before going to his fifth-hour class in Room 245, Keegan stopped to use the bathroom. Video footage shows that Keegan entered the Second Bathroom at approximately 12:50:53 p.m., about a minute after Justin. Keegan did not notice Justin in the bathroom

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<sup>205</sup> Email from Leigh to Guidepost, Sept. 6, 2023. Shilling's International Baccalaureate History teacher also recalled that Shilling was "just himself" on November 30, "a student I loved having in the classroom." Email from Trotter to Guidepost.

when he entered.<sup>206</sup> Justin and Keegan were the only two boys in the Second Bathroom at this time, likely because there was just over a minute left in passing time.

The following account of what happened inside the Second Bathroom on November 30 is drawn from Keegan's testimony at the Shooter's Miller hearing, his statements to the OCSO on November 30 and December 1, 2021, text messages exchanged by Keegan and his parents on November 30, text messages from Justin to his parents, information provided by Keegan's parents, and OHS video footage. The layout of the Second Bathroom is shown in the diagram below.



The shooting began approximately 20 seconds after Keegan entered the Second Bathroom. Keegan heard gunshots, which were “[r]eally loud.” He opened the door of the Second Bathroom, peeked outside, and saw people running in the 200 hallway, screaming and yelling as they ran. Keegan went back into the Second Bathroom and now saw Justin, who was standing outside the larger bathroom stall. Keegan recognized Justin from freshman orientation, when Justin had been one of the seniors who volunteered to show the incoming freshman around the high school.<sup>207</sup> Although Keegan

<sup>206</sup> July 28, 2023 Miller Hearing Tr. at 77 (Gregory testimony)

<sup>207</sup> July 28, 2023 Miller Hearing Tr. at 77-78 (Gregory testimony).

did not recall Justin's name at this time, he recalled that Justin had been kind and friendly to Keegan and his friends earlier in the year, "just laughing, positive."<sup>208</sup>

Justin told Keegan to go with him into the larger bathroom stall. Keegan entered the stall and Justin told him to stand on top of the toilet so that his feet would not be visible, which Keegan did. Justin stood inside the stall behind a post to the left of the stall door, where his feet could not be seen. The two boys remained quiet as they sent texts on their phones.

Keegan sent nine texts to his family in rapid succession at 12:52 p.m., starting with "HELP" followed by two texts about gunshots. Keegan then wrote, "IM HIDING IN THE BATHROOM" "OMG" "HELP" "MOM" "THERE RIGHT HERE" "RIGHT OUTSIDE THE BATHROOM." Keegan testified that he sent these last two texts after he heard "one single shot outside the bathroom, extremely loud." Based on the video footage, the single shot that Keegan heard was almost certainly the second shot that the Shooter fired at Tate Myre, at approximately 12:52:20 p.m. Keegan testified that when he sent this flurry of texts at 12:52 p.m., he was trying to stay quiet inside the Second Bathroom. His father immediately responded, telling Keegan to stay quiet, stay down, and stay calm; he told his son, "We love you." Keegan wrote back at 12:53 p.m., "i'm terrified" and "omg." His father again told him to stay down and stay calm and again told Keegan that they loved him.

Justin was also texting with his family and friends. At 12:54 p.m., he texted his father, "There is a shooter" "At school" "I love you" "If anything goes wrong." His father wrote back, "Holy shit," and the screenshot of the father's phone has a read receipt at 12:58 p.m. Justin texted his mother at 12:54 p.m., "There is a shooter" "At school." Justin also texted his sibling (who was a first-year student at OHS) at 12:54 p.m., asking if his sibling was okay and writing "I think there is a shooter" "I'm in the bathroom."

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<sup>208</sup> July 28, 2023 Miller Hearing Tr. at 78 (Gregory testimony).

At around the time that Keegan and Justin heard the gunshot at close range in the hallway, they communicated about a plan to run out of the bathroom. Specifically, Keegan testified that when they heard this nearby gunshot, Justin silently told Keegan (by mouthing words and signaling) that they would run when they heard the Shooter move further away. In response, Keegan “kind of nodded [his] head” to say “okay.”

We pause here to discuss how the ALICE active-shooter response protocol unfolded at OHS on November 30 because it is relevant to what happened in the Second Bathroom. As described in detail in the discussion of OHS’s emergency preparedness and its use of the ALICE protocol, the “I” in ALICE stands for “inform” – pursuant to the ALICE protocol, after the initial alert, school leaders are instructed to communicate information about an active shooter’s location and direction in as real time as possible, if safe to do so.

Wolf made the first ALICE announcement at approximately 12:52:33 p.m., when Keegan Gregory and Justin Shilling were in the Second Bathroom, hiding in a stall and remaining quiet after hearing a gunshot in the hallway nearby. Pam Fine made a second ALICE announcement at approximately 1:05:47 p.m., just over thirteen minutes after Wolf’s announcement (as set forth in more detail below in the discussion of Fine’s actions on November 30). Between those two ALICE announcements, to the best of our knowledge, there were no announcements that communicated information about the Shooter’s location and direction.

Why were there no announcements between Wolf’s initial alert and Fine’s later update? OHS personnel had the ability to monitor what was happening in the hallways. OHS had more than 90 surveillance cameras installed around the school and its grounds, and these cameras could be monitored on screens in the security office. However, the OHS emergency operations plan did not include the task of monitoring cameras during a violent incident and thus there was no staff member assigned to this task. On November 30, Jim Rourke, the OHS security guard who manned the video monitors when he was at his desk during the school day, was not working, and Louwaert, the SRO, was also not at OHS when the shooting began, as set forth above. Other individuals at OHS knew how to look at the different camera feeds, but again, nobody was assigned to undertake this task in

the event of a violent incident like an active shooter situation. We discuss this omission below in the section about OHS's emergency operations plan.

If the Shooter's location and direction had been communicated in real time, if possible, on November 30, as directed by the ALICE protocol, then would that information have reached Keegan Gregory and Justin Shilling and changed what they might have done? We cannot say.

The Shooter reached the northern apex of his walk in the 200 hallway at approximately 12:53:32 p.m. At this point in time, he was outside Room 214, which is approximately 303 feet away from the Second Bathroom, following the curve of the long 200 hallway. The Shooter would not have been able to see the Second Bathroom due to the curve in the long 200 hallway. Justin Shilling and Keegan Gregory were hiding in the Second Bathroom, aware that there was a shooter in the school and that the shooter had been close to their location about a minute earlier. Keegan testified that he and Justin had already devised a plan to run out of the bathroom "when we hear them [the Shooter] further away."

If an announcement had been made about the Shooter's location when he was seen on Camera 86 outside Room 214 at approximately 12:53:32 p.m., would Justin and Keegan have put in motion their plan to run? We cannot say for sure. Justin was a senior who had been walking through the hallways of the school to get to his classes for years. Perhaps if he had known the Shooter's position in the long 200 hallway, he may have taken the chance to run out of the bathroom and through Door 6, which was approximately 45 feet away from the Second Bathroom.

However, we note that there was *no* speaker in the Second Bathroom, or any OHS bathroom. There is a speaker in the hallway ceiling outside the Second Bathroom. Given the layout of the Second Bathroom, with a closed door, and the fact that Keegan and Justin were hiding in a stall, there is no way to know if they would have heard any announcements from the hallway speaker(s) with enough clarity to be certain that they could make a run for safety. None of the girls hiding in the adjacent girls' bathroom who

spoke to law enforcement mentioned hearing any PA announcements (although there is no indication that they were asked about announcements).

We recognize that the foregoing paragraphs contain several instances of speculation, and we reiterate that we cannot say for certain whether additional ALICE updates about the Shooter's location and direction would have impacted anything that occurred in the Second Bathroom up to this point.

As set forth in our discussion below on improving physical security at OHS, we recommend that the District install speakers in all school bathrooms, so that ALICE and other emergency announcements can be heard.

#### **b. The Shooter Entered the Second Bathroom**

Video footage shows that at approximately 12:54:52 p.m., the Shooter entered the Second Bathroom. Keegan Gregory testified that he heard the bathroom door open and the footsteps of one person walking in.<sup>209</sup> In a written statement provided to law enforcement, Keegan stated that he heard the Shooter reload his gun and “cock it back” after he entered the Second Bathroom. At 12:54 p.m., Keegan texted to his parents “someone in here.” At 12:55 p.m., Keegan texted “he’s in the bathroom.”

At some point between 12:55 p.m. (when Keegan texted “he’s in the bathroom”) and 12:56 p.m. (when he sent his next text, described below), the Shooter kicked open the door to the stall where Keegan and Justin were hiding. Keegan testified that the Shooter kicked open the stall door “[n]ot super hard” but with “[d]ecent” force and “[j]ust stared at” Justin and Keegan. Keegan could not recall for certain if he, Justin, or the Shooter said anything after the Shooter kicked the stall door open, but he was “pretty sure we all stayed quiet.”<sup>210</sup> The Shooter “just stared for a second and then walked out” of the stall.<sup>211</sup> Keegan testified

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<sup>209</sup> July 28, 2023 Miller Hearing Tr. at 83 (Gregory testimony).

<sup>210</sup> July 28, 2023 Miller Hearing Tr. at 84 (Gregory testimony). Gregory testified later that he thought he said “please” to the Shooter at some point when he and Shilling were waiting in the stall. See *id.* at 90.

<sup>211</sup> July 28, 2023 Miller Hearing Tr. at 84 (Gregory testimony).

that he saw the gun in the Shooter's hand when he kicked the stall door open; the Shooter held his arm with the gun at his side and did not point the gun at either Keegan or Justin.<sup>212</sup> Keegan did not recognize the Shooter.<sup>213</sup>

At 12:56 p.m., Keegan sent four texts in his family group chat, one after the other: "he saw us" "i'm with one other person" (referring to Justin) "he saw us" "and we are just standing here." His dad immediately responded, "Just stay calm." Keegan testified that after the Shooter kicked the stall door in, stared at them, and then walked away, "he was just in the bathroom."<sup>214</sup> Keegan recalled that after the Shooter walked away, he and Justin "just stayed quiet" in the stall, and "it felt like forever."<sup>215</sup>

To figure out if the Shooter was still in the bathroom, Justin opened the camera app on his phone and held the phone down by the bottom of the stall at an angle, in the hopes that Keegan – who was still standing on the toilet – could see if the Shooter was still in the Second Bathroom.<sup>216</sup> Mouthing the words, Justin asked Keegan if the Shooter was still there and Keegan mouthed back that he could not tell.<sup>217</sup> Keegan testified that Justin then bent over to look at the bathroom floor and then mouthed to Keegan that the Shooter was still there.<sup>218</sup>

Keegan's parents provided Guidepost with more details about what their son had told them about these specific moments in the stall. According to Keegan's parents, Keegan said that after the Shooter had kicked open the door to the stall in which he and Justin were hiding and then walked away (which occurred between 12:55 p.m. and 12:56 p.m., as explained above), he and Justin heard the door to the Second Bathroom open.

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<sup>212</sup> July 28, 2023 Miller Hearing Tr. at 85 (Gregory testimony).

<sup>213</sup> July 28, 2023 Miller Hearing Tr. at 84 (Gregory testimony).

<sup>214</sup> July 28, 2023 Miller Hearing Tr. at 86-87 (Gregory testimony).

<sup>215</sup> July 28, 2023 Miller Hearing Tr. at 88 (Gregory testimony).

<sup>216</sup> July 28, 2023 Miller Hearing Tr. at 87 (Gregory testimony).

<sup>217</sup> July 28, 2023 Miller Hearing Tr. at 87 (Gregory testimony).

<sup>218</sup> July 28, 2023 Miller Hearing Tr. at 88 (Gregory testimony).

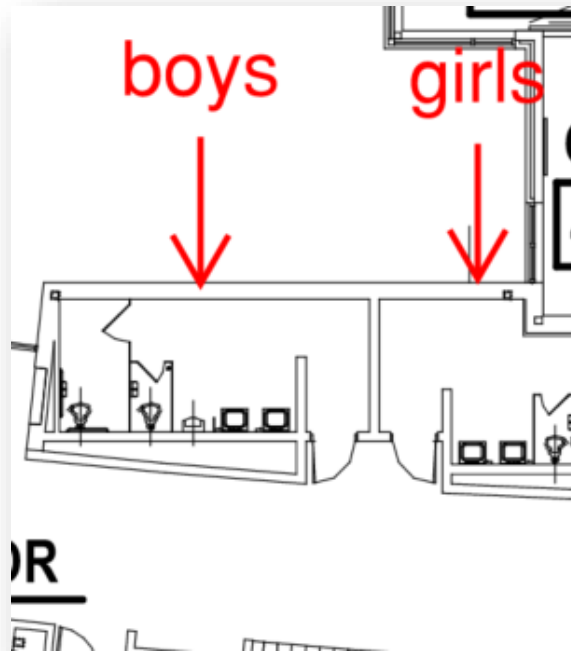


Keegan told his mother that when they heard this noise, he and Justin thought that the Shooter might have left the bathroom. This is what led Justin to put his camera down by the floor to see if the Shooter was still in the bathroom.

In the meantime, after the Shooter kicked in the stall door and as Keegan and Justin waited in the stall to see what the Shooter would do next, Kim Potts, OHS's armed lunchroom monitor, was in the long 200 hallway. Specifically, video footage shows that from approximately 12:56:00 p.m. to approximately 12:57:00 p.m., Potts was walking south toward Gibson-Marshall and Nuss, who were in the area of the Courtyard Door, north of the Second Bathroom. At this time, Gibson-Marshall was providing first aid to Tate Myre, as noted above and described in more detail below. By approximately 12:57:03 p.m., Potts was standing near Gibson-Marshall and Nuss. The video footage shows that Gibson-Marshall and Potts engaged in conversation. Gibson-Marshall told Potts that the situation was not a drill.

Video footage shows that Gibson-Marshall gestured south down the hallway, and after this gesture, at approximately 12:57:34 p.m., Potts drew her gun from its holster and walked south. Walking with her gun out, Potts passed the intersection of the 200 hallway and the 400 hallway – which is just north of the Second Bathroom – at approximately 12:57:50 p.m. She continued to walk south in the 200 hallway at 12:57:54 p.m., getting closer to the Second Bathroom.

At approximately 12:58:02 p.m., Potts was at the door of the Second Bathroom. The video footage shows that she walked south in the hallway to the bathroom location and then turned her body approximately ninety degrees west and walked up to the Second Bathroom door. This door swung outward, so it opened with a pull, not a push, as indicated in the image below.



Video footage shows that Potts pulled open the door to the Second Bathroom all the way. The time at which Potts pulled open the door strongly suggests that this was the door opening that Keegan Gregory mentioned to his mother after the shooting, as described above. After opening the door, Potts made a small movement forward, but then stopped. She remained in front of the open door for approximately two seconds before pulling herself back at approximately 12:58:04 p.m. and letting the door close. Potts then turned north briefly, looking back in the direction from which she came, before turning back south again and walking away from the Second Bathroom and out of the range of the camera by approximately 12:58:11 p.m. We discuss Potts's statements about her decision to open the door to the Second Bathroom, and to leave without entering, in a later section.

Back inside the Second Bathroom, Keegan Gregory and Justin Shilling were texting their family and friends. At 12:58 p.m., Keegan's father texted "Is he gone." At 12:58 p.m., Keegan replied "no" "he's standing here" "i see the gun" "omg." At 12:59 p.m., Keegan's father texted, "Ok stay calm. What bathroom? Where are you exactly. I'll call police." At

12:58 p.m., Justin texted three friends and said that he was in the bathroom with the Shooter, adding “I love you guys.”

The Shooter returned to the stall in which Keegan and Justin were hiding, with his gun in his hand. Keegan testified that the Shooter’s demeanor was “kind of blank and cold.” The Shooter told Keegan to stay put and told Justin to come out of the stall. Keegan did not remember if Justin said anything.<sup>219</sup> Justin went out of the stall with the Shooter while Keegan remained behind, still crouched on the toilet.<sup>220</sup> Keegan recalled that it was “quiet for a second” and then he heard a gunshot that was “extremely loud,” just two or three feet away from him. Keegan testified that his “mind wasn’t really believing that it happened.”<sup>221</sup> At 12:59 p.m., Keegan texted his family, “he killed him.”

Keegan remembered that “it wasn’t long after that shot” when the Shooter came back to the stall and directed him to come out with him. He thought that the Shooter may have motioned to him to come out, but he could not recall for certain.<sup>222</sup> The Shooter’s arm was by his side, with the gun in his right hand. Keegan left the stall and saw Justin on the floor.<sup>223</sup> The Shooter motioned to Keegan to move closer to Justin.<sup>224</sup> When he was interviewed by the police on December 1, 2021, Keegan recalled that the Shooter was mumbling and gesturing for Keegan to get on the ground.

Keegan did not comply with the Shooter’s direction. Instead, when the Shooter moved the gun away from Keegan as he motioned with his arm, Keegan ran behind the Shooter’s back and out the door of the Second Bathroom. Keegan sprinted out of the Second Bathroom, testifying at the Shooter’s Miller hearing, “I just kept running as fast as I

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<sup>219</sup> July 28, 2023 Miller Hearing Tr. at 90 (Gregory testimony).

<sup>220</sup> July 28, 2023 Miller Hearing Tr. at 89 (Gregory testimony).

<sup>221</sup> July 28, 2023 Miller Hearing Tr. at 89 (Gregory testimony).

<sup>222</sup> July 28, 2023 Miller Hearing Tr. at 90 (Gregory testimony).

<sup>223</sup> July 28, 2023 Miller Hearing Tr. at 91 (Gregory testimony).

<sup>224</sup> July 28, 2023 Miller Hearing Tr. at 91 (Gregory testimony).

could.”<sup>225</sup> Video footage shows Keegan bursting out of the Second Bathroom at approximately 12:59:58 p.m. He had been in the Second Bathroom with Justin and the Shooter for approximately five minutes.

After he ran out of the Second Bathroom, Keegan took a winding path through the OHS hallways, turning left and running north in the 200 corridor for a short distance before he turned left and ran west in the 400 hallway. He testified that he was trying to make as many turns as possible in case the Shooter was chasing him. Keegan eventually ended up in the OHS front office.

At 1:03 p.m., Keegan texted his family that he made it to the office. He remained in the office for hours, with Dean Nick Ejak staying with him; Ejak was present when Keegan was interviewed by the police. When Keegan was allowed to leave the school, the police drove him home.

Justin Shilling was alive when Potts opened the bathroom door at 12:58:02 p.m., as indicated by the available evidence. As shown in the image above, inside the door to the Second Bathroom is a short entryway that is bounded by two tile walls on either side, with another tile wall facing the door. The wall on the right extends all the way to another wall that faces the door opening, while the wall on the left is a privacy wall that does not extend all the way back. To get to the area where the stalls, urinal, and sink are located, a person must walk forward for approximately five and a half feet along a “privacy” wall and then turn left. When a person opens the door to the Second Bathroom, he or she would be facing a wall straight ahead and be unable to see the stalls and sink.<sup>226</sup>

Crime scene photographs taken of the Second Bathroom show that Justin was shot close to the end of the privacy wall. Justin would have been immediately visible to anyone who opened the door to the Second Bathroom if he had been there when the door was opened. In other words, if Justin had already been shot by the time Potts opened the door to the

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<sup>225</sup> July 28, 2023 Miller Hearing Tr. at 92, 96 (Gregory testimony).

<sup>226</sup> See July 28, 2023 Miller Hearing Tr. at 95 (Gregory testimony).

Second Bathroom and stood there for two seconds, she would have seen him.<sup>227</sup> Potts did not continue into the bathroom, call for help, or alert anyone after opening the door, which would be expected if she had seen Justin when she opened the door.

Moreover, text messages sent by Keegan and Justin indicate that Justin was still alive when Potts opened the bathroom door at approximately 12:58:02 p.m. As stated above, at 12:58 p.m., Justin texted three friends and said that he was in the bathroom with the Shooter. All three texts have the same time stamp of 12:58 p.m., which means that the earliest that the first text could have been sent was 12:58:00 p.m., with the other two texts following some time afterward. Potts opened the door at approximately 12:58:02 p.m., just two seconds after Justin sent those texts. It is unlikely that the sequence of events described by Keegan leading up to Justin's shooting – the Shooter ordering Justin out of the stall, Justin exiting the stall, and the Shooter firing at Justin – could have happened in just two seconds.

Keegan's text messages to his family at 12:58 p.m. provide additional information. Those four texts – “no” “he's standing here” “i see the gun” “omg” – all bear the same time stamp, which again means that the earliest they could have been sent was 12:58:00 p.m.

At 12:59 p.m., Keegan texted “he killed him.” These text messages were obviously sent after Justin was shot. The earliest these texts could have been sent was 12:59:00 p.m. and the latest they could have been sent was 12:59:59 p.m.

While the evidence indicates that Justin was alive when Potts opened the door to the Second Bathroom at approximately 12:58:02 p.m., we cannot determine precisely when Justin was shot. We have evidence that indicates that the Shooter ordered Keegan out of the stall almost immediately after shooting Justin. That evidence further indicates that the sequence of events from the moment of this gunshot – Keegan texting “he killed him,” the Shooter ordering Keegan out of the stall, Keegan coming out of the stall, the Shooter

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<sup>227</sup> Assistant Superintendent Ken Weaver was at OHS on November 30, and he was standing with police deputies outside the Second Bathroom no later than approximately 1:03:51 p.m. Weaver told law enforcement that when the deputies opened the door to the bathroom, he could see the blood in the bathroom.

putting the gun down towards his side as he gestured to Keegan where to go, and Keegan running out of the bathroom – happened very quickly, one action after another. We know that Keegan ran out of the Second Bathroom at approximately 12:59:58 p.m.

Gibson-Marshall told law enforcement after the shooting that as she was providing first aid to Tate Myre by the Courtyard Door, she heard gunfire behind her and feared that she would be shot. Video footage shows that Gibson-Marshall had her back to the south end of the long 200 hallway, where the Second Bathroom was located, as she assisted Tate. Video footage of Gibson-Marshall aiding Tate also shows that at approximately 12:59:31 p.m., she suddenly looked southward in the direction of the Second Bathroom. At this same moment, Wolf (who was standing nearby) gestured to Gibson-Marshall to move out of the wide part of the hallway. Gibson-Marshall momentarily paused her first-aid efforts and backed into the alcove near the Courtyard Door. Wolf moved into the alcove by Door 5 and repeatedly looked southward down the long 200 hallway. It is possible that Gibson-Marshall and Wolf reacted to the sound of a gunshot that had occurred in the Second Bathroom, but we cannot say for certain.

When we interviewed Gibson-Marshall, she told us that she did not hear the shot that killed Justin in the Second Bathroom. As noted above, however, on the day of the shooting, Gibson-Marshall told law enforcement that she heard gunfire behind her as she assisted Tate; the Second Bathroom was behind her during this time frame. Moreover, the Shooter had already fired his final shots in the long 200 hallway into Room 215 before Gibson-Marshall began to help Tate. The last time the Shooter fired his gun on November 30 was in the Second Bathroom. In other words, if Gibson-Marshall heard gunfire behind her as she was helping Tate, it must have been the shot fired in the Second Bathroom.

Although mortally wounded, Justin was still alive in the Second Bathroom when OCSO Deputy Yens opened the door to the bathroom at approximately 1:03:41 p.m. Other OCSO deputies remained with Justin until EMS arrived at the Second Bathroom at approximately 1:10:04 p.m., 18 minutes and 18 seconds after the first 911 call was placed and 6 minutes and 23 seconds after Yens found Justin. Justin was transported to McLaren Hospital, where he died on December 1, 2021.

As stated at the beginning of this report, Guidepost was hired to undertake an internal investigation of the District's physical security and emergency operations planning in place at the time of the shooting, and knowledge and actions regarding the Shooter before the shooting. We were *not* hired to provide an accounting of first responder actions related to the shooting, except for the SRO, and we do not do so here. We leave it to the relevant first responder agencies to educate the Oxford community on the actions of the first responders, including how long it took to arrive at OHS; how long it took to enter the building, secure the areas where the victims lie, and neutralize the threat; and how long it took EMS to enter the building.

#### **6. 1:00:07 p.m. – The Shooter Surrendered**

The Shooter walked out of the Second Bathroom at approximately 1:00:07 p.m. The video footage shows him emerging from the alcove in which the bathroom was located and stopping in the hallway to look north. Because the bathrooms were in an alcove and the camera was directed straight south down the 200 hallway, the video footage does not show what the Shooter did immediately after he walked out of the Second Bathroom, but the Shooter's gun and a partially-empty magazine were found on top of a trash can located in between the boys' and girls' bathrooms at the time of his apprehension.

The video footage shows that the Shooter surrendered as Deputy Louwaert and Deputy Yens were walking north in the long 200 hallway looking for the perpetrator. At approximately 1:00:09 p.m., the Shooter raised his arms up to approximately shoulder level as Louwaert and Yens approached him from the south. At approximately 1:00:11 p.m., the Shooter looked at Louwaert and Yens, and then at approximately 1:00:14 p.m., he turned his body toward them. At approximately 1:00:15 p.m., the Shooter knelt on the ground with his arms still in the air.

Louwaert walked past the Shooter because he did not realize that the kneeling person was the perpetrator of the shooting. After Louwaert walked by the Shooter, he heard Yens yell "gun!" Although it is difficult to discern from the video footage precisely when Yens saw the gun, it appears as if he noticed it at approximately 1:00:21 p.m. At approximately

1:00:24 p.m., Yens moved next to the Shooter and ordered him to lay prone on the ground. By approximately 1:00:30 p.m., Louwaert and Yens had their rifles pointed at the Shooter, who was lying on the ground. As Yens continued to hold the Shooter at gunpoint, Louwaert first held the Shooter's wrists and then handcuffed him.

At approximately 1:04:48 p.m., Louwaert pulled the Shooter up to a standing position and he and OCSO Sergeant Lenz began to walk the Shooter south in the long 200 hallway, where they eventually exited the school through Door 7. The Shooter was transported to the Oxford Substation by another OCSO deputy.

After the Shooter was apprehended, OCSO deputies led the six girls out of the girls' bathroom adjacent to the Second Bathroom.

## **7. Timeline of the School Resource Officer's Actions on November 30**

As set forth above, on November 30, 2021, OCSO Deputy Louwaert was working as the SRO for the District. As set forth in the discussion that follows, in his role as SRO, Louwaert left the high school in the late morning on November 30, before the shooting, to attend to an issue at OMS. OHS Security Officer Jim Rourke was not at OHS that day, having taken a scheduled personal day.

The following discussion focuses specifically on what Louwaert did and where he went on November 30, 2021 from the time he left OHS in the late morning until the time he returned to the high school, after the shooting had begun. This account is drawn from Louwaert's police reports relating to the shooting, his deposition testimony, his interview with Guidepost, and video footage from OHS, along with video, audio, and GPS records from his OCSO vehicle, which were provided by the OCSO upon our request. We thank the OCSO for cooperating with our investigation.

On the morning of November 30, Louwaert was at OHS at approximately 7:47 a.m. as students arrived at school. He left school grounds at approximately 7:53 a.m. and returned less than an hour later. Louwaert remained at OHS for most of the morning, as described in more detail below. He was at the school while Counselor Shawn Hopkins



and Ejak met with the Shooter and with the Shooter and his parents, but nobody contacted Louwaert about anything relating to the Shooter.

GPS records show that Louwaert left OHS at approximately 11:40:57 a.m. Louwaert recalled that he left OHS to deal with a vehicle that had been abandoned at OMS. The vehicle had been at OMS for some time and November 30 just happened to be the day that Louwaert chose to address this problem. He was aware that Rourke was not at OHS that day, but he also knew that former police officer Kim Potts was at the school and armed. Louwaert told Potts that he was leaving the school. He expected that he would return to OHS before Potts left for the day at 1:00 p.m.

Louwaert drove his police vehicle to the middle school and then conducted a brief investigation at OMS and an adjacent neighborhood to try to figure out who owned the abandoned vehicle. He spent approximately 30 minutes conducting this investigation in this area before driving to the Oxford Substation of the OCSO. Louwaert arrived at the Oxford Substation, located at 310 Dunlap Road, at approximately 12:30 p.m. He went to the substation to pick up a file that he needed to write a report for an ongoing investigation. Louwaert recalled that he stayed at the Oxford Substation for a little while, talking to people. The GPS records show that Louwaert was at the substation for approximately 20 minutes.

Louwaert left the Oxford Substation at approximately 12:51 p.m. to return to OHS. He recalled that as he was driving east on Seymour Lake Road, he began to pick up broken communications on his school radio. Although he could not hear clearly what was being said on the school radio, Louwaert remembered that it sounded like something was wrong. The recording from Louwaert's back seat camera captured a garbled transmission that may have been from his school radio.

As Louwaert continued to drive east on Seymour Lake Road, the transmissions on his school radio became clearer. He remembered that he heard a male voice over the school radio that said something to the effect of "ALICE, this is not a drill." Louwaert said that he turned on his lights and siren. The OCSO GPS records for Louwaert's vehicle show that

at approximately 12:53:41 p.m., when he was still on Seymour Lake Road, the speed of Louwaert's car jumped from 44 mph to 56 mph. The recording from the camera inside Louwaert's vehicle shows that the car's lights are on and the sound of the car revving can be heard; in addition, the scenery visible through the car's windows goes by faster and faster. After Louwaert sped up on Seymour Lake Road, the OCSO police dispatcher alerted all units to the emergency at OHS. This police broadcast can be heard in the recording from Louwaert's car camera.

Louwaert continued to speed toward OHS. At approximately 12:54 p.m., Louwaert's vehicle turned left (north) onto Highway 24 (North Washington Street, then North Lapeer Road), reaching a peak speed of 91 mph on this road. At approximately 12:55 p.m., Louwaert's vehicle turned right (east) onto Ray Road, reaching a top speed of 86 mph on this road before he slowed down to turn right (south) onto North Oxford Street and then right again (west) into the OHS driveway.

Louwaert explained that he would normally go in through the main entrance of OHS at Door 1 or 2, and he was planning to follow that usual course as he sped to the school. As Louwaert was driving on Ray Road, he heard something over the school radio about Door 5. As set forth in detail below, Nuss and Wolf repeatedly called for help for Tate Myre at Door 5 over their two-way radios. Louwaert knew that Door 5 would be locked to him on the outside and that there was no access card reader at Door 5 that would allow him to enter quickly; he knew there was a card reader at Door 7 and he decided to pull his car up there.

Louwaert drove his police car right up to Door 7 at approximately 12:56:58 p.m. GPS records and OHS camera footage show that after initially pulling up very close to Door 7, Louwaert backed his vehicle up a bit. Louwaert explained to us that he backed his car up to be sure there was enough room for Door 7 to open. At approximately 12:57:12 p.m., Louwaert parked his police car in front of Door 7. The camera footage from the vehicle of OCSO Deputy Yens shows that Yens pulled up right behind Louwaert near Door 7.

At the time Louwaert and Yens arrived outside at OHS, Justin Shilling and Keegan were inside the Second Bathroom with the Shooter. As recounted above, the Shooter had already kicked open the door to the stall in which the two boys were hiding.

Video footage shows that Louwaert exited his vehicle at approximately 12:57:12 p.m. and walked along the driver's side of the vehicle towards the back of the car. Louwaert next appeared on the same camera (the only working camera directed at the area near Door 7<sup>228</sup>) approximately 39 seconds later, at approximately 12:57:51 p.m. Although we could not see what Louwaert did during this time, Louwaert told us that he may have gone to the trunk of his car and opened it, because he kept his helmet and plate carrier vest (heavy body armor) in his trunk. Louwaert did not recall if it was his plan to get this equipment from the car trunk, but he said that he did *not* grab this gear. He was already wearing his soft body armor that day.

At approximately 12:57:51 p.m., Louwaert appeared on the passenger side of his vehicle, where he opened the front passenger door and obtained his M16 semi-automatic rifle and his "go bag" (with extra ammunition and first aid items) from the floor of the front passenger side. Louwaert explained that he grabbed his rifle because he knew it was an active shooter situation and based on his training and expertise, a rifle is a better weapon to have during a gun fight. Louwaert was also carrying a 9mm semi-automatic handgun. By approximately 12:57:56 p.m., Louwaert had his rifle and his go bag in hand and was standing in front of his car, in front of Door 7. On the video footage, it appears as if Louwaert was waiting for Yens before entering the school.

Approximately 27 seconds later, at approximately 12:58:23 p.m., Louwaert used his access key card to open Door 7. Approximately one minute and ten seconds have elapsed since Louwaert exited his car at 12:57:12 p.m. Louwaert entered first, followed by Yens. After entering the building, Louwaert and Yens turned left at approximately

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<sup>228</sup> While there is an exterior camera at the southeastern corner of OHS near Door 7, we understand that it was not working on November 30. The only video footage of the area near Door 7 was captured by an interior camera that was directed at Door 7.

12:58:29 p.m., and moved west down the short south 200 hallway, where Madisyn Baldwin, Hana St. Juliana, and Kylie Ossege lie on the floor.

Based on the timeline set forth above in the discussion of the events in the Second Bathroom, it appears as if Justin Shilling was still alive when Louwaert and Yens entered the school. Once again, we are compelled to highlight the critical importance of the “inform” step in the ALICE protocol. If someone had been manning the school’s surveillance cameras in real time once the shooting began, that person might have seen the Shooter entering the Second Bathroom at approximately 12:54:52 p.m. The Shooter’s location could have been communicated to Louwaert and Yens, who entered the building at 12:58:23 p.m. If they had known the Shooter’s location, pursuant to established police tactics in an active shooter situation, Louwaert and Yens would have run to that location – they would have headed straight (north) in the long 200 hallway toward the Second Bathroom instead of turning left (west) down the short southern 200 hallway. Again, we acknowledge that many of the foregoing statements are speculative and we cannot say for certain that an announcement about the Shooter’s location would have changed what happened in the Second Bathroom.

At approximately 12:58:36 p.m., Louwaert and Yens were standing over Kylie Ossege and Hana St. Juliana, who were on the floor near the exterior wall in the short 200 hallway. As described earlier, Kylie lifted her hand and touched Louwaert’s lower pant leg, asking for help. Either Louwaert or Yens told Kylie that someone would come to help her. As OCSO Detective Lieutenant Willis explained at the Shooter’s Miller hearing, because the Shooter had not yet been apprehended, established police tactics called for Louwaert and Yens to gather information that would help them to find the Shooter and to stay focused on finding the Shooter instead of helping the victims at that moment.<sup>229</sup> Willis testified that “bypassing hurt children who needed help” was “the most difficult part” for Louwaert and Yens that day.<sup>230</sup>

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<sup>229</sup> July 27, 2023 Miller Hearing Tr. at 95-96 (testimony of Det. Lt. Willis).

<sup>230</sup> July 27, 2023 Miller Hearing Tr. at 95-96 (testimony of Det. Lt. Willis).

At approximately 12:59:10 p.m., Louwaert and Yens walked west in the short south 200 hallway toward the intersection of the 200 and 300 hallways and the First Bathroom. At approximately 12:59:15 p.m., they turned around quickly and headed back east. At approximately 12:59:23 p.m., Louwaert and Yens neared the southeastern corner of the 200 hallway and by approximately 12:59:40 p.m., they were back by Door 7.

Still not knowing where the Shooter was, Louwaert and Yens began heading north up the long 200 hallway at approximately 12:59:45 p.m. They briefly entered Room 249, located at the southeastern corner of the 200 hallway, emerging at approximately 12:59:48 p.m. and moving north. At this point in time, Keegan Gregory was still in the Second Bathroom with the Shooter. As Louwaert and Yens walked north in the long 200 hallway, Keegan ran out of the Second Bathroom at approximately 12:59:58 p.m.

The Shooter walked out of the Second Bathroom seconds later, at approximately 1:00:07 p.m. As described above, the Shooter put his hands up as he watched Louwaert and Yens approach from the south. Louwaert was walking slightly ahead of Yens as they continued north in the hallway. At approximately 1:00:15 p.m., the Shooter knelt on the ground outside the Second Bathroom with his arms raised. Louwaert said in his post-incident police report that he noticed “a male subject emerge from an alcove with his hands in the air, who began to kneel on the ground.” Louwaert walked past the Shooter at approximately 1:00:19 p.m., not realizing at that moment that the person kneeling on the floor was the person he and Yens were looking for.

After Louwaert passed the Shooter, Yens shouted “gun!” and indicated to Louwaert that there was a gun on top of the trash receptacle that was between the doors of the Second Bathroom and the neighboring girls’ bathroom. Although it is difficult to pinpoint the time that Yens noticed the gun, it appears that he saw it at approximately 1:00:21 p.m. Three seconds later, at approximately 1:00:24 p.m., Yens moved next to the Shooter and ordered him to lie on the ground. At approximately 1:00:30 p.m., Louwaert and Yens pointed their rifles at the Shooter and Louwaert later handcuffed him.

As the foregoing narrative makes clear, Louwaert and Yens took the Shooter into custody approximately two minutes after they first entered the school.

Louwaert walked the Shooter out of the building with OCSO Sergeant Frank Lenz. After another deputy drove away with the Shooter, Louwaert remained at OHS until approximately 9:00 p.m., assisting with a secondary search of the school and other necessary tasks.

## **8. Actions by OHS and OCS Administrators and Other OHS Personnel During the Shooting**

### **a. Kristy Gibson-Marshall**

Assistant Principal Kristy Gibson-Marshall has recounted her involvement in the events of November 30, 2021 multiple times, in various settings. She was interviewed by law enforcement at OHS in the aftermath of the shooting. Gibson-Marshall also provided sworn testimony in her deposition on December 12, 2022 in connection with the civil lawsuits and at the Shooter's Miller hearing on July 28, 2023. In addition, Gibson-Marshall met with Guidepost on February 17, 2023 for a joint interview with Nuss that lasted for more than three hours. The narrative that follows is based on Gibson-Marshall's interviews and testimony, law enforcement interviews of other individuals who witnessed Gibson-Marshall's actions on November 30, 2021, law enforcement records, and video footage from OHS cameras.

Gibson-Marshall acted with exceptional bravery and poise on November 30, 2021, providing first aid to a mortally-wounded student while the Shooter still stalked the 200 hallway. Gibson-Marshall put the lives of OHS students above her own that day. When Gibson-Marshall learned that someone was shooting within the school, she ran toward the sound of the shots. When she saw Tate Myre lying wounded on the floor, she tried desperately to save his life, remaining by Tate's side even when the Shooter passed by within feet of her with his gun still in his hand. Gibson-Marshall did not try to flee or avoid engaging with the Shooter; instead, she spoke directly to him, to try to stop him from further deadly action. When the Shooter walked away from her, Gibson-Marshall stayed by Tate's side and continued to provide first aid, despite knowing that the Shooter was

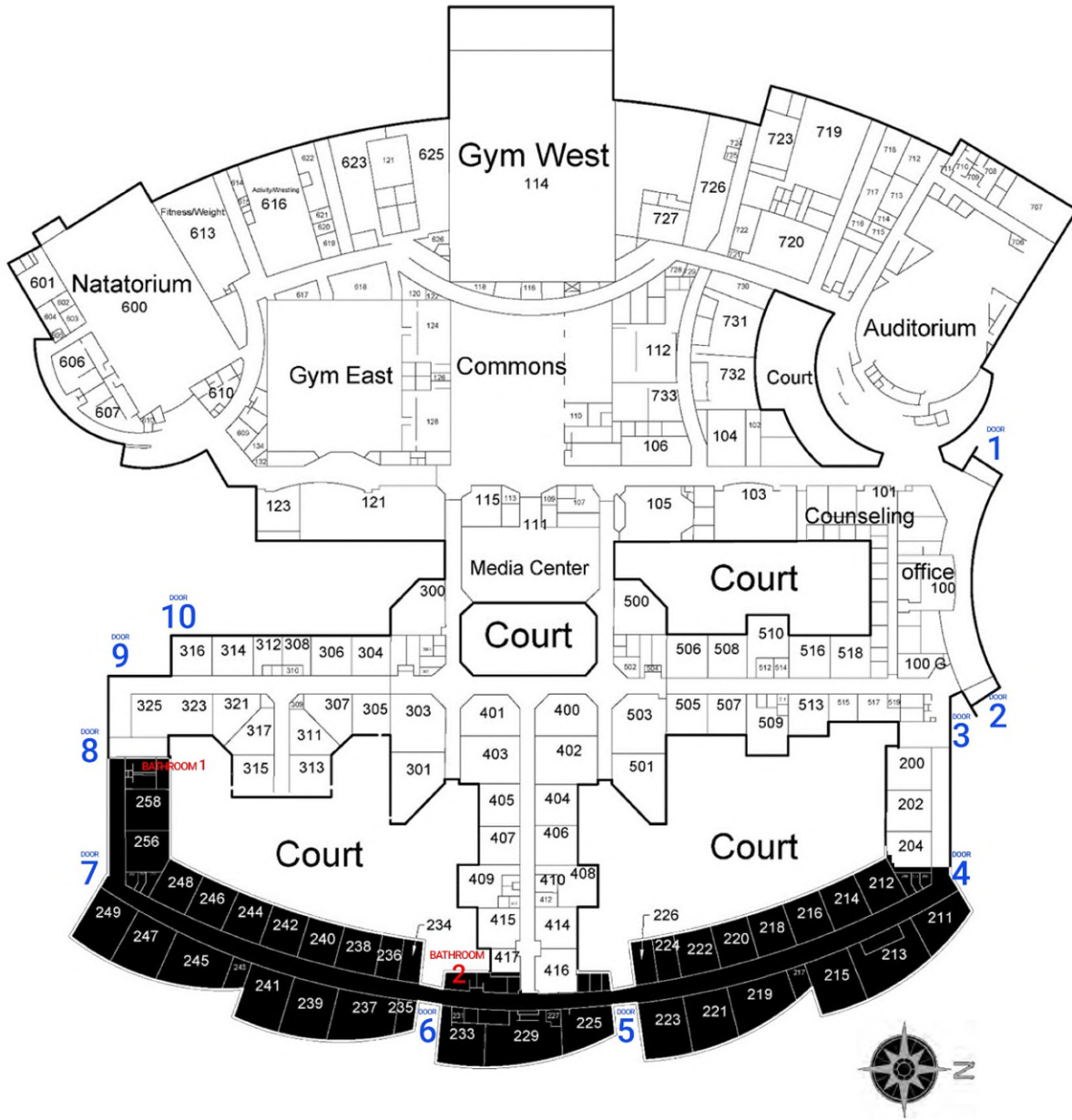
still at large with his gun. As Gibson-Marshall told Guidepost, she would never leave a student – one of her “babies,” as she refers to her students – alone in such a situation.

On November 30, 2021, during fourth hour, Gibson-Marshall supervised the cafeteria, identified on the map below as the “Commons.” The Commons is toward the center of the school building, in between Gym West and the Media Center. When the lunch period was over, Gibson-Marshall walked from the Commons down to the hallway that runs along the north side of the Media Center and an interior courtyard that is known as the “senior courtyard.”<sup>231</sup> At approximately 12:51 p.m., OHS cameras captured Gibson-Marshall walking east through this hallway. Gibson-Marshall stopped and stood by the “senior window” to supervise the flow of students through this area.<sup>232</sup> At the northeastern corner of the senior courtyard is a diamond-shaped hallway area bounded on the other three sides by Room 400, Room 503, and another small room (the “500 diamond”). At approximately 12:51:18 p.m., five seconds after the shooting began, Gibson-Marshall was standing in the 500 diamond.

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<sup>231</sup> July 28, 2023 Miller Hearing Tr. at 104 (Gibson-Marshall testimony).

<sup>232</sup> July 28, 2023 Miller Hearing Tr. at 104 (Gibson-Marshall testimony).



Gibson-Marshall told law enforcement that she heard several pops and was unsure what was happening. Video footage shows that at approximately 12:51:49 p.m., students began to run past Gibson-Marshall. She recalled that a student who she knew well ran by and yelled, “Get the hell out of here,” which caught her ear, but she still did not know what was happening.<sup>233</sup> Other students were behind this student, rushing through the

<sup>233</sup> July 28, 2023 Miller Hearing Tr. at 105 (Gibson-Marshall testimony).



hallway, and she asked them what was going on and they said they didn't know. At some point, a student told Gibson-Marshall that there was a shooting.

Gibson-Marshall testified that when all of the students ran by, she got on her two-way radio to tell others that many students were running in the hallway and to ask if anything was happening.<sup>234</sup> Almost immediately after she used the two-way radio, Gibson-Marshall heard Wolf's ALICE announcement, which was broadcast at approximately 12:52:33 p.m. Based on what she was seeing in the hallway and hearing on the PA system, Gibson-Marshall believed that "something was happening."<sup>235</sup> The hallway cleared and she was alone.

Video footage shows that Gibson-Marshall started to run toward the top of the 400 hallway (which is near the center of the school) at approximately 12:52:03 p.m. At approximately 12:52:16 p.m., Gibson-Marshall turned left into the 400 hallway, heading east. She testified that she walked east in the 400 hallway, checking rooms to be sure that students and teachers were locked inside them.<sup>236</sup> Gibson-Marshall recalled that the 400 hallway was generally clear of people by this time, with only one teacher coming out to lock his door and one student who was late asking if it was a drill before she got him into a room.<sup>237</sup>

When Gibson-Marshall was in the 400 hallway, she heard more gunshots, describing them in court testimony as sounding "like two pieces of lumber being smacked together." The sounds came from the 200 hallway, and she ran or walked in that direction. Video footage shows Gibson-Marshall moving east in the 400 hallway toward the 200 hallway at approximately 12:52:26 p.m. Gibson-Marshall recalled smelling what she described as a "cap gun."<sup>238</sup>

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<sup>234</sup> July 28, 2023 Miller Hearing Tr. at 106 (Gibson-Marshall testimony). Other OHS personnel who had two-way radios included Wolf, Nuss, the main office, and the counseling office, among others.

<sup>235</sup> July 28, 2023 Miller Hearing Tr. at 106 (Gibson-Marshall testimony).

<sup>236</sup> July 28, 2023 Miller Hearing Tr. at 109 (Gibson-Marshall testimony).

<sup>237</sup> July 28, 2023 Miller Hearing Tr. at 109 (Gibson-Marshall testimony).

<sup>238</sup> July 28, 2023 Miller Hearing Tr. at 110 (Gibson-Marshall testimony).

As noted above, at approximately 12:52:10 p.m., Tate Myre was shot for the first time; at approximately 12:52:12 p.m., Aiden Watson was shot. These two shots occurred just before Gibson-Marshall entered the 400 hallway at approximately 12:52:16 p.m. and may have been the two shots that she heard. As Gibson-Marshall continued down the 400 hallway, the Shooter shot Tate again, at approximately 12:52:20 p.m. The Shooter continued to walk northward in the 200 hallway, walking through the intersection of the 200 and the 400 hallways at approximately 12:52:24 p.m., a little more than a minute before Gibson-Marshall reaches that intersection.

At approximately 12:53:37 p.m., Gibson-Marshall turned left at the intersection of the 400 hallway and the 200 hallway, now heading north up the 200 hallway. In the meantime, the Shooter had already reached the northern apex of his walk in the 200 hallway and turned around; by approximately 12:53:40 p.m., he was walking back south in the 200 hallway, towards the spot where Tate Myre was on the ground. Gibson-Marshall testified that when she turned the corner of the 400 hallway and proceeded north in the 200 hallway, she could see a student far down the hallway, in the approximate area of Room 218.<sup>239</sup> Gibson-Marshall could see that this student – the Shooter – was wearing a hoodie and a face mask and carrying a gun.<sup>240</sup> When Gibson-Marshall first saw the Shooter far away in the 200 hallway, he was lowering his arm from a shoulder-height position.<sup>241</sup> Gibson-Marshall kept walking north in the 200 hallway, towards the Shooter, because she saw another student on the ground.<sup>242</sup>

As she moved through the 400 hallway and into the 200 hallway, Gibson-Marshall used her two-way radio to alert her colleagues. She recalled that as she came down the 400 hallway to turn left (north) into the 200 hallway, as described in the preceding paragraph, she used her two-way radio to report the cap gun smell and the noises she heard. Shortly

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<sup>239</sup> July 28, 2023 Miller Hearing Tr. at 111 (Gibson-Marshall testimony).

<sup>240</sup> July 28, 2023 Miller Hearing Tr. at 112 (Gibson-Marshall testimony).

<sup>241</sup> July 28, 2023 Miller Hearing Tr. at 112 (Gibson-Marshall testimony).

<sup>242</sup> July 28, 2023 Miller Hearing Tr. at 113 (Gibson-Marshall testimony).

thereafter, Gibson-Marshall paused her movement to report her sighting of the Shooter.<sup>243</sup> Nuss recalled hearing Gibson-Marshall's report about the smell of the cap gun; he remembered that she also said that she had a victim. At some point, Nuss responded to Gibson-Marshall by two-way radio, seeking more information about where she was, and she told him that she was in the 200 hallway by the 400 hallway.

At approximately 12:53:51 p.m., Gibson-Marshall was picked up on a different camera as she walked north up the 200 hallway, towards the spot where the student was on the ground near the Courtyard Door. Gibson-Marshall would eventually recognize this student as Tate Myre. In the video footage, the Shooter can be seen at a distance, approaching Gibson-Marshall and Tate.

The Shooter continued to walk toward Gibson-Marshall and Tate. When he got closer, Gibson-Marshall recognized the Shooter because he had been a student at Lakeville Elementary School when Gibson-Marshall served as the principal there. Gibson-Marshall told law enforcement that she saw a black handgun in the Shooter's hand and noted that his finger was on the gun's trigger. Gibson-Marshall testified that when she recognized the Shooter, she did not instantly think that he had been responsible for the shooting; she explained that she thought the Shooter might have picked the gun up from the ground at some point.<sup>244</sup>

At approximately 12:54:21 p.m., the Shooter walked past Gibson-Marshall and Tate, still heading south. Gibson-Marshall testified that as the Shooter walked past, she turned to walk with him for a second and asked him if he was okay and what was going on. The Shooter looked away from Gibson-Marshall and did not stop his slow walk down the 200 hallway. The video footage shows Gibson-Marshall staring at the Shooter as he passed her and then following him for a few steps before turning back to Tate. Gibson-Marshall testified that when the Shooter did not talk to her, "that's when I figured that something

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<sup>243</sup> July 28, 2023 Miller Hearing Tr. at 116-117 (Gibson-Marshall testimony).

<sup>244</sup> July 28, 2023 Miller Hearing Tr. at 113-114 (Gibson-Marshall testimony).

was really wrong because I feel like he would have told me what was going on.”<sup>245</sup> The Shooter continued walking and Gibson-Marshall lost sight of him, turning her back on him. When Gibson-Marshall returned to Tate, she started to take his pulse and check for vital signs and radioed for help.

In the meantime, since receiving Gibson-Marshall’s two-way radio report of her location, Nuss had been moving through the school hallways toward her, stopping to assist others along the way (as described in more detail below). At approximately 12:55:27 p.m., Nuss found Gibson-Marshall with Tate. The video footage shows that shortly thereafter, at approximately 12:55:35 p.m., Gibson-Marshall gestured southward down the long 200 hallway. Nuss helped to remove Tate’s backpack and position him on his back. As shown on the video footage, Gibson-Marshall began to administer CPR with mouth-to-mouth breaths to Tate. She talked to Tate as she tried to save him, telling him that she loved him and that she needed him to hang on.<sup>246</sup>

As Gibson-Marshall was providing aid to Tate, Potts approached them. Video footage shows that at approximately 12:56:37 p.m., Potts walked south down the long 200 hallway towards Gibson-Marshall and Tate, who can be seen at a distance from Potts in the same camera view. By approximately 12:57:03 p.m., Potts was standing near Gibson-Marshall, who was on the floor next to Tate providing first aid, and Nuss. The video footage shows that Gibson-Marshall and Potts spoke to each other. In this conversation, which is discussed in detail below in the section about Potts, Gibson-Marshall told Potts that the situation was not a drill. In her Guidepost interview, Gibson-Marshall recalled making a motion to indicate that the Shooter had gone south down the 200 hallway.

As noted above, Gibson-Marshall told law enforcement on the day of the shooting that as she was trying to help Tate, she heard additional gunfire behind her and she was afraid that she would be shot herself. Video footage shows that Gibson-Marshall had her back turned to the south end of the 200 hallway and the Second Bathroom, which is where

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<sup>245</sup> July 28, 2023 Miller Hearing Tr. at 114 (Gibson-Marshall testimony)

<sup>246</sup> July 28, 2023 Miller Hearing Tr. at 120 (Gibson-Marshall testimony).

Justin Shilling was shot. The video footage has no accompanying sound, but there is a moment at approximately 12:59:31 p.m., while Gibson-Marshall was rendering aid to Tate, when she suddenly looked southward in the direction of the Second Bathroom. Wolf had arrived in the area near Door 5 earlier and was standing near Gibson-Marshall at this point; the video footage shows him gesturing to her. Gibson-Marshall and Wolf may have been reacting to a gunshot at this moment. However, Gibson-Marshall told us that she did not hear the shot that killed Justin in the Second Bathroom. The video footage shows that Gibson-Marshall momentarily paused her first-aid efforts and backed into the alcove near the Courtyard Door. Wolf moved into the alcove by Door 5 and repeatedly looked southward down the long 200 hallway.

Despite her fear, Gibson-Marshall continued her first-aid efforts with Tate because no first responders had arrived yet to help.<sup>247</sup> She saw the Shooter walk into the long 200 hallway with his hands up. After Louwaert and Yens arrested the Shooter at approximately 1:00:30 p.m., Gibson-Marshall quickly ran over to tell them the Shooter's name and then returned to her efforts to save Tate.

Shortly thereafter, OCSO Deputy Freiberg, who had responded to the law enforcement dispatch, saw Gibson-Marshall assisting Tate as Freiberg moved south down the long 200 hallway. Gibson-Marshall told Freiberg that the Shooter had walked past her; accordingly, Freiberg continued south to look for the Shooter and saw that Louwaert and Yens had apprehended him. Freiberg returned to Gibson-Marshall to assist her with Tate, and OCSO Deputy MacDonald brought a first aid kit and an automated external defibrillator (AED) over to help. Ultimately, as recounted above, with no EMS to assist Tate, Freiberg, MacDonald, and two other OCSO officers carried Tate to MacDonald's patrol vehicle, where Tate died.

Again, we note that Guidepost was engaged to examine the District's knowledge and actions with respect to the Shooter and its immediate and long-term response to the

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<sup>247</sup> July 28, 2023 Miller Hearing Tr. at 119-120 (Gibson-Marshall testimony).

shooting. We were not hired to provide an accounting of the law enforcement and EMS responses to the shooting, except for the actions of the SRO.

**b. Kurt Nuss**

To the best of our knowledge, Assistant Principal Kurt Nuss was not interviewed by law enforcement in connection with the shooting, nor was he deposed in the civil lawsuits. Nuss met with Guidepost on February 17, 2023 for a joint interview with Gibson-Marshall that lasted for more than three hours. The narrative that follows is based on that interview, law enforcement interviews of other individuals who witnessed Nuss's actions on November 30, 2021, law enforcement records, 911 recordings, and video footage from OHS cameras.

Nuss was in his office with another OHS staff member when he learned that shots had been fired in the school. Nuss recalled that he grabbed his two-way radio and ran out of his office and into the 500 hallway. The OHS staff member recalled that Nuss yelled to get out of the building. Video footage shows that at approximately 12:52:14 p.m., Nuss ran out of his office, which is located in a hallway that runs along the back of the main office (the "back administrative hallway"), and ran east toward the 500 hallway.

At approximately 12:52:23 p.m., Nuss was walking south in the 500 hallway. He remembered seeing some teachers fleeing and other teachers using their Nightlocks® to secure their classrooms for a lockdown. Nuss heard Wolf make the first ALICE announcement; he recalled that Wolf said to implement ALICE and repeatedly stated that it was not a drill. Nuss also heard Gibson-Marshall say over the radio that she smelled a cap gun and that she had a victim. Some students ran up to Nuss and told him that they were locked out of their classroom, so he found a room and secured them.

At approximately 12:52:51 p.m., Nuss continued to walk south in the 500 hallway, with Potts now trailing behind him. Students were running by, and at approximately 12:52:57 p.m., Nuss stopped one of them and they talked briefly before Nuss continued to walk south, with Ejak and Potts joining up with him for about 20 seconds. Nuss headed toward the intersection of the 500 and 400 hallways, ultimately walking east down the 400

corridor. Video footage shows that at approximately 12:55:17 p.m., Nuss reached the eastern end of the 400 hallway and turned right (south) before heading north, presumably because he saw Gibson-Marshall.

Nuss remembered that at one point, he saw a student in the long 200 hallway and he locked this student in a science room for his safety. After the shooting, law enforcement interviewed a student who said that after using a bathroom near the cafeteria, he heard someone yell something about hearing gunshots. This student recalled walking through a courtyard and into the 200 hallway, and video footage confirms that he walked through the southern courtyard and entered the long 200 hallway through the courtyard door across from Door 6. At approximately 12:56:10 p.m., this student walked past the Second Bathroom, unaware that the Shooter was inside that room. This student remembered that when he re-entered the building from the courtyard, he saw a person on the ground getting first aid. This student said that he also saw his “principal” yelling at him and motioning for him to come over. The student said that his “principal” locked him into a chemistry lab. It appears as if this is the student that Nuss recalled locking into a science room. There is a chemistry lab in Room 229, which is at the middle of the long 200 hallway, just north of the Second Bathroom.

Nuss joined Gibson-Marshall and Tate Myre near the Courtyard Door at approximately 12:55:27 p.m., walking into the camera range from the south. He remembered that he helped Gibson-Marshall move Tate to put him in a better position to receive first aid. At approximately 12:56:00 p.m., Nuss briefly walked south in the 200 hallway before returning to Gibson-Marshall and Tate at approximately 12:56:27 p.m. Based on the time of these actions, it appears as if Nuss walked south to help secure the student in the chemistry lab, as described above.

The video footage shows that after Nuss walked back to the areas near the Courtyard Door, he moved back and forth between Gibson-Marshall and Tate and Door 5, while talking on his two-way radio. Nuss recalled that he was radioing for help, pleading for medical assistance at Door 5. At approximately 12:57:56 p.m., Nuss unlocked Door 5; he remembered that he saw police cars driving by (on North Oxford Road) and going to

the front of the school. Nuss continued to communicate over the radio with Melissa Williams, who was in the front office, telling her to direct the first responders to Door 5. At approximately 12:58:26 p.m., Wolf arrived in the area where Nuss, Gibson-Marshall, and Tate were and he joined Nuss in trying to get first responders to come to Door 5. Wolf's actions on November 30 are discussed in more detail below.

As set forth below in the discussion of Williams's conversations with 911, the recordings of Williams's 911 calls establish that Nuss and Wolf repeatedly asked Williams to tell medical first responders that they had a victim with a serious injury by Door 5 who needed medical assistance. Those recordings also confirm that Williams relayed this information to 911, and 911 operators assured Williams that they were relaying the requests to the first responders on the scene.

Nuss recalled that at some point, he also talked to Pam Fine on the radio and learned that she was trying to get the police to go to Door 5 (as recounted below in the discussion of Fine's actions on November 30). He also remembered that at one point, Deputy Superintendent Ken Weaver was at the end of the school building (by Door 4, as set forth below), waving for the police to go to Nuss at Door 5.

Nuss recalled that at some point after law enforcement entered the school, OCSO Deputy Freiberg began to help Gibson-Marshall with Tate. He remembered Freiberg screaming "Where is EMS!" As recounted above, Frieberg and several other deputies carried Tate to a police car to take him for medical treatment because no medical assistance had arrived to treat Tate inside the school. Again, we note that our focus is on the actions of the District, the school, and the SRO, and not on the response by other law enforcement or EMS. We cannot explain why medical first responders never answered Nuss's pleas for help.

After the Shooter was apprehended, Nuss walked south in the long 200 hallway and looked west from Door 7 into the short south 200 hallway where the shooting started. He described the scene he saw there as carnage. Nuss saw Potts and Weaver providing first aid to wounded students. Nuss then unlocked Door 7 for the first responders.



At one point, Nuss received a text from the father of Molly Darnell, the teacher who had been shot in Room 224 and Nuss ran to Darnell's room. As described above, although Darnell knew Nuss, she was apprehensive about opening her door. OCSO deputies opened Darnell's door and assisted her.

Like Gibson-Marshall, Nuss prioritized the safety of OHS students above his own well-being on November 30. He ran out of his office when the Shooter was roaming the hallways, gun in hand, and came very close to encountering the Shooter in the long 200 hallway. After Nuss found Gibson-Marshall and Tate, he worked tirelessly to try to get law enforcement and medical personnel to Door 5 to help Tate, repeatedly calling on his two-way radio for assistance and running in and out of Door 5 to try to wave first responders down. Like Gibson-Marshall, Nuss acted with courage and composure on November 30.

**c. Steve Wolf**

Principal Steve Wolf was deposed in connection with the civil lawsuits and he also met with Guidepost. The account that follows is based on his deposition, his interview, his statements, law enforcement interviews of other individuals who witnessed Wolf's actions on November 30, 2021, law enforcement records, 911 recordings, and video footage from OHS cameras.

After making the first ALICE announcement at approximately 12:52:33 p.m., Wolf called the District phone line, which rings all of the telephones in the central District office until the call is answered. Deputy Superintendent Ken Weaver answered the phone and Wolf told him about the report of gunshots in the school. Weaver recalled that he told Wolf to stay in lockdown and follow procedures. After speaking to Weaver, Wolf went out to the main area of the front office and told Melissa Williams, his administrative assistant, to call 911 and stay on the phone with the 911 operator.

Video footage of the front office shows staff members beginning to react to the shooting at approximately 12:52:05 p.m., prior to Wolf's ALICE announcement. One staff member installed the Nightlocks® in the two doors at the east and west ends of the front office

lobby area. Wolf checked to make sure that other staff members in the front office were following the emergency protocol. For example, two front office employees were responsible for securing emergency carts of student records (“Go Student” information) and transporting those carts out of the office. Other employees were responsible for ensuring that various areas in the front office were secured. Wolf walked around the front office and the counseling office to confirm that those areas were secure and that individuals who were supposed to evacuate had safely left. Wolf recalled that as he walked around, he was trying to gather information from the front office administrative assistants about what they were hearing about what was happening. Video footage also shows Wolf looking out the windows in the front office at the nearby hallways.

Williams called 911 from the school phone but the line to 911 was not even ringing, likely because the 911 system was getting numerous calls about the situation that was unfolding at the school. Williams then used her cellphone to call 911 and she was connected to a 911 operator at the Lapeer substation of the OCSO (“Lapeer 911”). Williams stayed on the line with the Lapeer 911 operator until her call was transferred to Oakland County 911 Dispatch. Williams’s interactions with 911 and her radio communications with OHS administrators and staff are described in more detail below.

After Wolf confirmed that the front office was locked down and secured, he decided to leave the front office to investigate what was happening and to help. He told the front office staff to lock the door behind him, working with Mark Suckley, the director of OHS’s early college program, to secure the front office. Williams recalled that at some point after Wolf left, while Williams was on the phone with 911, Suckley told her that he had secured the front office’s perimeter doors with Nightlocks®.

Video footage shows Wolf in the front atrium of the school (outside the main office) at approximately 12:56:45 p.m. He briefly re-entered the front office at approximately 12:57:00 p.m. Ultimately, Wolf went to the location that he thought the shooting had occurred. Video footage shows Wolf moving east through the short north 200 hallway at approximately 12:57:45 p.m. As set forth above, Gibson-Marshall had made several radio communications about finding a victim (Tate Myre) and the area where they were. By

approximately 12:58:26 p.m., Wolf was walking south in the long 200 hallway, where he eventually encountered Gibson-Marshall near the Courtyard Door and Door 5 as she was providing CPR with mouth-to-mouth breaths to Tate. Wolf testified that he remained in this area making sure that Gibson-Marshall had what she needed to help Tate.

Wolf recalled that Nuss was in the area of the Courtyard Door and Door 5 as well. Wolf and Nuss used their two-way radios to relay to the front office – specifically, Williams – that they needed help for Tate:

Mr. Nuss I had noticed was right around the exterior door, Number 5. We had those numbers based on our safety protocols, and with my walkie-talkie was trying to relay information back to the front office that we do have a student, please, please send ambulance and EMS to Door 5. At that time I was beginning to understand that they were on the phone with the police. . . .

So upon arriving at the scene and interacting with Ms. Gibson-Marshall and checking on her and Mr. Nuss, we were relaying information back to Melissa and I believe a few others who were trying to communicate with police. And we were screaming and yelling to please send EMS to Door 5. Continued to check on Ms. Gibson-Marshall who was working on the student. She was good. At some point was directing Mr. Nuss to run out into the road if he needed to stop the ambulance and the EMS, because we were beginning to see them drive by, and we can hear them passing Door 5 to which we were communicating through our walkies to Melissa, who I assume was communicating that with police.

The video footage shows that Wolf and Nuss remained close to Door 5 and Gibson-Marshall and Tate. Like Nuss, Wolf walked in and out of the school through Door 5, with his radio in hand, trying to get first responders to come to that location.

As set forth below, the recordings of Williams's calls with 911 confirm Wolf's recollection that he and Nuss repeatedly asked Williams to tell medical first responders that they had a victim with a serious injury by Door 5 who needed medical assistance. Those recordings confirm that Williams relayed this information to 911, and 911 operators assured Williams that they were relaying the requests to the first responders on the scene. Wolf told Guidepost that during this time frame, his frustration was growing because there was nobody there to help them. He recalled getting angry watching police and EMS

vehicles drive by the building. These vehicles were speeding by on North Oxford Road, which runs along the east side of OHS parallel to the long 200 hallway and is visible from Door 5.

Again, we note that Guidepost was not hired to evaluate the response by law enforcement and EMS to the shooting, except for the SRO, and we do not do so here. We do not know why first responders arriving at OHS did not respond to requests by Wolf and Nuss to provide assistance at Door 5. We note that the recollections of Wolf and Nuss are consistent with respect to their repeated appeals for help at Door 5, and the 911 recordings confirm their accounts. In addition, the post-shooting reports written by OCSO Deputies Frieberg and MacDonald confirm that after the Shooter was apprehended, no emergency medical service personnel ever provided any medical assistance to Tate Myre while he remained in the school building.

As set forth above, the video footage shows that at approximately 12:59:31 p.m., as Wolf and Gibson-Marshall were near the Courtyard Door with Tate, they appeared to react to something south of them in the long 200 hallway. Wolf then gestured at Gibson-Marshall to move out of the wide part of the hallway and into the Courtyard Door alcove. Wolf backed into the alcove by Door 5 and repeatedly looked southward down the corridor. At approximately 12:59:55 p.m., Wolf waved his arms over his head; based on the timing of this action, it appears as if Wolf saw Louwaert and Yens walking north in the long 200 hallway and was motioning for them to come to him, Gibson-Marshall, and Tate.

At approximately 1:00:07 p.m., the Shooter emerged from the Second Bathroom. Wolf observed him walk out into the hallway; this was the first time he saw the Shooter that day. Wolf saw Louwaert and Yens apprehend the Shooter moments after he exited the Second Bathroom.

Wolf remembered that at some point, Deputy Superintendent Ken Weaver arrived at the area near the Courtyard Door and Door 5. He testified that he and the other administrators tried to give Weaver as much information as they had at that time. Wolf recalled being very concerned as he and the others remained in the long 200 hallway that

a shooter or multiple shooters could be nearby and that there was “a lot of fear and panic” as they tried to focus on the students and the fraught situation.

Wolf recalled that after the Shooter was apprehended, additional first responders entered the building. As noted above, OCSO Deputy Freiberg was the first incoming officer to help Gibson-Marshall with Tate, with OCSO Deputy MacDonald subsequently joining Freiberg. No medical first responders ever came to assist Tate while he remained in the building.

After the Shooter was apprehended, Wolf walked south down the long 200 hallway, with Weaver walking in front of him. Wolf told us that he was thinking “who else?,” referring to other students who might have been shot. When Wolf turned right from the long 200 hallway into the short south 200 hallway, he saw Weaver and Potts helping other students who had been shot. Wolf saw that these students were being cared for, so he continued further in the short south 200 hallway. Wolf continued walking around the school, looking for locked-down classrooms and any additional injured students.

Wolf eventually returned to the area outside the front office, where he encountered a police officer. Wolf remembered telling the officer that he needed to get back into the office to make another announcement to provide more information to everyone in the school, pursuant to the ALICE protocol. Wolf testified that the officer told him that he would not allow Wolf to make such an announcement and that the school building was now under law enforcement control. The officer took Wolf’s front office key and let Wolf into the front office, where Wolf provided the officer with additional keys and more information about the school. Because Wolf was prevented from making further ALICE announcements, locked-down students, teachers, and staff continued to be in the dark about what was happening at their school.

Wolf told Guidepost that he was proud of how OHS students and staff responded to the shooting on November 30. He believes that because the students and staff acted as they were trained to act in such an emergency, additional loss of life and injuries were saved. In our view, Wolf’s quick and instinctive response to the initial report of shots fired in the

school also saved lives and prevented more injuries that day. The evidence indicates that Wolf did *not* delay in responding decisively to the report of gunshots and locking the school down pursuant to the ALICE protocol. After ensuring that front office staff were safe and fulfilling their lockdown responsibilities, Wolf left the front office and ran to find and help Gibson-Marshall. Like other OHS administrators and staff, Wolf displayed both poise and bravery on November 30.

**d. Melissa Williams**

As noted above, Melissa Williams, Wolf's administrative assistant, called 911 shortly after the first ALICE announcement. Based on the length of the 911 recordings, Williams was on the phone with 911 operators for almost 40 minutes on November 30, with the first call connecting at some point between 12:56:09 p.m. and 12:56:13 p.m.

Williams first spoke to a Lapeer County 911 operator for just over two minutes before an Oakland County 911 operator took over the call. In her call with the Lapeer 911 operator, Williams stated that there was a shooting at OHS and repeated several times that there was a victim with a serious injury outside of Door 5. She is referring to Tate Myre. As noted above, Gibson-Marshall had communicated earlier that there was a wounded student near the Courtyard Door and Door 5. Williams also told the Lapeer County 911 operator that she "did not have eyes" on the Shooter yet.

The Lapeer County 911 operator transferred Williams to an Oakland County 911 operator sometime between 12:59:19 and 12:59:23 p.m. At the beginning of the conversation, Williams stated that EMS had arrived at the school and she repeated that there was a person with a serious injury by Door 5 ("tell them Door 5"). Williams also stated that from her locked-down position in the front office, she could see law enforcement officers running. Williams assumed that they were running to Door 5.

About two-and-a-half minutes into this call, the Oakland County 911 operator asked Williams if there were any cameras that could be used to look for the Shooter. Williams responded, "Everyone who has camera access is outside." She added that the security guard was not there and that she did not know how to check the cameras herself. On the

recording, Williams can be heard saying that 911 wants them to check the cameras. Williams told us that she put out a call on her walkie talkie for help with the cameras, and this part of the recording appears to be that request from Williams to her colleagues. Pam Fine responded to Williams's request, saying that she knew how to work the cameras and that she was on her way.

The recording then captured a broadcast on Williams's walkie talkie that said that medical assistance was needed by Door 5. Williams told the Oakland County 911 operator, "We are still waiting for medical on Door 5. We have sheriffs and no medical." The Oakland County 911 operator told Williams that law enforcement was checking the perimeter of the school for the Shooter ("Ok, they're staging right now. They're checking the perimeter for the shooter."). Williams relayed this information to her colleagues. After some additional exchanges with the 911 operator, Williams radioed Nuss to get an update on the victim at Door 5. Nuss responded that there were multiple victims and asked Williams to "[t]ell them to come to Door 5 and 7." Williams relayed that information to the Oakland County 911 operator, who repeated the information back to her.

At around this point, it appears as if Fine entered the front office. Williams can be heard on the 911 recording telling someone that "911 wants to see cameras." After answering an internal call from a teacher who appeared to be asking what to do, Williams can be heard on the 911 recording talking about the need to do another announcement to the school: "I think we need to do another overhead. Just tell them if they're already locked, remain locked down. Remain where they are because we don't have eyes on them." Fine then used the PA system to make a second ALICE announcement at approximately 1:05:47 p.m.: "Remain in the classroom in lockdown. Remain in your classroom in lockdown." Like the first ALICE announcement, this second announcement did not include any details about the Shooter's location or appearance because nobody had accessed the school camera system yet.

Williams then informed the Oakland County 911 operator that CPR was being performed on the student with the serious injury by Door 5. She told the 911 operator that Gibson-Marshall was providing this first aid and that two OCSO deputies were there too. No

medical personnel had arrived yet to help Tate Myre. At approximately this point in the recording, Williams received texts from her son, an OHS junior who was locked down in Room 238.

Approximately seven minutes into the call with the Oakland County 911 operator, Williams says that they are checking the cameras. Fine recalled that she and Williams went to Fine's office, where Fine accessed the camera system on her desktop computer. Fine recalled that the first camera she selected was the camera that showed the short south 200 hallway where the shooting had begun. When Fine selected this camera, it displayed the real-time view of that hallway, which was an image of Hana St. Juliana, Kylie Ossege, and Madisyn Baldwin wounded in an otherwise-empty corridor. Fine rewound the camera footage to the point where the Shooter emerged from the First Bathroom and paused the recording. Williams then told the Oakland County 911 operator that they had found the recording of the Shooter and Fine can be heard on the recording describing the Shooter's clothing. The 911 operator asked if they could tell what kind of gun the Shooter had, and Williams responded that it looked like a 9mm.

The Oakland County 911 operator instructed Williams and Fine to follow the Shooter on the camera footage as he moved through the school hallways. The Shooter surrendered before Fine and Williams had found his last known location on the footage, but Fine and Williams continued to look through the recorded footage to try to confirm that the person who had been taken into custody was the same person that they had seen on the cameras shooting students and a teacher in the hallways.

The 911 recordings document the numerous times that Williams asked the 911 operators to tell first responders that medical help was needed by Door 5 for Tate Myre. Williams made these repeated requests because Nuss and Wolf were telling her over the school two-way radios that they needed medical care for a victim who was seriously injured by Door 5, as recounted above.

Williams acted with exceptional composure on November 30, working diligently to direct aid where needed at the school even as she worried about the safety of her own son,



who was an OHS student. During her conversations with 911 operators, Williams remained calm and focused on the crucial task at hand – answering questions accurately so that first responders had the information they needed to help OHS students and staff. Williams listened carefully to the operators’ questions and provided as much information as she could in the middle of a rapidly-evolving emergency involving an active shooter roaming around the school. When she did not know the answer to a question, Williams used her school radio to communicate with colleagues who were in the hallways. She spoke to 911 operators on her cellphone in one hand while talking to OHS administrators and staff on her radio in her other hand, which allowed information to flow freely among those key constituents. The recordings establish that Williams was unflustered as she juggled different conversations, even when recounting information about traumatic injuries to children. Like several other key OHS individuals, Williams prioritized the safety of OHS students on November 30.

**e. Kim Potts**

We described certain actions of Kim Potts, OHS’s armed student monitor, in the discussion of Justin Shilling’s murder and Keegan Gregory’s escape from the Shooter. In this section, we describe Potts’s movements and actions before and after her approach to the door of the Second Bathroom, as well as her statements about those actions. We also address key questions that have emerged about Potts’s actions during the shooting.

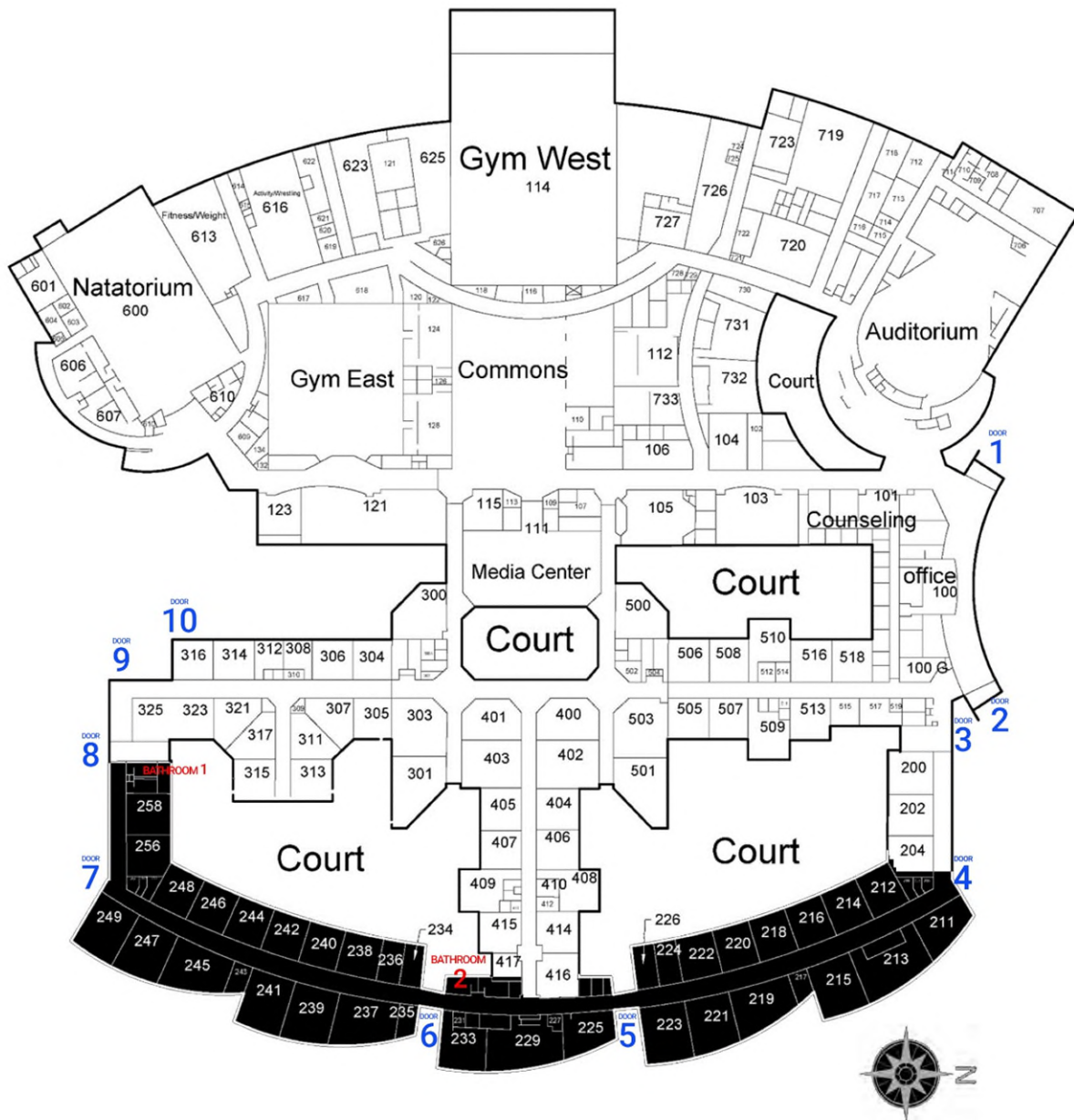
As set forth in the discussion above of the school’s personnel and structure, Potts worked as an OCSO deputy for 28 years, and had even worked as an SRO during her career. Potts was hired to be a part-time student monitor at OHS, and as such, she was not formally designated as a member of the security staff. However, Potts often performed duties related to student safety, such as monitoring the girls’ bathrooms and searching female students’ belongings for prohibited items. Potts also had the external trappings of a security guard, the most significant being the firearm she carried at the school. Potts had a license to carry a concealed pistol and permission from the District to carry it at OHS, which she did. Potts also wore a vest that indicated she was armed, along with a

body camera. Accordingly, while Potts may not have been formally designated as a security officer at OHS, she often acted as one.

Potts has described her actions on November 30 several times. First, she was interviewed by law enforcement at OHS on November 30, 2021, in the aftermath of the shooting. Next, Potts spoke to the OCSO in a video-recorded interview on December 16, 2021, in a meeting that was meant to clarify her actions on November 30. Finally, Potts was deposed under oath in connection with the civil lawsuits on January 25, 2023; she was named as a defendant in some of those cases. In these different settings, Potts recounted her memory of her actions and thoughts on November 30, 2021. Sometimes, Potts's descriptions of certain events changed, and at times, her statements appear to be contradictory. Because Potts played such an important role as the shooting unfolded, we wanted to speak with her to probe any inconsistencies in her statements and to fully explore her memory of November 30, but she refused our interview request.

We recognize that Potts's first statements to law enforcement were made just three hours and 20 minutes (approximately) after the shooting, at a time when she had just comforted a dying student in her arms, provided first aid to other wounded school children, and walked down hallways when an active shooter was still at large. Potts had just lived through a traumatizing experience when she first spoke to law enforcement to provide them with her recollection of what happened. Under the circumstances, it is understandable that when first speaking to law enforcement, Potts may have inaccurately remembered or described certain actions that she took that day; it is also possible that law enforcement officers misunderstood what Potts was saying. Potts may have repeated those same inaccuracies and inconsistencies at her later OCSO interview and her deposition.

We now turn to Potts's actions on November 30. The narrative that follows is drawn from Potts's two statements to law enforcement, her deposition and the depositions of other OHS personnel, video footage from OHS cameras, law enforcement interviews of other individuals who witnessed her actions on November 30, 2021, law enforcement records, and our own witness interviews.



Potts first told law enforcement that at approximately 12:50 p.m., she was in the security office, turning in her equipment and preparing to leave work. Video footage from OHS confirms Potts’s recollection on this point. From at least approximately 12:48:20 p.m. until approximately 12:50:45 p.m., Potts was in the main office. At approximately 12:50:51 p.m., Potts crossed the back administrative hallway and she reappeared in this hallway at approximately 12:52:18 p.m. This is consistent with her first statement to law enforcement that she was preparing to go home at approximately 12:50 p.m., as the

security office is directly behind the main office. Accordingly, it appears as if Potts was in the security office between approximately 12:50:52 p.m. and 12:52:18 p.m., consistent with her statements.

Potts stated in her first law enforcement interview that when she was in the security office, she heard someone yell that shots had been fired; in her later OCSO interview, she said that someone said that kids had heard gunshots. Potts first told law enforcement that she grabbed her body camera and radio before running out of the office and ran with Gibson-Marshall out of the office and down the 500 hallway. Potts first told law enforcement that she and Gibson-Marshall turned into the 400 hallway and continued down this hallway to its intersection with the 200 hallway. Potts's statement to the OCSO weeks later was slightly different; she said twice that she followed both Gibson-Marshall and Nuss to the 500 hallway, and that she later walked down the 400 hallway alone. During her OCSO interview, Potts marked her movements though the school hallways on a map of OHS.

At her deposition in January 2023, Potts provided more details about her memories of these minutes. Potts stated that someone said that some students had heard gunshots, and Potts then "started watching" Gibson-Marshall and Nuss heading towards the hallway. Potts said that she made a right-hand turn (out of the back administrative hallway into the 500 hallway) and followed Gibson-Marshall and Nuss east into the 500 hallway. She stated that Nuss was in the lead, followed by Gibson-Marshall and then Potts. Potts testified that she paused at this point because she saw several students in the northern end of the 500 hallway – two girls who had just exited the bathroom near the corner of the 500 and 200 hallways and a boy who came out of a room into the 500 hallway. Potts said that she locked the boy in Room 514 to keep him safe and she told the girls to either lockdown or run out of the building. Potts said that after she assisted these students, she no longer saw Nuss or Gibson-Marshall in the 500 hallway. Accordingly, she decided to continue south in the 500 hallway to the 400 hallway, where she turned left and headed east until she eventually encountered Gibson-Marshall assisting a wounded student.

However, video footage shows that Potts's first and second statements to law enforcement and at her deposition about her movements are inaccurate in many

respects. The video footage shows that Potts was in Nuss's vicinity for less than a minute after the front office was alerted to the shooting, and not with Gibson-Marshall at all in this early time frame. In addition, the video footage shows that Potts's path through the hallways was different than the path she described in her law enforcement interviews and her deposition.

From approximately 12:52:18 p.m., five seconds after the shooting began, until approximately 12:52:41 p.m., Potts was still in the front administrative office area – she can be seen on the footage from the camera in the back administrative hallway walking east alone in that hallway toward the 500 hallway. Nuss and Gibson-Marshall do not appear on the video footage with Potts at this point. In fact, video footage shows that Gibson-Marshall was heading east in the 400 hallway at this point and was nowhere near Potts, as described above in the section detailing Gibson-Marshall's movements.

Video footage shows that at approximately 12:52:46 p.m., Potts was in the 500 hallway, standing next to Fine; she began walking south in that hallway a second later, heading toward Nuss and Ejak, who were standing in that corridor. Nuss began walking south, with Potts trailing behind him, and both of them disappeared from the camera view in this area at approximately 12:53:05 p.m. Shortly thereafter, at approximately 12:53:10 p.m., a different camera picked up Nuss, Ejak, and Potts walking south down the 500 hallway.

Nuss and Potts walked south into the 500 diamond at approximately 12:53:20 p.m. At this point, Nuss continued south, heading toward the intersection of the 500 and 400 hallways, while Potts remained in the 500 diamond. She stayed in and around the general area of the 500 diamond, venturing short distances to the west, back to the east, and then slightly south in the 500 hallway from approximately 12:53:21 until approximately 12:53:53 p.m. By approximately 12:53:53, Potts was walking north in the 500 diamond into the 500 hallway, waving her arms at students. At approximately 12:53:56 p.m., Potts can be seen in the 500 hallway waving at two students, seemingly directing them to get out; the two students fled north as Potts continued in that direction as well. This is consistent with Potts's statement to law enforcement (above) that she told two girls to

either lockdown or run out of the building. She continued north at approximately 12:54:13 p.m.

After stopping to speak to a student at approximately 12:54:24 p.m., Potts continued to walk north in the 500 hallway, helping another student take shelter in a room at approximately 12:54:42 p.m. This appears to be the event she described in her deposition, when she locked a boy in Room 514. Potts eventually turned right (east) at the corner at the intersection of the 500 and 200 hallways sometime at approximately 12:55:33 p.m. and then proceeded eastward.

We pause here to note that the timestamps on the video footage described in the preceding paragraphs do not correspond with the sequence of events described by Potts in her first statement to law enforcement and in her deposition. In Potts's telling, she was right behind Gibson-Marshall and Nuss as they ran out of the office and into the 500 hallway. However, the video footage shows Potts alone – and walking – in the front office area before she caught up to Nuss in the 500 hallway. And as noted above and in the discussion of Gibson-Marshall's actions, Gibson-Marshall was not in or near the front office when the shooting began, contrary to Potts's recollection.

In addition, the video footage shows that Potts did not walk down the 500 hallway and turn left into the 400 hallway, as she stated in her law enforcement interviews and her deposition. As noted above, Potts primarily walked south and north in the 500 hallway, with brief trips east and west in the area of the 500 diamond. By approximately 12:53:53 p.m., Potts had turned around in the 500 hallway and was walking back north. By approximately 12:55:33 p.m., Potts had turned rounded the corner where the 500 hallway meets the northernmost segment of the 200 hallway. She continued alone east in this short, northern segment of the 200 hallway at approximately 12:55:34 p.m., and approached the northern curve of the 200 hallway near Door 4 at approximately 12:55:38 p.m. To the best of our knowledge, Potts was never in the 400 hallway at any point in her above-described path.

Video footage shows that by approximately 12:56:01 p.m., Potts was alone at the northernmost part of the 200 hallway, near Door 4. At this time, Potts paused and looked into Room 211, which is at the northernmost end of the long 200 hallway. Potts then continued to walk south alone down the 200 hallway. Video footage shows that at approximately 12:56:37 p.m., Potts was walking south down the long 200 hallway towards Gibson-Marshall and Tate Myre, who can be seen at a distance from Potts in the same camera view. By approximately 12:57:03 p.m., Potts was standing near Gibson-Marshall, who was on the floor next to Tate providing first aid, and Nuss.

Contrary to Potts's first statement to law enforcement and her deposition testimony, it appears as if this is the first time that Potts encountered Gibson-Marshall since the shooting began – more than five-and-a-half minutes after the shooting started. The video footage shows that Potts stayed near Gibson-Marshall and Tate until approximately 12:57:40 p.m., talking to Gibson-Marshall. Potts told law enforcement that she observed that Tate was seriously injured. As she spoke to Gibson-Marshall, Potts drew her gun from its holster.

We pause here to address another key question about Potts and her actions that day – did Potts believe that the events that occurred on November 30 at OHS were a drill or a real active-shooter situation? Based on the available evidence, it appears that up until Potts saw Gibson-Marshall tending to Tate at approximately 12:57:03 p.m., she thought that the events unfolding in the school were a drill.

Potts's own statements are somewhat inconsistent on this point. We begin with Potts's own statements to the OCSO in December 2021. In her recorded OCSO interview, Potts said she initially thought that it was an actual active-shooter situation:

I could hear somebody say, somebody, “kids heard, uhm, gunshots.” . . . Like, nobody was really rushing. So, I'm like, and then I was walking out, so I said I'm – I'm thinking it's the real thing or whatever, I – I put my camera back on, put my radio back on.

Potts later told the OCSO that when she walked out of the office behind Nuss and Gibson-Marshall, “I'm like, what's going on, and Gibson-Marshall turned around and says, ‘ALICE

drill, *drill.*' . . . She says drill.” However, as detailed above in the discussion of Gibson-Marshall’s movements on November 30, Gibson-Marshall was in a hallway close to the 500 diamond and was nowhere near Potts. Potts’s recollection of this supposed conversation with Gibson-Marshall therefore does not appear to be accurate.

Potts also told the OCSO that at around the same time, she could hear someone talking on the “speaker,” referring to the PA system, but “it was cut out.” She said that she heard the person on the speaker say “drill” but acknowledged that the person may have said, “not a drill.” It appears as if Potts was referring to Steve Wolf’s ALICE announcement, which occurred at approximately 12:52:33 p.m. At this time, the video footage shows that Potts was still in the back administrative hallway. Again, this casts doubt on Potts’s assertion that Gibson-Marshall told her at this point that it was a drill.

In her deposition testimony, Potts told a similar, somewhat disjointed and seemingly incorrect account about asking Gibson-Marshall what was happening:

A: I continued down that hallway [the 500 hallway] following Mr. Nuss. Mr. Nuss was in the lead and Marshall, Gibson-Marshall was the one I was following and I asked, asked her what's going on and – because it wasn't clear to me what was going on because you could barely hear the intercom. It was crackling. . . .

Q: So you knew at this point it was a lockdown drill?

A: When they said, when they said -- I heard ALICE drill. . . .

A: . . . [W]hen she told me as I exited the hallway, it's an ALICE drill and I heard it on the monitor, on the PA system and it crackled so most people would, not most people. I'm going to say I was waiting for more information.

According to Potts, the first time she learned that OHS was experiencing a real active shooter situation was when she encountered Gibson-Marshall and Tate Myre in the hallway by the Courtyard Door. In her OCSO interview, Potts described the conversation that she had with Gibson-Marshall when she came upon Gibson-Marshall providing first aid to Tate. According to Potts, as she approached the two, Gibson-Marshall was trying



to talk to Tate. Potts told the OCSO, "I'm thinking it's a drill. . . . I say, 'Hey, that's good makeup.' Gibson-Marshall looks at me and says, 'It's not a drill!'"

Similarly, in her deposition, Potts testified:

[A]s I got closer to the, to the young man, I could hear Gibson-Marshall saying "You can't go out like this Tate, you can't go out like this" and I'm, then I'm standing there. I'm like gosh, "He's got good makeup on." And then she turned to me and said "It's not makeup. It's not makeup. It's a shooter."

. . .

[A]nd she was talking to him and I stood there. I mentioned the makeup and she said "It's not makeup. This is not a drill."

Gibson-Marshall's recollection of the conversation she had with Potts by the Courtyard Door is generally consistent with Potts's account. In our interview with Gibson-Marshall, she said that when Potts approached her and Tate in the hallway at this time, Potts told her that she had to get out of the hallway and it was a drill. Gibson-Marshall recalled that she said something like "this is not a fucking drill" in response, which caused Potts to draw her gun from its holster.

Unsurprisingly, Gibson-Marshall has not made any statements in any forum to support Potts's assertion (as stated to the OCSO) that Gibson-Marshall told Potts earlier, in the 500 hallway in the first minutes after the shooting, that the situation was a drill. As set forth in detail above, the video footage shows that contrary to Potts's statements, Gibson-Marshall was nowhere near Potts at the time the shooting began, nor was she in the 500 hallway with Potts in the first minutes after word of the shooting spread throughout the school, nor was she moving through the 500 and 400 hallways with Potts. Gibson-Marshall could not have told Potts any information about the unfolding situation before approximately 12:57:03, which was the first time the two encountered each other since the shooting began.

In addition, the video footage of Potts moving through the 500 and the northern segment of the 200 hallway suggests that she thought that it was a drill and not a real active shooter situation. The cameras captured Potts walking – not running – through the hallways. She

did not move with any urgency until she saw OCSO deputies entering the school through Door 7, as described below.

We pause to note that once again, the video footage contradicts Potts's recollection of events during her deposition. In her deposition testimony, Potts stated that she had been moving quickly through the hallways even before she met up with Gibson-Marshall and found out it was not a drill: "At that point [when she encountered Gibson-Marshall and Tate] – I was going at speed that I would normally go for training, training and real are the same. I was going at a high speed . . . ." She further testified that after Gibson-Marshall told her that it was not a drill, "I pulled out my gun and headed in that direction at pretty much a pretty good sprint or pretty fast . . . ." In fact, the video footage shows that Potts did not begin running until more than twenty seconds after she walked away from the Second Bathroom, as described below.

Based on the evidence set forth above, Potts initially believed that the shooting was only a drill and not an actual active shooter situation. It appears that she only realized the truth when Gibson-Marshall emphatically told her that it was not a drill, at or around approximately 12:57:03 p.m.

Resuming the chronological account of Potts's actions on November 30, Potts stated in her OCSO interview and her deposition that after Gibson-Marshall told her that it was not a drill, Potts asked her where the Shooter was. Specifically, in her interview with the OCSO, Potts said: "And I'm like, 'Do you know where the shooter is?' She can't give me nothing. So I just go down this way [drawing on map]." Potts's implication in these statements is that she had to decide on her own where to go next because Gibson-Marshall was unable to tell her the direction where the Shooter went.

In her deposition, Potts initially stated unequivocally that Gibson-Marshall had pointed south in response to Potts's question about where the Shooter had gone. However, later in the deposition, Potts stated (as she had asserted in her OCSO interview) that Gibson-Marshall had been unable to tell her which way the Shooter went, leaving it up to Potts to decide which way to go.

First, Potts provided this testimony about her exchange with Gibson-Marshall:

A: . . . I said "Where's the shooter at"? Well, she was kind of frazzled because she was trying of handle Tate and I knew she was doing first aid for Tate so I'm like "Where's the shooter at? Where's the shooter at"? And she points. . . .

Q: You say "Where's the shooter?" She points, and the direction she points in is north, south, east, or west on our diagram [a map of OHS]?

A: She points to the south.

Later in the deposition, Potts testified that Gibson-Marshall "eventually" pointed down the 200 corridor:

Q: And Kristy Gibson-Marshall had pointed in the direction of the bathrooms generally saying "That way," pointing down the 200 hallway, correct?

A: She pointed – it was very difficult to get an answer out of her but she eventually – she pointed that way and I went the direction that –

Later in the deposition, Potts was asked why she had headed south in the 200 hallway. She testified that it was her decision to move in that direction: "Okay. I would say that I made that decision. She didn't tell me. She didn't have a clue or she was traumatized by the fact that she was working on Tate. I made that decision to go that way." Potts continued:

A: She didn't know [where the Shooter was]. I don't think she knew. She was too concerned about Tate.

Q: Did she tell you that? Did she say "I'm too concerned about Tate to worry about where the shooter is. Kim, just do the best you can?"

A: No, she didn't even say anything. I'm like – well, I said – and she was talking to him and I stood there. I mentioned the makeup and she said "It's not makeup. This is not a drill." And at that point I'm like "Where is the shooter"? And I went back and forth on which way I should go and I made the decision to go right.

For her part, Gibson-Marshall told us that she motioned to Potts that the Shooter had gone down the hallway. At this point, Gibson-Marshall had no idea that the Shooter was in the Second Bathroom. We note that because there is a curve in the long 200 hallway, there is no line of sight from the spot where Gibson-Marshall and Tate Myre were to the Second Bathroom.

Video footage shows that at approximately 12:57:34 p.m., Potts drew her gun from its holster. This is the first time that Potts had her gun in her hand, which is consistent with the fact that she had just learned that the situation was not a drill.

At approximately 12:57:40 p.m., Potts walked away from Gibson-Marshall and Tate, with her gun drawn and pointed in front of her. Ten seconds later, at approximately 12:57:50 p.m., Potts passed the intersection of the 200 and 400 hallways before walking closer to the Second Bathroom at approximately 12:57:54 p.m. Two of the biggest questions about Potts's actions on November 30 are whether she opened the door to the Second Bathroom and if she did, whether Justin Shilling was still alive when Potts opened that door. As established above in the discussion of what happened in the Second Bathroom between approximately 12:54:52 p.m. and 12:59 p.m., the answer to both of those questions is yes.

In our view, there are two more key questions about Potts's actions with respect to the Second Bathroom. First, what caused Potts to *approach* the Second Bathroom and open its door? Second, after opening the door to the Second Bathroom, why did Potts decide not to *enter* that room? In her deposition and in an interview with the OCSO, Potts was asked about these key topics. As set forth in the following discussion, Potts's explanations of her actions regarding the Second Bathroom have been vague and sometimes inconsistent.

First, Potts did not explain in either her OCSO interview or her deposition what caused her to approach the Second Bathroom and open its door. When asked by the OCSO detectives if she had heard anything in the 200 hallway (seemingly referring to the part of the hallway south of where Potts had encountered Gibson-Marshall), Potts stated that "it

was so quiet” and “there was nothing going on . . . Nothing at all.” In other words, there did not appear to be anything happening in the 200 hallway at that time that would have drawn her attention to the Second Bathroom. Potts also told the OCSO that “nobody told me to go in that bathroom.” When asked if she had any idea that the Shooter was inside the Second Bathroom – if anyone had pointed to the Second Bathroom and told her that the Shooter was inside – Potts answered: “No idea. No knowledge. No. No. I would’ve have gone in otherwise.” Potts stated later in the interview, “I don’t know why I would have gone there.”

Similarly, at her deposition, Potts testified that she had not seen or heard anything that would have caused her to go to the door of the Second Bathroom, and she could not say why she had approached the Second Bathroom:

Q: Why did you even bother with the door? You didn't hear anything in there that would attract your attention.

A: Yes.

Q: You already told us that you're listening?

A: I'm listening.

Q: You're listening.

A: I'm listening.

Q: You don't see anything that would tell you to look in the bathroom. You don't hear anything that —

A: No.

Q: — would tell you to look in the bathroom. *Why did you even touch the door?*

A: *I'm going to tell you my answer is I don't know. I have no idea why I did. . . .*

Q: And you made a [bee]-line for that door as though somebody had sent you there, didn't you?

A: No, I didn't, and that — *like I said, I don't remember exactly why I even touched that door.* Nobody told me — I didn't even know who the shooter was. . . .

Q: So as I understand your testimony, you very purposefully made a decision to push that door open just long enough to see if you could hear anything inside. That was your plan right from the start in approaching the bathroom door, correct?

A: No. *I don't know why I put my hand on there.* I didn't find out that I had done that, put my hand on that door until somebody told me I did.

Significantly, Potts testified that the Second Bathroom was the only room that she approached as she walked through the hallways that day:

Q: *How many other doors in that hallway or any of the hallways that you passed, did you open up and even partly walk into besides the bathroom?*

A: *Just the bathroom.*

Q: That's the only one?

A: *And like I said, I don't know what the reason why I opened, I don't — nobody pointed to anything.* I didn't know who the shooter was.

Potts testified at her deposition that at the time she approached the Second Bathroom, she was not “clearing rooms” – that is, she was not entering every room she passed and looking inside the room for an active shooter. She stated: “I wasn't clearing, at that point I was not doing anything with clearing rooms. I was looking for a shooter. I was looking to eliminate the shooter.” If Potts was not clearing rooms, as she testified, then there must have been some reason why she approached the Second Bathroom and opened its door – the only door she opened as she roamed the hallways – when she was “looking for a shooter.”

We do not know why Potts approached the Second Bathroom and opened its door. By her own testimony, Potts did not see or hear anything that would have led her to approach the Second Bathroom, she was not told to go to the Second Bathroom or informed that the Shooter was in there, and she was not clearing rooms. It is therefore difficult to

understand why she approached the Second Bathroom at all. We were unable to talk with Potts about the key question of why she walked up to the door of the Second Bathroom and opened it because she refused to talk to us. We do not have an answer to this key question because Potts has never provided this answer in any forum.

Second, with respect to the question of why she did not *enter* the Second Bathroom, Potts has provided inconsistent explanations. In her interview with the OCSO, Potts said that after Gibson-Marshall told her that it was not a drill, she decided to walk south in the 200 hallway (as described above). She explained:

*So I just go down this way. But I stop at the bathroom. Which . . . I put my . . . I start to open up the boys' bathroom and something told me not to do it, not to open up but I come to find out that's where he [the Shooter] was. And I don't know why I didn't hear anything, I don't know why I didn't open it, I think my gut feeling was we don't search rooms without – I don't have a vest, and we don't shoot rooms – you don't search rooms unless you have somebody with you. I mean, it's got, like - as you walk into the bathroom, there's a, um, a blind spot. So I wouldn't have known if he was there or not. But I didn't open it, I mean, I started to, then I cut back and then I start running, I start running down the hall.*

As highlighted in the italicized statements above, when interviewed by the OCSO about two weeks after the shooting, Potts recalled that she had only started to open the door to the Second Bathroom – and she did not know why she had done this – before she “cut back” and ran down the 200 hallway. Her memory on this point was incorrect. The video footage shows that at approximately 12:58:02 p.m., Potts pulled open the door to the Second Bathroom all the way and stood by the open door for approximately two seconds before walking away.

Later in this interview, an OCSO officer reiterated Potts's statement that “something told [her] not to do it, not to open up” the door to the Second Bathroom and asked her if that was something she thought at the time she was near the Second Bathroom or something she thought afterwards. Potts responded:

*Well, nobody told me to go in that bathroom. And I don't know why I would've – I don't, I actually don't know why I stopped going. I, I*

[unintelligible] there's people in those bathrooms. *I don't know why I didn't continue.*

Potts made a similar statement later in the interview, when asked if she had seen anything in the Second Bathroom when she opened the door: "I don't know why I didn't go in. There was nothing, there was no noise or nothing."

At her deposition, however, Potts provided a different explanation for her decision not to enter the Second Bathroom. She testified that she did not enter the Second Bathroom because she did not hear anything inside that room:

I pulled out my gun and headed in that direction at pretty much a pretty good sprint or pretty fast, and as I was going down the hallway, I, I -- one of my reactions was I'm looking for the gunman but I'm also thinking, looking for a sound, listening for sound, commotion, something because it was quiet, it was very, very quiet. Nobody was in the school anymore. *So I remember putting my hand on the door, bathroom door and pushing it, didn't hear anything and then continued because I want to eliminate this threat. I want to, I want to help. I want to figure out what's going on. I want, I want to stop this threat.*

At a later point in her deposition, Potts stated again that she did not enter the Second Bathroom because she did not hear any noises inside:

What I did is I opened it up to hear something or if somebody tells me somebody's in there, but when I got no, nothing coming out of that bathroom, I continued down that hallway as fast as I could . . . .

As discussed above, Potts testified that she was not clearing rooms as she moved through the OHS hallways – she was looking for a shooter. Potts explained that because she did not hear any noises inside the Second Bathroom, she did not have any reason to enter this room to look for the Shooter:

Q: And when you did touch the door and pushed it open, do you know why you didn't go in all of the way just to be sure there was nobody lurking at the end of the hallway [referring to the entryway inside the Second Bathroom]?

A: Because I wasn't clearing, at that point I was not doing anything with clearing rooms. I was looking for a shooter. I was looking to eliminate the shooter.



Q: So you knew that right then and there. Your thought process was "I am not clearing. I am looking for audio evidence, sound evidence of a shooter?"

A: If, if the subject had been in there, I would have gone in because I would probably have heard something. If I heard, seen or did anything, I would have gone in that room but since I heard nothing, there was so many rooms that I had passed and we don't go through closed doors. It's the open doors that we do a quick peak [sic], but we are, we are, we are trying to find the shooter and that's what I was doing.

Potts stated later that she would have entered the Second Bathroom if she had heard a noise inside:

In fact, the only reason I didn't go in there [into the Second Bathroom] is because I had passed a lot of rooms. There was no noise. There was a lot of rooms in this school. It's a large school and I wanted to get and find the shooter. Stopping at a bathroom and searching it takes time. If there's nobody in there and if I heard somebody in there, I would have gone in there to find out what's going on. It's as simple as that.

At two other points in her deposition, Potts repeated this same assertion – that she would have gone into the Second Bathroom if she had heard noises, but she did not hear anything inside that room. As set forth above in the discussion of what happened inside the Second Bathroom, Keegan Gregory testified that after the Shooter kicked the stall door open (which happened before Potts opened the door to the Second Bathroom), he and Justin Shilling remained in the stall, just trying to stay quiet.

In her interview with the OCSO, even as Potts stated that she did not know why she did not enter the Second Bathroom, she mentioned three circumstances that may have influenced her “gut feeling” about what to do in that moment: (1) the fact that she was not wearing a vest (i.e., body armor to protect the torso from bullets); (2) the fact that she was alone; and (3) the fact that there was a blind spot when entering the bathroom. Potts told the OCSO:

I don't know why I didn't open it, I think my gut feeling was we don't search rooms without – I don't have a vest, and we don't shoot rooms – you don't

search rooms unless you have somebody with you. I mean, it's got, like - as you walk into the bathroom, there's a, um, a blind spot.

At her deposition, Potts was asked about these statements and she provided an incomplete and confusing response that addressed only the vest:

Q: So is it true that what your thought process was that you didn't want to go into that bathroom because you didn't have a vest on, you didn't have anybody with you and you didn't want to go in there alone when there was a blind spot?

A: Absolutely not. I mentioned the vest because I wasn't acting as a security guard or a police officer. I had retired and I don't have a vest. I don't have handcuffs. I don't have zip ties. I would have still gone in there. If I had to go in there, I would have, but this is stuff that would – I wasn't acting as a police officer. I wanted to eliminate the threat and I wanted to save the kids.

While Potts's explanation is confusing, we interpret her testimony as stating that she would have gone into the Second Bathroom without standard-issue police equipment (including a vest) if she had heard a noise inside the bathroom ("If I had to go in there, I would have . . .").

Although Potts said in her OCSO interview that she did not know why she did not enter the Second Bathroom on November 30, she provided an answer to this key question in her deposition, explaining that because she did not hear any noises to indicate that the Shooter was inside that room, she did not go in. Again, we were unable to delve into this issue with Potts because she refused to talk to us. We note that we are not aware of any evidence to suggest that Potts heard anything in the Second Bathroom when she opened the door or that she had been told that the Shooter was inside the Second Bathroom at that time.

In sum, we do not know why Potts walked up to the door of the Second Bathroom. We do not know why Potts approached the Second Bathroom and not the adjacent girls' bathroom in which six girls were hiding from the Shooter. We do know that if Potts had

fully entered the main part of the Second Bathroom at 12:58:02 p.m., she would have seen the Shooter.

Potts did not enter the Second Bathroom, and the most important question about Potts's actions on November 30 is whether she *should* have entered that bathroom. We cannot answer this question because the analysis is entirely dependent on what Potts saw and heard in those critical moments. We were not with Potts when she was walking through the hallways looking for the Shooter and as she approached the door to the Second Bathroom – we do not know what she saw and we do not know what she heard. We *do* know that Potts has repeatedly stated that she did not hear anything in the Second Bathroom and that she does not know why she went to that bathroom door – and *only* that bathroom door – opened it, stood there for two seconds, and then walked away.

The evidence is clear that Potts decided to walk up to the door of the Second Bathroom, open it, and then walk away. Her reasons for doing so are unclear and confusing and she is the only one who could provide the clarity that the community desires. Without Potts's participation in our investigation, we have only her repeated statements that she does not know why she did what she did. Unfortunately, we cannot provide any further insight.

Again, we pause to highlight the importance of the “inform” step in the ALICE protocol. If someone had been monitoring the OHS cameras in real time, that person may have seen the Shooter enter the Second Bathroom at approximately 12:54:52 p.m. That information could have been communicated to the building through another ALICE announcement, and then Gibson-Marshall, Nuss, and Potts would have known that the Shooter was in the Second Bathroom.

Earlier in her career, Potts had worked as an OCSO deputy for approximately 28 years. She was trained in using a firearm and had participated in active shooter training. Specifically, Potts testified at her deposition that when she was a deputy, she had received training on police tactics for clearing a room in an active shooter situation when alone. She explained that “most of the time” in such situations, the law enforcement officers

would have “kind of an approximate place where they actually last [saw] the shooter.” Potts further testified that she would have entered the Second Bathroom if she had known that there were people in that room: “If I knew there was people in there, I would have gone in. If I knew, if I heard, if I seen . . . .”

If there had been an ALICE announcement alerting Gibson-Marshall, Nuss, and Potts to the fact that the Shooter was in the Second Bathroom, then Potts may have entered that bathroom when she opened its door at approximately 12:58:02. Once again, we repeat that we cannot be certain what might have happened if information about the Shooter’s location had been provided in additional announcements. And even if Potts had that information, it is unclear, based on her incoherent statements above about her actions on November 30, what she would have done.

After Potts pulled herself back from the open door to the Second Bathroom at approximately 12:58:04 p.m., Potts briefly turned north, looking back in the direction from which she came, before turning back south again and walking away from the Second Bathroom and out of the range of the nearby camera by approximately 12:58:11 p.m. At approximately 12:58:26 p.m., Potts was still walking south in the 200 hallway near Room 235, which is next to Door 6. At approximately 12:58:32 p.m., Potts suddenly began to run, still heading south. Potts testified that she saw Deputies Louwaert and Yens entering the school through Door 7, located at the southern end of the long 200 hallway.

As set forth above, after they came in through Door 7, Louwaert and Yens turned left and ran into the short south 200 hallway. Potts ran south in the long 200 hallway, turned right into that same short 200 hallway at approximately 12:58:49 p.m., and caught up to Louwaert and Yens at approximately 12:58:52 p.m. as they stood near the wounded students. Potts provided first aid to Hana St. Juliana, Kylie Ossege, and Phoebe Arthur, as described above.

As noted above, Potts grabbed her body camera as she ran out of the security office upon hearing the report of shots fired. In her law enforcement interview and her deposition, Potts explained that she typically turned on her body camera to record an incident or a

problem with a student. In her deposition, Potts testified that she activated her body camera on November 30 but she did not recall when she started recording or where she was when she turned it on. Potts remembered that she turned her camera off at some point and then turned it back on again: “I remember flicking it off at some point and then flicking it back on again because I didn’t think I should turn it off which I don’t know why my reasoning behind that is.” Potts’ inability to provide an explanation is consistent with her inability to explain other critical actions she took that day.

The OCSO obtained two videos from Potts’s body camera. One video captured Potts in the short south 200 hallway after the shooting, when she was assisting the students who had been shot. The other video was recorded after Potts left the short south 200 hallway and after the Shooter had been apprehended; it shows her in the parking lot and in the school.

**f. Ken Weaver**

Deputy Superintendent Weaver recalled that he was sitting at his desk in the central office when the District’s emergency phone line rang at approximately 12:51:45 p.m. When Weaver answered the phone, Wolf told him about the report of gunshots in the school and that he had initiated an ALICE lockdown. Weaver told Wolf to stay in lockdown and follow procedures.

Weaver grabbed his coat, left his office, and went to Superintendent Tim Throne’s office to tell him what he had learned from Wolf. He drove to OHS – where two of his children were students – as fast as he could and parked in the north parking lot. Video footage shows Weaver’s truck driving in the OHS parking lot at approximately 12:58:39 p.m. As Weaver entered school grounds, he saw students coming out of the building and he realized from the looks on their faces that it was a real shooting. By approximately 12:59:34, Weaver had exited his truck and was walking across the parking lot toward the school.

Weaver recalled that he encountered Pam Fine outside the school, near the northeast corner of the building, and she told him that there was an active shooter and a student

had been injured. An OHS exterior camera is directed at this corner of the building and the sidewalk that extends from Door 4; footage from this camera shows Weaver and Fine together outside the school at approximately 12:59:39 p.m.

Weaver recalled that he saw Nuss come out the school near Door 5, yelling that they needed help there. He also saw that there were two OCSO vehicles parked at the north end of the school, toward the turnaround outside the front office by Door 1. Video footage confirms that two OCSO vehicles had pulled up and parked in front of the school at approximately 12:58:37 p.m. Weaver stated that he yelled to the OCSO officers that they needed help and EMS by Door 5. He recalled that Fine was yelling at the law enforcement officers as well. Weaver testified at his deposition that the OCSO officers did not respond to him. He told us the same thing, adding that the OCSO officers were putting their gear on at the time. Weaver assumed that the law enforcement officers knew what they were doing, and he acknowledged that he did not know what they were dealing with at that moment – whether there was still an active threat at that point.

Weaver entered the school after the Shooter was apprehended. Specifically, video footage shows Weaver standing outside Door 5 at approximately 1:02:19 p.m. At approximately 1:02:27, Weaver walked through Door 5 with OCSO Sergeant Lenz. When Weaver entered, Wolf and Gibson-Marshall were still in the area near Door 5 and the Courtyard Door, still looking for medical assistance for Tate Myre. At approximately 1:03:05 p.m., Weaver walked south in the long 200 hallway to the location where the Shooter remained in the custody of Louwaert.

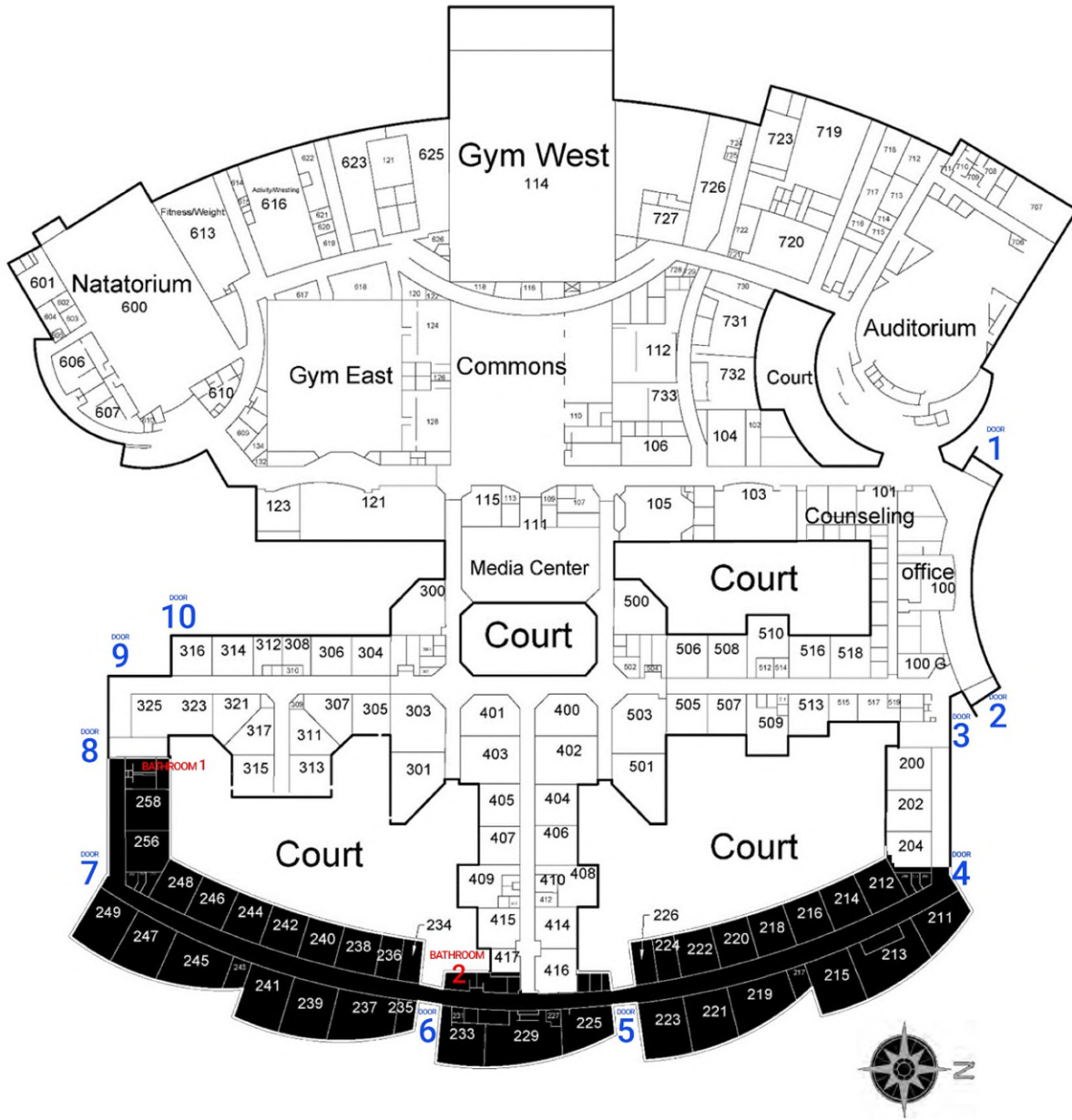
Video footage shows that Weaver then walked south in the long 200 hallway, ahead of Louwaert and Lenz, who were escorting the Shooter out of the building, and ahead of Wolf. Weaver recalled that he paused by Door 7 and then turned his head to the right, where he saw three injured students in the short south 200 hallway. One student (Madisyn Baldwin) was receiving CPR from a law enforcement officer (Rossman), another student (Hana St. Juliana) was receiving help from Potts, and another student (Kylie Ossege) was getting first aid from another law enforcement officer (Patterson).

Patterson asked Weaver to help Kylie so that Patterson could assist elsewhere in the building. Patterson showed Weaver where Kylie was wounded and Weaver put direct pressure on that area. Weaver recalled that he was with Kylie for approximately fifteen minutes and that he was yelling for EMS to come. As Weaver put pressure on Kylie's wound, he tried to look for any other wounds she might have and to make her more comfortable. When EMS arrived, Weaver used an EMS knife to cut through Kylie's backpack straps to remove it from her.

After EMS took over the responsibility of treating Kylie, Weaver walked with OCSO deputies in the hallways to release students and staff from their classrooms. After approximately 20-30 minutes, Weaver returned to the short south 200 hallway, where he said he helped Fine with Madisyn Baldwin and Hana St. Juliana.

**g. Pam Fine**

Restorative Practices/Bullying Prevention coordinator Pam Fine was in her office with another OHS staff member when her telephone silently "just lit up." Fine saw teacher Lauren Rambo's name on the display for a moment before it disappeared, so she called Rambo back. Rambo answered her phone and Fine heard the word "shooter." Fine grabbed her two-way radio, yelled in the administrative wing "shooter, shooter," and then ran out to the hallway. Video footage shows that Fine ran out of her office at approximately 12:52:27 p.m., toward the 500 hallway.



Fine remembered that she immediately heard gunshots when she entered the hallway and she knew that someone was firing a gun. She also heard where the shots were coming from and therefore she started yelling at nearby students to get out (i.e., she recognized it was safe for them to run out the front doors). Fine recalled that the situation was very confusing. She noticed that students were stopping and congregating as soon as they got through the door, so she went outside through Door 2 and told them to keep running away from the school. Video footage shows Fine outside the school at



approximately 12:53:21 p.m., in the driveway at the north end of the school, almost in the parking lot. She appeared to be directing students to drive away and waiting for first responders to direct them to the wounded students.

Fine had her two-way radio in her hand when she was outside. She heard Nuss's voice talking about a wound, and she also heard Nuss saying repeatedly that he needed help at Door 5. At the same time, Fine saw police cars "flying up the driveway" of the school to the front doors (at the north end of the school). Video footage shows that police vehicles were heading south in the OHS driveway from Ray Road as early as 12:56:50 p.m. Fine knew that the police cars could drive in the grass along the east side of the school (between the school and North Oxford Road) right up to Door 5, so she started waving at the police cars that were entering the north circle to continue onto the grass toward Door 5.

As noted above, Weaver drove to OHS after learning about the shooting. Weaver approached Fine and she told him that there was an active shooter, kids had been injured, they needed help at Door 5, and the police would not go with her. Weaver joined Fine in waving and yelling at the police to go to Door 5. Video footage shows that at approximately 1:00:37 p.m., Fine was outside the school, within the vantage of the camera at the northeastern corner of OHS, waving at a police car that was pulling into the parking lot. Weaver was standing behind her. At approximately 1:02:52 p.m., Fine continued to wave at arriving police vehicles, but as seen on the video footage, none of the vehicles drove around to Door 5. Fine recalled that Nuss was asking over the two-way radio where everyone was, and Fine told him that the police would not come with her and Weaver to Door 5.

Video footage shows that at approximately 1:03:29 p.m., Fine ran across the snow toward Door 2. As set forth above in the discussion of Weaver's actions, two police vehicles had pulled up in front of the school by Door 2 at approximately 12:58:37 p.m. The OCSO officer who drove one of these vehicles confirmed that he pulled up to the OHS front door because he knew he would be able to enter the building there, based on his prior visits to the school. These OCSO officers got out of their vehicles and obtained their tactical gear.

One of these OCSO officers confirmed that after he opened his trunk to get his gear, he saw Fine calling for help outside of the school. This OCSO officer said that he went to the front door of the school to unlock it with his access card and prop it open for other first responders. This OCSO officer said that when he came back out, he no longer saw Fine.

At some point, Melissa Williams radioed that she needed someone to come to the front office to look at the cameras for 911. Fine responded to Williams that she would come to help with the cameras. Video footage shows that Fine re-entered the school through Door 2 at approximately 1:03:58 p.m. and entered her office at approximately 1:04:33 p.m. Williams joined Fine in her office at approximately 1:05:17 p.m. As set forth above in the discussion of Melissa Williams's actions, Fine and Williams pulled up the camera footage on the computer in Fine's office. After Fine and Williams found the Shooter on the recorded footage, Fine took a picture of the Shooter on the computer screen with her phone and sent it to Steve Wolf.

Fine testified that after she looked at the camera footage, the police asked her to help with identifying students in the short south 200 hallway who had been shot. OHS Security Officer Jim Rourke, who was off from work that day, had arrived at OHS by this point, and he and Fine went to that hallway and helped with identification.

Fine ushered students out of the school and to safety on November 30, preventing them from being killed or injured. In addition, she tried to get first responders to help Tate Myre near Door 5, and searched through camera footage in an attempt to locate the Shooter before he could hurt anyone else. Finally, Fine worked with others to perform the deeply saddening task of identifying students who were shot for police. For these reasons, Fine should be commended for her actions on November 30 during the shooting.

## **9. Student and Teacher Narratives of the Shooting**

OHS teachers and students saved their own lives and the lives of others by looking out for each other, falling back on their training, and trusting their instincts when reacting to the chaos of the shooting. Hallways cleared rapidly as students and teachers recognized the situation, properly reacted, and informed the people around them so that those people

could also react in a timely manner. We recognize how these decisions by teachers and students saved lives not only to commend their actions, but also to highlight the importance of active shooter training in schools across the country. In our discussion of physical and operational security below, we identify a few areas in which the District can improve its active shooter preparation.

In this section, we recount the experiences of aggregated groups of students and teachers with similar overall experiences during the shooting, based on how they decided to escape the line of fire. Though aggregated below, the experiences of each student and teacher are wholly unique and cannot be justly captured in one report.

Some students and teachers escaped the line of fire by running or escaping out of the building before law enforcement entered, searched, and released the school. Many students who were in the 200 hallway ran out of the building through an exit door when they recognized the sound of gunfire. Many students in the southernmost part of the 200 hallway, where the shooting began, quickly exited through Door 7, ran north in the 200 hallway to reach Doors 6, 5, or 4, or ran north in the 200 hallway before turning west to run in the 400 hallway to find an alternate exit route. Students followed their training by using their audio and/or visual observations to inform their quick decision to run and their subsequent decision of which path would be the safest to take.

Students who were not in the hallway where the shooting began, but heard and quickly recognized the sound of gunfire, took a similar course of action and many decided to escape through the closest exit door. This had a domino effect on the entire building. As students ran, not only did they take action to save their own lives, but many took steps to inform and assist the students and faculty around them. Students and teachers yelled for others to run and/or shouted that there was a shooter. In some instances, students and teachers physically forced people around them to move, whether that was to run with them to an exit or to get out of the hallway and into a room. This subsequently informed the quick decisions of faculty and students who did not have direct audio or visual information that there was an active shooter – in other words, they saw people running or

heard people yelling, so they ran too because they knew that there was a possible emergency that they needed to immediately react to.

Some students in the hallways described how they initially froze at the sound of gunfire, with some not recognizing the sound and others struck motionless by shock. Most of these students said that they were grabbed or informed by fellow students or teachers to run, which led them to safely get out of the building. The sight of crowds of students running, for many, was sufficient to prompt them to do the same and get out of the building without any knowledge, initially, of the reason.

Other students and teachers ran into the closest classroom or were already in a classroom when the shooting started, and followed ALICE lockdown protocols. Those in classrooms closest to the shooting locked down before the ALICE announcement because they could see and/or hear that there was an active shooter, or they received information from students as they moved away from the shooting and down the halls, informing the students and teachers around them of the situation. Some teachers in classrooms slightly further away from the shooting also recognized there was an emergency before the ALICE announcement, either by investigating the sight of a crowd of students running past them or the loud sound they heard coming from the hallway, or learning from a student who entered the classroom what was happening. Once these teachers processed the information they were receiving, they too properly followed lockdown protocols.

In most classrooms, the implementation of lockdown protocols was led by the teacher in the classroom. Teachers with students in their classroom were either in the classroom, standing outside the door of the classroom, or standing in the hallway closer to a different classroom when the shooting commenced. Teachers who were in or at their classrooms closest to the shooting quickly went to the door if not already there, brought in any nearby students they could, shut and locked the door, directed their students to hide, and barricaded the door as well as possible. Teachers and students in classrooms used the volume of gunfire to determine how close the Shooter was to their classroom and then made an informed decision of whether there was time to stand by the door to put the

Nightlock® in and/or barricade the door further. For some classrooms, the Shooter was too close to spend any more time by the door other than to lock it. In those instances, the teacher often went back up to the door to complete the lock down procedures once the teacher had determined that the Shooter had moved further away.

In several classrooms, students took on leadership roles, taking the initiative to override others' beliefs that the situation was a drill or prank. Students put Nightlocks® in place to secure doors, barricaded classrooms from inside, and distributed items that people could use as weapons if needed. Student initiative was especially important in classrooms without a teacher present, which occurred because the teacher was in lockdown elsewhere. While there were only a few instances where this was the case, it highlights the importance of training all people in a school on all aspects of a lockdown protocol. Multiple students in these classrooms struggled to engage the Nightlock®. Their unfamiliarity with this emergency tool delayed the lockdown and decision-making process, and that time, even if just seconds, was crucial in an active shooter situation. All students, teachers, substitute teachers, and other staff must be trained on all aspects of a lockdown protocol.

While most classrooms that locked down remained in that state until law enforcement cleared the building, some teachers made the informed decision to have the students in their classroom exit the lockdown and leave the building, through either a nearby exit door or an exterior classroom window. For example, a teacher in a classroom on the southeastern corner of the 200 hallway immediately adjacent to Door 7 determined that the Shooter had gotten far enough away from the classroom to allow this teacher to guide the students out of the building through Door 7. This teacher ensured all students had exited, and watched to ensure that it was safe to do so before exiting as well. Teachers and students in a few classrooms along the eastern wall of the 200 hallway used the windows in their classroom to flee the campus, recognizing that the Shooter was close and that they had a clear escape route.

Other students, staff, and volunteers locked down in rooms other than classrooms, including closets, offices, and bathrooms. In some of these rooms, like closets and

bathrooms, the ability to clearly hear announcements over the PA system was limited, compared to classrooms or hallways. Most students who locked down in closets and bathrooms did not have a staff member present with them and therefore did not have a line of communication with school personnel. These circumstances highlight the need for a secondary emergency communication system that can reach people without access to audible announcements or staff assistance.

Moreover, while closets and offices could be locked, bathrooms could not. When the shooting started, some students were in a bathroom, others were on their way to a bathroom and continued on that path, and still others sought refuge in a bathroom when the classrooms they attempted to enter had already been locked. Students who chose to shelter in a bathroom either knew or were informed that a Shooter was close and therefore made the decision to hide rather than run or seek refuge elsewhere. Once in hiding in a bathroom stall, students attempted to follow lockdown protocols as they had been taught, but this proved difficult in the bathroom setting. Students were unable to lock the bathroom door, had no access to items with which to barricade the door, and had trouble determining which items could be used as weapons if needed. Lockdown training must include all possible settings within a school environment and explain which settings should be reserved for the absolute last resort.

One law enforcement officer who assisted students and teachers out of classrooms observed how well students followed his directions while safely and swiftly exiting the building. He aptly described the students he encountered at OHS on November 30, 2021: "I took a step back to let the students out of the classroom and as I looked into the students' eyes as they walked past me, all I [saw] was terror in their faces. . . . The students were very brave."

#### **XIV. Review of the District's Threat Assessment and Suicide Intervention Policies, Guidelines, and Practices Before the Shooting and Application of Those Policies, Guidelines, and Practices to the Events of November 29 and 30, 2021**

##### **A. Overview**

This section of the report consists of three parts. In the first part, we outline the District's threat assessment policies and guidelines and, separately, its suicide intervention policies and guidelines, as approved by the District's Board or implemented by the Superintendent, before the shooting. Policies and guidelines serve different and complementary purposes. Policies, which are adopted by the Board, set forth the District's organization and objectives. Administrative guidelines, which are typically promulgated by the Superintendent, flesh out the policies, providing the detailed arrangements under which the District will operate. We then test the District's threat assessment and suicide intervention policies and guidelines against best practices.

As for the District's threat assessment policy (po8400) (see Appendix B) before the shooting, we find that it generally complied with best practices, in that it was designed to be consistent with the U.S. Secret Service and Department of Homeland Security's "Enhancing School Safety Using a Threat Assessment Model" ("Enhancing School Safety"), a guide distilled from two decades of research and case studies.

At the outset, we highlight three aspects of the District's threat assessment policy. First, the policy appropriately directs the Superintendent to create multi-disciplinary, trained threat assessment teams. According to the policy, these teams were to be headed by a principal and include school mental health professionals (such as a counselor or social worker) and, as appropriate, a school resource officer. A multi-disciplinary team is critical for conducting effective threat assessments, for it ensures that professionals with different educational backgrounds, experiences, and perspectives can collectively evaluate a student's concerning conduct or behaviors to determine if there is a threat and intervene, as necessary.

Second, the District's threat assessment policy appropriately confirms that the threshold for conducting a threat assessment is relatively low: when a student's communications or behaviors *might suggest* either that an individual intends to cause physical harm or a threatening situation, a threat assessment *must* be conducted. Importantly, the policy does not provide that a threat assessment team conducts a threat assessment only when there is a direct, express threat of harm to someone else. By providing that a threat assessment should be conducted when there are *concerning* communications or behaviors that *might suggest* violence or harm, the policy confirms the importance of assembling a team to evaluate such concerning conduct at school before it potentially ripens into something worse.

And third, the District's threat assessment policy appropriately authorized the Superintendent to create guidelines to implement the threat assessment policy. According to the District's threat assessment policy, the threat assessment guidelines were to be created for the purpose, among others, to identify team participants by position and role; to require team participants to receive appropriate training; to provide guidance on the type of behaviors or communications that would trigger a threat assessment; and to define the process for conducting the assessment, from gathering information, to interviewing the student, to completing a threat management or intervention plan.

The District also appropriately adopted and published a threat assessment and intervention form (8400 F1) (see Appendix C), which was available to the District's administration and staff on the District's website. This form was designed to help guide a threat assessment team's evaluation, including providing appropriate prompts to inquire about the student's mental state (such as whether the student is showing signs of hopelessness or despair), the student's family dynamics (including whether the student identifies a trusted adult), and the student's capacity to carry out an act of violence (including directing the threat assessment team to inquire about the student's access to weapons).

While the District had adopted a threat assessment policy and published a threat assessment form as of November 30, 2021, the District failed (at that time) to implement



threat assessment guidelines consistent with the District's threat assessment policy. The District did have administrative guidelines that addressed crisis intervention, including identifying early warning signs of possible school violence (ag8410A) (see Appendix D), responding to imminent warning signs that a student is very close to behaving in a potentially dangerous way (ag8410B), and articulating principles for violence prevention (ag8410C). These crisis intervention guidelines tangentially address some threat assessment considerations, but these are *not* threat assessment guidelines. None of these guidelines, for instance, identify threat assessment team members and roles, require threat assessment team members to receive appropriate training, or define the nature and type of concerning behaviors or communications that would trigger a threat assessment. The absence of threat assessment guidelines is a significant failure, the responsibility for which sits with the Superintendent at the time of the shooting and the Board. The Superintendent was authorized to create threat assessment administrative guidelines. That should have been done, and it was not. And the Board is responsible for ensuring that the Superintendent implements the Board's policies. That should have been done, and it was not.

We also review the District's suicide intervention policies and guidelines. We highlight that the District failed to adopt a suicide intervention policy as of November 30, 2021. Where the Board has the power and duty to provide "for the safety and welfare of students while at school," and where a school district is to operate in accordance with its policies, the District should have adopted a suicide intervention policy. This is a failure of the Board and Superintendent, the latter of whom is directed to recommend policies for adoption by the Board.

Although there was no suicide intervention policy as of November 30, 2021, the District had suicide intervention guidelines. These suicide intervention guidelines generally (but not fully) complied with best practices as of November 30, 2021. The guidelines appropriately require that in any situation in which a student appears to be contemplating suicide, the student should not be left alone and a school staff member should determine if the student has any dangerous instrumentality on or near his person, such as a weapon. The guidelines also correctly provide that the parents of a student who may be

contemplating suicide be directed to come to school immediately, and that the school assist the parents in contacting a mental health agency to provide help.

We explain that the suicide intervention guidelines, which had not been updated since 2011, did not meet best practices as of November 2021. Best practices have evolved over time with improved research on how to minimize the risk of suicide. By 2019, suicide intervention best practices included directing school mental health professionals to discuss safety at home with parents of a student who appears to be contemplating suicide to limit the student's access to dangerous items, such as a firearm. In connection with this discussion, which is known as "lethal means counseling," best practices recommend that a school staff member ask parents whether the student has access to firearms and to recommend that parents store firearms away from the home or safely locked. The District's suicide intervention guidelines did not include this direction. Furthermore, the District's suicide intervention guidelines did not provide clear guidance on when a student who appears to be contemplating suicide should be compelled to leave school with the student's parents or guardian to secure immediate mental health assistance.

In the second part of this section of the report, we detail how OHS conducted threat assessments and suicide interventions prior to November 30, 2021. We explain that the OHS administration were unaware of the District's threat assessment policy (po8400) or threat assessment form (8400 F1). This failure primarily rests with Superintendent Throne, who, as the District's chief executive officer, did not ensure that the threat assessment policy and form were being followed. He instead "assumed" they were. Where the issue involves safety of students, that is not good enough. OHS's administrators also bear responsibility for their failure to know about and follow the District's threat assessment policy or use the threat assessment form. OHS administrators, including Principal Steve Wolf, knew about "threat assessments," for they facilitated the attendance of certain school administrators and staff at a threat assessment training in 2018. And while Superintendent Throne should have pushed down the threat assessment policy and form to the OHS administrators, those policies and forms were publicly available, and thus the OHS administrators could have reviewed these policies

and forms to ensure that their building-level practices complied with them. They failed to do so.

Prior to November 30, 2021 OHS *did* evaluate “threats” that were brought to an administrator’s attention in a process known at OHS as a “huddle up.” Based on records produced by the District, most of the threats investigated were express threats to harm someone else, but on at least one occasion the administration investigated an implied threat based on a concerning social media communication that included a picture of a firearm. Nonetheless, we identified four significant deficiencies in OHS’s pre-November 30, 2021 “threat assessment” practices. *First*, OHS did not effectively establish or communicate to staff the appropriate low threshold for conducting a threat assessment, the threshold being that an assessment should be conducted when there are concerning communications or behaviors that *might suggest* that a student intends to cause physical harm or the existence of a threatening situation. *Second*, OHS did not provide sufficient training to threat assessment team members, especially counselors and school mental health professionals. *Third*, OHS administrators prior to the shooting did not use a threat assessment form, which is important and useful to guide the threat assessment, prompting inquiries into critical areas such as whether the student has access to weapons. *Fourth*, OHS did not have a defined, written process for conducting threat assessments; there was no protocol that identified team members’ roles, instructed when to consult with a school resource officer, or outlined the process of obtaining additional information (including from teachers or public social media).

As for OHS’s suicide intervention practices as of November 30, 2021, we find that they complied with the District’s suicide intervention administrative guidelines, for the most part. Consistent with the guidelines, OHS’s suicide intervention protocol directs school mental health professionals to not leave a student alone who appears to be contemplating suicide. In addition, OHS’s suicide intervention protocol appropriately directs the school mental health professional to contact the student’s parents and to conduct a suicide risk assessment.

OHS's suicide intervention protocol was less robust than the District's administrative guidelines in one respect, and more robust, in another. It was less robust in that it did not expressly direct a school mental health professional to converse with the student to determine whether the student has a dangerous instrumentality – such as a weapon – on or nearby his person, as required by the District's administrative guidelines. While OHS's suicide intervention protocol guides the school mental health professional to inquire about the potential “method” of suicide and whether that “method is available,” specifically asking a student who appears to be contemplating suicide about access to weapons is critical for the safety of the student and the school. On the other hand, OHS's suicide intervention protocol was more robust than the District's administrative guidelines in that the protocol clearly directs a school mental health professional to ensure that a student leaves the school with the student's parents or guardian if the suicide risk is determined to be moderate or high.

In the third and final part of this section of the report, we evaluate OHS's actions on November 29 and 30 against the District's threat assessment and suicide intervention policies, guidelines, and practices. As for November 29, we conclude that the conduct of which OHS staff was aware (consisting of the Shooter looking at an image of ammunition in class, visiting a shooting range with his mother, and previous concerns about him being sad) would not have triggered a threat assessment under the District's policy. This is because a trained mental health professional or administrator would not have reasonably concluded that these circumstances might suggest an individual intends physical harm or a threatening situation. Likewise, we believe that the conduct known to OHS staff on November 29 would not have triggered a suicide intervention, because the conduct does not reflect that a student might be contemplating suicide.

The calculation is far different on November 30, 2021, when OHS staff were made aware of additional concerning behaviors and communications of the Shooter. This concerning behavior includes the Shooter watching a video of a “guy gunning people down” in the first period, *the day after* the Shooter was admonished for looking at an image of bullets in class. The context matters. On back-to-back days, teachers observed the Shooter openly looking at content connected to violence, highly inappropriate conduct in a school

setting. That alone should raise alarm bells. There is more: in the very next class, the Shooter drew concerning images of a handgun, a bullet, and a body with what appeared to be bullet holes. Even if some of the Shooter's drawings were ambiguous, the concerning phrases he wrote were not: "The thoughts won't stop," "Help me," "Blood everywhere," "My life is useless," "The world is dead."

The U.S. Secret Service's Threat Assessment in Schools guide advises that more than three-quarters of school shooters expressed suicidal thoughts and that more than two-thirds of attacks involved handguns. Where the Shooter's conduct included looking at images of bullets, watching a violent video involving a gun, drawing a handgun, bullet, and a person who appears to have been shot, and then writing phrases that are classic suicide warning signs (including "Help me," "The thoughts won't stop," "My life is useless"), a trained school mental health professional or administrator should have reasonably concluded that the Shooter's concerning behaviors and communications *might suggest* the likelihood of physical violence or a threatening situation.

Once that conclusion is reached, a threat assessment should have been conducted. In that regard, the Shooter's concerning communications and behaviors should have been elevated to the principal or an assistant principal, who may in turn have consulted with the school resource officer. With a multi-disciplinary team engaged, it is more likely that the appropriate questions would have been asked as part of the evaluation, including a question about the Shooter's access to weapons. Moreover, had the school resource officer been engaged and reviewed the conduct, much of which was connected to firearms, the school resource officer and an administrator may have decided to request consent for a safety search. Had the Shooter refused to consent to a search, then the school resource officer may have determined that reasonable suspicion supported a search, especially when balancing the potential enormous harm that could arise with a student possessing a firearm in school against the minimal invasion of the student's privacy interest.

None of this was done because no threat assessment was conducted. In part, this is because Superintendent Throne failed to ensure that OHS was applying the District's

threat assessment policy, and in part because the Board failed in its oversight responsibility of the Superintendent. This failure also occurred because OHS administrators did not ensure that counselors received sufficient threat assessment training, and in part because OHS administrators did not appropriately communicate the low threshold for elevating conduct to a threat assessment team: concerning communications or behaviors that *might suggest* potential violence or a threatening situation.

And this failure occurred in part because of school counselor Shawn Hopkins and Dean of Students Nick Ejak, who met with the Shooter and his parents on November 30 but did not take appropriate actions. Unfortunately, neither Hopkins nor Ejak agreed to speak with us. Even though the Board could have directed Hopkins, who is still employed by the District, to cooperate with the investigation as a condition of his employment, the Board declined to do so. While OHS failed to appropriately train Hopkins and Ejak on threat assessments, their decision to allow the Shooter to return to class without elevating the matter to Principal Wolf or an assistant principal fails the common sense test.

We recognize some may suggest that this conclusion is based on hindsight. We disagree. Hopkins and Ejak attempted to minimize the Shooter's concerning conduct in their civil depositions, but the Shooter's conduct fell so far outside the typical range of conduct that deviates from school norms. The Shooter did not merely engage in a cell phone violation; he was in school viewing an image of bullets and the very next day watching a violent video of a person gunning down people. The Shooter was not merely doodling on a math assignment; he drew a picture of a gun, a bullet, and (what reasonably appears to be) a person who was shot at least twice. The Shooter did not merely write statements reflecting sadness over the passing of a grandparent or a dog; he wrote statements strongly indicating potential suicide ("My life is useless," "Help me") or potential violence ("Blood everywhere," "The world is dead"). Even without the degree of training they should have received, as school professionals, Hopkins and Ejak should have known to elevate this conduct to a principal or assistant principal.

We also conclude that information discovered by and disclosed to OHS staff on November 30, 2021 should have prompted a suicide intervention under the District's guidelines. The five concerning phrases the Shooter wrote, standing alone, were sufficient to reasonably conclude that the situation involved a student who appeared to be contemplating suicide. OHS's suicide intervention protocol recognizes that a suicide warning sign includes making a statement such as "life is not worth living," and here the Shooter wrote much more: "My life is useless," "The thoughts won't stop," "Help me," "The world is dead," and "Blood everywhere." This information is more than sufficient to conclude that the Shooter appeared to be contemplating suicide, and a suicide intervention should have occurred. In that regard, the Shooter should have been asked whether he has any dangerous instrumentality, such as a weapon, on or nearby his person. That was never done. And when the Shooter's parents arrived, they should have been asked whether the Shooter had access to firearms. Again, that was not done.

Furthermore, we conclude that the Shooter's concerning statements, with their expression of hopelessness and preoccupation with death, reflect at least a moderate (if not high) risk of suicide. Where a student's concerning communications or behaviors reflect a moderate risk of suicide, OHS's suicide intervention protocols provide that the student must leave the school with the parent or guardian to secure mental health assistance. Hopkins and Ejak should not have allowed the Shooter to return to class but instead should have insisted that the parents take the Shooter from the school and to condition the Shooter's return on securing a professional mental health evaluation. Tragically, that was not done.

## **B. OCS's Threat and Suicide Assessment Policies and Procedures**

At the highest level, responsibility for and oversight of the District resides with the Board.<sup>248</sup> Michigan law delegates to the Board the power to "[p]rovid[e] for the safety and welfare of the pupils while at school."<sup>249</sup> As part of the Board's powers, the Board appoints

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<sup>248</sup> MCL 380.11a(5) ("A general powers school district is a body corporate and shall be governed by a school board.").

<sup>249</sup> MCL 380.11a(3)(b). *See also*, Oxford Community School District Board Policy ("Board Policy") po0122 ("The District shall operate as a General Powers School District. As such, it has all of the rights, powers,

the Superintendent, who is responsible for enforcing the applicable statutes of the State of Michigan, rules of the State Board of Education, and policies of the Board.<sup>250</sup> While the primary duty of the Board is to “establish policies” and that of the Superintendent is to “administer such policies,” the Board also directs the Superintendent, a professional school administrator, to develop and recommend policies for adoption to the Board, which typically consists of volunteer community members.<sup>251</sup>

The Board requires the Superintendent to “ensure that all aspects of the District operation comply with State laws and regulations as well as *Board* contracts and *policies*.”<sup>252</sup> To effectuate the Board’s policies, the Board delegated the responsibility to the Superintendent, who is the District’s chief executive officer, to design and implement the “detailed arrangements under which the District will operate,” with these “detailed arrangements” known as “administrative guidelines.”<sup>253</sup> When issued, such administrative guidelines are binding on students and employees of the District.<sup>254</sup> While the Board delegates the responsibility to the Superintendent to enforce policies and develop and implement administrative guidelines, the Board itself is responsible for evaluating the Superintendent’s performance to ensure the Superintendent’s “proper discharge of . . . [his or her] responsibilities.”<sup>255</sup> In evaluating the Superintendent, the

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and duties expressly stated in statute . . . including, but not limited to, . . . “[p]roviding for the safety and welfare of students while at school or a school-sponsored activity or while enroute to or from school or a school sponsored activity.”).

<sup>250</sup> Board Policy po0132.1.

<sup>251</sup> Board Policy po1210.

<sup>252</sup> Board Policy po1230 (emphasis added).

<sup>253</sup> Board Policies po0132.2 and po1100 (“The Superintendent shall be the chief executive officer of the School District”).

<sup>254</sup> Board Policy po0132.2

<sup>255</sup> Board Policy po1240. The Board’s policy for “evaluation of the Superintendent” does not expressly provide for evaluation of the Superintendent’s implementation of the Board’s policies, let alone safety related policies. Instead, in detailing specific areas for review, the Policy expressly provides for evaluation of student growth, proficiency in conducting teacher evaluations, student attendance, and community feedback. *See id.*



Board uses a guide created by the Michigan Association of School Boards (“MASB”).<sup>256</sup> Among other factors it considers, the Board evaluates the Superintendent on whether he or she is “proactive in the determination of district needs and policy priorities” and whether the Superintendent “has a system in place to ensure timely administration of district policies.”<sup>257</sup>

The Board has adopted a policy expressing its concern for the safety and welfare of the District’s students and staff:

The Board of Education is continually concerned about the safety and welfare of District students and staff and, therefore, will not tolerate behavior that creates an unsafe environment, a threat to safety, or undue disruption of the educational environment.<sup>258</sup>

Consistent with this principle, the Board has adopted safety related policies, including those addressing weapons,<sup>259</sup> searches and seizures,<sup>260</sup> threat assessment,<sup>261</sup> and suicide intervention.<sup>262</sup> In this section of the Report, we review the District’s threat assessment and suicide intervention policies and guidelines in effect as of November 30, 2021. We also assess whether those policies and guidelines were consistent with best practices as of November 2021.

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<sup>256</sup> See [https://www.oxfordschools.org/departments/human\\_resources/evaluation\\_information](https://www.oxfordschools.org/departments/human_resources/evaluation_information).

<sup>257</sup> See Superintendent Evaluation Amended Fall 2019, available at [https://www.masb.org/docs/default-source/tools-and-templates/superintendents/suptevalinstrument\\_lsd.pdf?sfvrsn=cc9d4910\\_4](https://www.masb.org/docs/default-source/tools-and-templates/superintendents/suptevalinstrument_lsd.pdf?sfvrsn=cc9d4910_4). While this guide directs a review of the Superintendent’s administration of the district’s policies generally, there is no specific focus on reviewing the Superintendent’s oversight of safety related issues. In fact, safety is mentioned only once in the 32-page guide. Buried in Appendix H (on page 26), the guide identifies “involvement with ‘school safety’ organizations” as one of 57 “artifacts” that may be used as evidence of performance. When evaluating the Superintendent, the Board should directly consider the Superintendent’s enforcement of threat assessment and suicide intervention guidelines.

<sup>258</sup> Oxford Community School District Board Policy (“Board Policy”) po5610.

<sup>259</sup> Board Policy po5772 (prohibiting “students from possession, storing, making, or using a weapon in any setting that is under the control and supervision of the District”).

<sup>260</sup> Board Policy po5771

<sup>261</sup> Board Policy po8400.

<sup>262</sup> Administrative Guideline ag5350. As we discuss below, as of November 30, 2021, the District had suicide intervention administrative guidelines but had not adopted a suicide intervention policy.

## **1. OCS's Threat Assessment and Suicide Intervention Policies and Guidelines as of November 30, 2021**

Below, we outline the District's threat assessment and suicide intervention policies, guidelines, and approved forms for conducting threat assessments or suicide interventions, in existence as of November 30, 2021.

### **a. Threat Assessment Policy, Guidelines, Form, and Emergency Operation Plan**

#### **i) Threat Assessment Policy 8400**

The Board adopted (from Neola, a company that drafts and proposes school policies and guidelines for school districts)<sup>263</sup> a "School Safety Information" policy (Policy 8400), with this policy including a threat assessment component.<sup>264</sup> As of November 2017, this policy included directives on evaluating threats of violence at school and conducting "threat assessments."<sup>265</sup> As expressed in the policy, "[t]he primary purpose of a threat assessment is to minimize the risk of targeted violence at school."<sup>266</sup> As of May 2019, the policy provided that it was "designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the joint U.S. Secret Service and U.S. Department of Education Publication, Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates ("Threat Assessment in Schools")."<sup>267</sup> This document – Threat Assessment in Schools – was published in 2004, the same year Policy 8400 was adopted by the

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<sup>263</sup> Neola is an organization that partners with the Michigan Association of School Boards to provide policies and guidelines to school districts, including over 400 school districts in the State of Michigan.

<sup>264</sup> Board Policy po8400 was initially adopted in 2004. As initially adopted, the School Safety Information Policy did not include a Threat Assessment section. This policy was revised in November 2016, November 2017, May 2019, August 2020, and June 2021. Based on the records provided, the Threat Assessment section of Policy 8400 existed at least since November 21, 2017. [https://www.oxfordschools.org/district/board\\_of\\_education/archived\\_meeting\\_agendas\\_and\\_minutes](https://www.oxfordschools.org/district/board_of_education/archived_meeting_agendas_and_minutes).

<sup>265</sup> See Board Policy po8400, version Last Revised November 21, 2017.

<sup>266</sup> Board Policy po8400.

<sup>267</sup> See Board Policy 8400, May 2, 2019, available on [www.boarddocs.com](http://www.boarddocs.com).

District.<sup>268</sup> In May 2019, Policy 8400 was revised to provide that it was designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in a different, more current document: U.S. Secret Service and U.S. Department of Homeland Security, *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence* (“Enhancing School Safety”). This document – *Enhancing School Safety* – was published in July 2018.

Policy 8400 instructs that the “appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that *might suggest* that an individual intends to cause physical harm and is engaged in planning or preparing for that event.”<sup>269</sup> By setting the standard as “*might suggest*,” the policy deliberately establishes a low threshold for concerning communications or behaviors that could give rise to a threat assessment. Continuing, the policy “authorizes the Superintendent to create building-level, trained threat assessment teams,” with each team headed by the principal and including “a school counselor, school psychologist, instructional personnel, and, where appropriate, the School Resource Officer.”<sup>270</sup>

The policy identifies the conduct that would activate a threat assessment team, mandating that the team meet when the principal “learns that a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.”<sup>271</sup> Again, the policy’s standard for starting a threat assessment is low: It is not limited to direct expressions of violence, but instead applies to “*concerning communications or behaviors*.” And it is not limited to threats to others, but instead applies to concerns that merely “*suggest the likelihood of a threatening situation*.” Once a building’s principal is made aware of concerning communications or behaviors that

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<sup>268</sup> See *Threat Assessment in Schools Guide*, July 2004, available at <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf>

<sup>269</sup> Board Policy po8400 (emphasis added).

<sup>270</sup> *Id.*

<sup>271</sup> *Id.*

suggest the likelihood of a threatening situation, the policy instructs that the threat assessment team meet “to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of violence to a target.” If the inquiry indicates that there is a “risk of violence,” then the team must develop and implement a written plan to manage or reduce the threat posed by the student.<sup>272</sup>

In addition to outlining these threat assessment principles, Policy 8400 also authorizes the Superintendent to create administrative guidelines (which are the detailed arrangements under which the district will operate) to provide further direction for the threat assessment process, including:

- Identifying team participants by position and role;
- Requiring team participants to undergo appropriate training;
- Defining the nature and extent of behavior or communication that would trigger a threat assessment or action pursuant to a threat assessment;
- Defining the types of information that may be gathered during an assessment; as well as the individuals (by position) who would be responsible for gathering the information;
- Identifying when parents of the student making the threat will be notified; and
- Identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.<sup>273</sup>

Finally, the District’s threat assessment policy instructs that school community members, including students and parents, “immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that *suggest* a student may intend to commit an act of violence.”<sup>274</sup>

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<sup>272</sup> *Id.*

<sup>273</sup> *Id.*

<sup>274</sup> *Id.* (emphasis added).

## ii) Threat Assessment Guidance Documents Referenced in Policy

With Policy 8400 designed to be “consistent with the process for identifying, assessing, and managing students who may pose a threat” as developed by the United States Secret Service, Department of Education, and Department of Homeland Security, it is instructive to outline that publicly-available guidance. Until May 2019, Policy 8400 referenced the Threat Assessment in Schools guide, one of the initial federally sponsored documents that analyzed school shootings to develop a process for identifying, assessing, and managing students who may pose a threat of targeted violence.<sup>275</sup> Threat Assessment in Schools identified several key findings to guide threat assessments, including:

- **No useful profile of a student shooter.** The guide observes that there is no accurate “profile” of a student who engages in targeted school violence, cautioning that schools should instead focus on a student’s behaviors and communications to evaluate whether the student is potentially on a path to a violent attack.<sup>276</sup>
- **Most attackers do not threaten their targets directly prior to the attack.** The guide found that fewer than 20 percent of school shooters communicated a direct threat to a target, highlighting the need to evaluate whether a student *poses* a threat, not whether the student *made* a threat.<sup>277</sup>
- **Most attackers engaged in some behavior, prior to the incident, that caused others concern or indicated a need for help.** The guide describes that the students who engaged in targeted violence were not “invisible” students, but instead nearly all the students “engaged in behaviors that caused concern to at least one person, usually an adult.”
- **Most attackers had difficulty coping with significant losses or personal failures, with many of them having considered suicide.** More than three-quarters of school shooters had a history of suicidal thoughts. The guide notes that one school shooter submitted poems describing his violent thoughts to his English teacher, with the poem

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<sup>275</sup> See Threat Assessment in Schools Guide, July 2004, available at <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf>

<sup>276</sup> *Id.* at 20-21.

<sup>277</sup> *Id.* at 20, 29.

including the following relevant refrain: “Knowing life is useless/Cause my emotions are a mess ... Am I insane/Wanting to spill blood like rain.”<sup>278</sup> The report recognizes that most students who have difficulty coping with a loss are not going to be at risk for a school-based attack, but trouble dealing with a difficult situation indicates a need to refer the student to appropriate services and resources.

- **Most attackers had access to and had used weapons prior to the attack.** The guide observes that while access to weapons among some students may be common, any threat assessment inquiry should include attention to weapons access and use as well as to communications about weapons.

After outlining these key findings, the Threat Assessment in Schools guide then details four critical components of the threat assessment review process. *First*, the guide explains that there should be a “low barrier” for reporting concerning conduct, with staff and students educated to report information about potential threats, weapon seeking or using behaviors, or conduct suggesting potential violence. One example of concerning conduct that, according to the guide, should be reported to school staff, is if a student brings a bullet to school.<sup>279</sup> *Second*, the guide instructs that a school’s threat assessment protocol should designate a member of the team as the initial point of contact for information of possible concern, with the school publicizing “the name of this designated point of contact to faculty, staff, parents, and students as the person to contact with any information of potential concern.”<sup>280</sup> *Third*, the guide outlines best practices for conducting assessments, observing that it is critical for team members to have “[a]n investigative, skeptical, inquisitive mindset.”<sup>281</sup>

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<sup>278</sup> As described above, the Shooter wrote similar sentiments on his math assignment, including “Life is useless,” “Help me,” and “Blood everywhere.”

<sup>279</sup> Threat Assessment in Schools Guide at 3, 46.

<sup>280</sup> *Id.* at 48.

<sup>281</sup> *Id.* at 30.

When interviewing a student whose conduct or communications were viewed as concerning, it is important to explore whether: (a) there have been any communications suggesting ideas of an attack, including anything “written in a diary [or] journal;” (b) the student has recently made efforts to acquire or practice with weapons or has access to weapons; (c) the student experienced a recent failure; and (d) the student has a trusting relationship with at least one responsible adult.<sup>282</sup> *Finally*, the threat assessment team must determine whether the information gathered demonstrates that the student does not pose a threat. In other words, once concerning conduct of potential violence is identified, out of an abundance of caution, the presumption shifts to there *is* a threat unless and until the evidence demonstrates otherwise.<sup>283</sup> According to the guide, if “there is insufficient information for the threat assessment team to be *reasonably certain that the student does not pose a threat*,” then the team should recommend the matter for further intervention.<sup>284</sup>

Building off the 2004 Threat Assessment in Schools guide, in 2018, the U.S. Secret Service and U.S. Department of Homeland Security published the Enhancing School Safety guide, which is the document that the District’s threat assessment policy currently states it is designed to be consistent with. The Enhancing School Safety guide provides instructions to schools on creating a targeted violence prevention plan, framed around the following steps:

- **Establishing a multidisciplinary threat assessment team.** A principal feature of this guide is the emphasis on ensuring that teams include individuals from a variety of disciplines, including counselors, mental health professionals, school resource officers, and administrators. In addition, the guide confirms the need to have a specifically designated leader, typically a senior administrator.
- **Define prohibited and concerning behaviors.** The guide instructs schools to define prohibited behavior (that would warrant immediate intervention) and concerning behaviors (that would warrant evaluation by the threat assessment team). The guide recommends that the

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<sup>282</sup> *Id.* at 51-57.

<sup>283</sup> *Id.* at 59.

<sup>284</sup> *Id.*

“threshold” for triggering a threat assessment remain relatively low, allowing the multidisciplinary team to evaluate the concerning behavior.

- **Create a central reporting mechanism.** The guide instructs districts to train and provide guidance to students, teachers, staff and school resource officers to identify concerning behaviors and developing options to easily communicate this information directly to a team member.
- **Establish assessment procedures.** The guide recommends that the threat assessment team define processes for the assessments, including proper documentation, examining online social media pages, conducting interviews, and potentially searching the student’s belongings. As for the interview of a student, the guide recommends exploring themes such as communications that are concerning, unusual, or threatening, access to weapons, and stressful events or losses.
- **Develop risk management options.** Once the team has completed the assessment, the guide suggests that the team determine whether the student is at risk for self-harm or harming someone else at school and, if so, to develop a plan to reduce that risk. If the student is not currently at risk for engaging in violence, the team may conclude that the student requires monitoring or counseling. Other times a team may recommend suspension or expulsion. However, the guide cautions that removing a student from school does not eliminate the risk to the school community, and that a suspended or expelled student might become isolated from positive peer interactions or supportive adult relationships at school.
- **Create and promote safe school climates.** The guide recognizes that a crucial, proactive step to prevent school violence is to develop a culture of safety, respect, and trust. In such a situation, each student has a trusted adult and positive relationships are built between teachers and students. Moreover, students are trained and encouraged to share potentially concerning information involving their fellow students, with students educated that doing so is helping, not snitching.
- **Conduct training for all stakeholders.** The guide recommends that every adult at school receive training on threat assessments. This includes not just administration, teachers, counselors and social workers, but also maintenance, custodial, and food service staff. The guide also recommends that students be trained on the threat assessment process, identifying what information they should bring forward and where to report concerns.



As of May 2019, the intent of the District's threat assessment policy was to be consistent with these critical principles.

### **iii) Threat Assessment Guideline and Form**

Even though the District's threat assessment policy authorized the Superintendent to prepare threat assessment guidelines, Superintendent Throne had not done so as of November 30, 2021, despite being in the position since 2015. Threat assessment guidelines were available. The District had an arrangement with Neola, a company that drafts and proposes school policies and guidelines for school districts. As of 2019, Neola had prepared "Threat Assessment and Intervention" administrative guideline ("ag8400A") (see Appendix E), which implements Policy 8400. The District, however, had not adopted this threat assessment administrative guideline as of November 30, 2021. Had they done so, the administrative guideline would have fleshed out the process for conducting threat assessments. For instance, the guideline "outlines steps building administrators and their threat assessment teams must take when they become aware of a student-posed safety threat."<sup>285</sup> In that regard, the guideline instructs threat assessment teams on classifying concerning conduct as a "high level threat," "medium level threat," or "low level threat," with directions for interventions based on each classification. Even for low level threats, the administrative guideline directs that a mental health team member (counselor or school psychologist) conduct a threat assessment, evaluating (among other factors) the student's mental state, interest in violence, and his capacity to carry out the plan (including access to weapons).

Based on records obtained during our internal review, the District's administration (and the Board's policy committee) considered adopting the "Threat Assessment and Intervention" administrative guideline in late 2019 and early 2020.<sup>286</sup> This administrative guideline – ag8400A – was one of seven administrative guidelines under consideration, with each administrative guideline implementing a separate policy. In February 2020,

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<sup>285</sup> Administrative Guideline ag8400A.

<sup>286</sup> See Board docs records.

when the District adopted an administrative guideline on “early dismissal” (ag5230), “small unmanned aircrafts” (ag7440.03), and sex education (ag2418), it decided *not* to adopt the threat assessment administrative guideline (ag8400A).

When the District considers adopting an administrative guideline, it is typically assigned to an assistant superintendent to take the lead on review. For instance, the District’s administration was evaluating adopting an administrative guideline on “alternative learning activities for opt-out students” (ag2240B) that was assigned to then-Assistant Superintendent Ken Weaver and another administrative guideline on “small unmanned aircraft systems” (ag7440.03) that was assigned to Assistant Superintendent Sam Barna. As for ag8400A, review of this guideline appears initially to have been assigned to Assistant Superintendent Barna, but then that was changed to Assistant Superintendent for Student Services, Denise Sweat.<sup>287</sup> Sweat, who retired at the end of January 2021, refused to speak with us.

While the District did not adopt threat assessment guidelines, it did adopt other administrative guidelines that addressed detecting and addressing potential school violence. These administrative guidelines (ag8410A, ag8410B, and ag8410C, etc.) are administrative guidelines drafted by Neola to implement a “crisis intervention” policy (po8410), which provides that “the Superintendent shall promulgate administrative guidelines for responding to a crisis situation, developing a prevention plan, and providing effective intervention for students who may show warning signs that relate to violence or other troubling behaviors.”<sup>288</sup> The District did not adopt this crisis intervention policy (po8410), but it did adopt the associated administrative guidelines (ag8410A, ag8410B, and ag8410C, etc.).

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<sup>287</sup> This change makes sense as Barna would not have been the correct assistant superintendent to assign this to as he was the Assistant Superintendent for Business and Operations and not involved in threat or suicide assessment policy or practice. Sweat on the other hand would have been the appropriate assistant superintendent to consider ag8400A as she was the Assistant Superintendent for Student Services and involved with suicide and threat assessment policy and practices.

<sup>288</sup> Neola Policy 8400

Administrative Guide 8410A, which was adopted in March 2011, identifies “early warning signs of possible school violence.” These warning signs include social withdrawal, excessive feelings of isolation or rejection, being a victim of or engaging in bullying, history of discipline problems or violent and aggressive behaviors, and inappropriate access to, possession, or use of firearms.<sup>289</sup> Another early warning sign was “expression of violence in writings and drawings.” Cautioning against misreading too much into such drawings, the guideline instructs:

Children and youth often express their thoughts, feelings, desires, and intentions in their drawings and in stories, poetry, and other written expressive form. Many children produce work about violent themes that for the most part is harmless when taken in context. However, an overrepresentation of violence in writings and drawings that is directed at specific individuals (family members, peers, other adults) consistently over time, may signal emotional problems and the potential for violence. Because there is a real danger in misdiagnosing such a sign, it is important to seek the guidance of a qualified professional – such as a school psychologist, counselor, or other mental health specialist – to determine its meaning.

This early warning sign administrative guideline also cautioned that there is “a real danger that early warning signs will be misinterpreted,” explaining that the signs must be interpreted within context. By way of example, the guidelines explain that children and youth at different levels of development have varying social and emotional capabilities, and those emotions will be expressed differently in elementary, middle, or high school. Likewise, the guidelines explain that it is “important not to overreact to single signs, words, or actions,” noting that most children who are at risk for aggression “exhibit more than one warning sign, repeatedly, and with increasing intensity over time.”

The District also adopted (in March 2011) a guideline (ag8410B) for “identifying and responding to imminent warning signs,” which are defined as signs that “indicate that a student is very close to behaving in a way that is potentially dangerous to self and/or to others.”<sup>290</sup> While cautioning that no single warning sign can predict that a dangerous act will occur, the guideline observes that imminent warning signs usually occur as a

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<sup>289</sup> Administrative Guideline ag8410a.

<sup>290</sup> Administrative Guideline ag8410b.

sequence of overt, serious, hostile behaviors or threats. According to the guideline, imminent warnings signs may include:

- Serious physical fighting
- Severe destruction of property
- Severe rage for seemingly minor reasons.
- Detailed threats of lethal violence.
- Possession and/or use of firearms and other weapons.
- Other self-injurious behaviors or threats of suicide

This guideline confirms that when a student has presented a “detailed plan (time, place, method) to harm or kill others” or is “carrying a weapon, particularly a firearm,” then “[i]mmediate intervention by school authorities and possibly law enforcement officers is needed.” Moreover, “[i]n situations where students present other threatening behaviors, parents should be informed of the concerns immediately.”

The District also adopted (in March 2011) a guideline (ag8410C) that outlines principles for “violence prevention and response plans.” That guideline emphasizes the importance of building relationships between the student, school, and home, as well as the need to listen to parents when early warning signs are observed. Moreover, the guideline recommends that the capacity of staff, students, and families to intervene with potentially violent students. In that regard, the guideline observes that “many school staff members are afraid of saying or doing the wrong thing when faced with a potentially violent student.”<sup>291</sup> Accordingly, the guideline continues, “[e]ffective schools provide the entire school community – teachers, students, parents, support staff – with training and support in responding to imminent warnings signs, preventing violence, and intervening safely and effectively.”

Furthermore, the District adopted a guideline (in March 2011) that provides a “checklist” of key characteristics of responsive and safe schools. This “checklist” includes confirming that a school has taken steps to ensure that all staff, students, and families know how to identify early warning signs and respond to imminent warning signs. Moreover, the

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<sup>291</sup> Administrative Guideline ag8410C.

checklist directs schools to make early intervention available for students at risk of behavioral problems and to have preventative strategies in place to support early intervention.<sup>292</sup>

Turning back to threat assessments, as of November 30, 2021, the District had published a threat assessment form (8400 F1) (see Appendix C), entitled “Documentation Pertaining to Threat Assessment and Intervention.”<sup>293</sup> By utilizing that form, threat assessment teams would be guided through a process to conduct a threat assessment. Like a good outline, the form reminds threat assessment team members of subjects that could potentially be covered (depending on the circumstances) so that certain areas of inquiry are not inadvertently missed. To that end, the form requires the team to document the concerning conduct and classify the threat level. To do that, a mental health professional team member (such as a counselor or school psychologist) is prompted to explore (as appropriate depending upon the case) the following subjects:

- The student’s mental state, including whether the student has expressed feeling of hopelessness or despair.
- Identity of a trusted adult.
- Triggering events, such as failed relationships or bullying.
- Interest in sensationalist violence or violent entertainment
- Turbulent family dynamics.
- Capacity to carry out a threat, including access to weapons.<sup>294</sup>

The District also addressed threat assessment in its Emergency Operation Plan, which includes a protocol for handling verbal or written threats. As outlined in the EOP, the protocol is used “to respond to verbal or written threats of students toward self, other students/staff, or the school.” The EOP does not define “threat,” but it encompasses a “threat toward self.” Consistent with the District’s threat assessment policy, the EOP

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<sup>292</sup> Administrative Guide ag8410E.

<sup>293</sup> While this form was on the District’s website as of November 30, 2021, the District has since removed this form from its website as the District has adopted a new threat assessment model, as was discussed in the initial report.

<sup>294</sup> The form twice directs that the threat assessment team inquire about “access to weapons,” both in connection with the “short term response” and the “long term response.”

directs that administrators lead the process, providing that “[a]dministrators, with the help of student support services personnel – particularly school psychologists – must assess threats.” Moreover, the EOP directs that the immediate response to a threat (even a low-level threat) is to notify the school resource officer. Then, the administrator is tasked with determining the level of threat with input from the school counselor, psychologist, social worker, and school resource officer, where appropriate. Once the level of threat is determined, the EOP provides direction on next steps, which include contacting the parents, identifying referral sources, and developing a threat management plan.

#### **b. Suicide Intervention Policies and Guidelines**

On March 1, 2011, the District adopted an administrative guideline (ag5350) addressing suicide intervention, which was supplied by Neola. This guideline states that it implements Board Policy 5350, a suicide intervention policy. However, as of November 30, 2021, the Board had *never* adopted this policy. Instead, only the suicide intervention guideline (ag5350) was “on the books.”

The District’s suicide intervention guideline provides that “any time a staff member encounters a situation in which a student appears to be contemplating suicide,” the school must take the following steps: (1) stabilize the situation; (2) assess the risk; (3) take appropriate action; and (4) communicate to the appropriate members of the District staff.<sup>295</sup>

To stabilize the situation, the guideline instructs that the student is not to be left alone, and that a staff member should converse with the student immediately to determine if the student has any dangerous instrumentality (such as a weapon, substance, or other material capable of inflicting a mortal wound) on or nearby his or her person. If a student has such an item, it is to be removed from the student’s environment, if it can be done safely. The student is then to be accompanied to an area away from other students but where there is another adult, and the principal is to be notified, if possible.

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<sup>295</sup> Administrative Guideline ag5350.

Once the situation is stabilized, either the principal or a staff member must interview the student to assess the risk, classifying the risk into one of three categories: Extreme, Severe, or Moderate. If the principal or staff member determine that the student has a dangerous instrumentality that the student will not relinquish, then the school staff must follow the “Extreme Risk Procedure,” which requires contacting the police and staying with the student until the police arrive.

If the principal or staff member determine that the student does not have a dangerous instrumentality, but nonetheless is in imminent danger of harming himself or herself, the staff member follows the “Severe Risk Procedure.” According to that procedure, a staff member is to attempt to determine the cause of the student’s distress. If the staff member determines that the student’s distress is the result of parental neglect or abuse, the staff member is directed to notify the Family Independence Agency, a Michigan government agency. If the cause of the student’s distress is something other than parental neglect or abuse, the staff member is directed to call the Oakland County Mental Health Service, require that they intervene, and to follow their instructions.

Finally, if the staff member determines that the student is not in imminent danger of harming himself or herself, the “Moderate Risk Procedure” is followed. That procedure requires the staff member to attempt to determine the reason for the student’s distress, as well as to contact the parents and request that they come to the school right away. The staff member must then assist the parents in contacting an agency or resource person who can provide appropriate intervention.

The District maintains the following form (5350 F2) (see Appendix F), which was supplied by Neola, on the District’s website for staff members to use when evaluating the level of risk in connection with a suicide intervention:





**a. Threat Assessment Policies in Effect Generally Aligned with Best Practices, but the District Should Have Adopted Administrative Guidelines**

The District's threat assessment policy aligned with best practices, as developed and articulated by the United States Secret Service, Department of Homeland Security, and academic experts on threat assessments.<sup>296</sup> There are three principal features of the policy that warrant highlighting. *First*, the District's policy directs the Superintendent to create multi-disciplinary, trained threat assessment teams. Appropriately, the policy directs that these teams be led by a principal and include school mental health professionals (such as counselors or social workers) and as necessary, a school resource officer (who is typically a deputy sheriff or other law enforcement officer). A multi-disciplinary team ensures that individuals with different backgrounds, educational experiences, and perspectives can collectively evaluate a student's concerning conduct, likely resulting in better, more accurate decisions. This is consistent with best practices, as the Enhancing School Safety guide and the academic literature confirm the importance of multi-disciplinary teams.<sup>297</sup>

*Second*, the policy appropriately provides that the threshold for concerning conduct should be relatively low to activate a threat assessment process. The policy provides that a threat assessment is conducted where communications or behaviors "*might* suggest that an individual intends to cause physical harm." Likewise, the policy provides that a threat assessment team should convene when there is "concerning communications or behaviors that *suggest* the likelihood of a threatening situation."<sup>298</sup> Importantly, the policy does *not* provide that a threat assessment team conducts a threat assessment only when there is a direct threat to cause physical harm to someone else. Instead, it provides that

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<sup>296</sup> As for academic experts on threat assessments, see, for example, Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence, a system developed by Professor Dewey Cornell.

<sup>297</sup> See Enhancing School Safety at 3 and Comprehensive School Threat Assessment Guidelines at 11-13.

<sup>298</sup> See Enhancing School Safety at 4 ("The threshold for intervention should be relatively low so that Teams can identify students in distress before their behavior escalates") and Comprehensive School Threat Assessment Guidelines at 20 ("When in doubt, the team should err on the side of safety and take those protective actions that would be appropriate if the threat were substantive").

a threat assessment should be conducted when there is concerning conduct or behaviors that *might suggest* either a student intends to cause physical harm or the likelihood of a threatening situation. By using “might suggest,” the standard is whether the conduct or concerning behaviors *implies a possibility* of physical harm or a threatening situation. That is an appropriate low threshold, because if communication or behaviors implies the possibility of physical harm or a threatening situation at school, a threat assessment team should evaluate it.

*Third*, the policy properly provides that it is designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the U.S. Secret Service’s Enhancing School Safety Guide. The U.S. Secret Service, through the National Threat Assessment Center (established as a component of the Secret Service in 1998), has for two decades researched and developed guides to address targeted school violence, culminating in the Enhancing School Safety guide. That guide provides a step-by-step approach for developing a comprehensive targeted violence prevention plan. The District’s threat assessment policy appropriately directs the administration to ensure that the policy is enforced consistent with the Enhancing School Safety guide.

Unfortunately, neither the Board nor the Administration ensured that the District’s threat assessment policy was developed more fully with threat assessment administrative guidelines. The Board expressly authorized the Superintendent to create threat assessment administrative guidelines. Despite this authorization, the Superintendent did not do so. Moreover, the District’s administration reviewed threat assessment administrative guidelines in late 2019 or early 2020, but it decided *not* to adopt threat assessment administrative guidelines. Review of the threat assessment administrative guidelines was assigned to Assistant Superintendent Denise Sweat, who retired from the District. As noted earlier, she refused to speak with us, and therefore we were unable to determine why the District decided not to adopt these guidelines. Adopting such administrative guidelines would have focused attention on the critical issue of threat assessments, prompting action at the building level. Specifically, threat assessment administrative guidelines would have provided additional practical guidance and directed

building-level administrators to ensure that they had threat assessment plans that included the following key components:

- Mandating that threat assessment team members – including counselors and mental health professionals – receive training.<sup>299</sup>
- Training team members that the threshold to conduct a threat assessment based on concerning conduct is low, with a threat assessment being conducted where there are any “concerning communications or behaviors that *suggests* that a person *may* intend to harm someone.”<sup>300</sup>
- Ensuring that team members fully evaluate the potential threat, including the student’s capacity to carry out a violent act, even if the threat is viewed as “low level.”
- Directing team members to complete a threat assessment form to help guide the inquiry, including prompting team members to inquire about the student’s access to weapons.<sup>301</sup>

The District’s failure to promulgate threat assessment guidelines as of November 30, 2021 was a failure of District leadership, both at the Board and Superintendent levels.

**b. The District’s Suicide Guidelines Were Consistent with Some – But Not All – Established Best Practices**

As of November 30, 2021, the District did not have a suicide intervention policy. It should have. As recognized in the Board’s own policies and provided under state law, the Board has the power and duty to provide “for the safety and welfare of students while at school.”<sup>302</sup> The District’s operations are set through policy, and the District should have had a policy on suicide intervention.<sup>303</sup> Moreover, Neola, the organization from which the

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<sup>299</sup> Administrative Guideline ag8400A, which the District adopted in September 2022, provides in no unconditional terms: “Team members shall receive training.”

<sup>300</sup> See ag8400A.

<sup>301</sup> *Id.* (“The Team completes Form 8400 F1 to document the incident and the response.”)

<sup>302</sup> Board Policy po0122 and MCL 380.11a(3)(b) (“A general powers school district has all of the rights, powers, and duties expressly stated in this act . . . including . . . [p]roviding for the safety and welfare of pupils while at school[.]”).

<sup>303</sup> Board Policy po0131.1 (“The Board of Education shall adopt bylaws and policies for the organization and operation of this Board and the District and shall be bound to follow such bylaws and policies.”).

District receives proposed policies and guidelines, published a suicide intervention policy; in fact, Neola's policy (po5350) was referenced in the District's suicide intervention guidelines (ag5350).<sup>304</sup> Nonetheless, the District failed to adopt the suicide intervention policy, a clear oversight by the Board and the Superintendent.

In March 2011, the District did implement suicide intervention guidelines. These guidelines, however, have never been updated, either by the Board or the District's administration. Best practices in this area have evolved over time with research and enhanced understandings on how best to prevent suicide. By 2019, the District's suicide intervention guidelines did not meet the best practices for school district's suicide intervention guidelines.<sup>305</sup> Best practices for school suicide intervention policies or guidelines include the following five elements:

- **Suicide Prevention Coordinator.** The Superintendent or designee appoints a suicide prevention coordinator, who is responsible with the building principal to implement the policy and act as a central point of contact.<sup>306</sup>
- **Annual Staff Professional Development.** All staff receive professional development on risk factors, warnings signs, and the process for referring and intervening in potential suicides.
- **Assessment and Referral.** When a student is identified as potentially suicidal, the student must be seen that day by a school-employed mental health professional, such as a school psychologist, counselor, or social worker. The student should be continuously supervised to ensure the student's safety during the assessment process. Working with the parent,

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<sup>304</sup> Administrative Guideline ag5350.

<sup>305</sup> While there are several sources outlining model school district policies, one of the most used (and cited) models is the following: Model School District Policy on Suicide Prevention: Model Language, Commentary, and Resources (2019). Authors and contributors of this model included the American Foundation for Suicide Prevention, the American School Counselor Association, and the National Association of School Psychologist. Approximately sixty percent of the states in this country statutorily require school districts to implement suicide intervention policies, and more than half of these states direct school districts to this Model Policy.

<sup>306</sup> Many school districts may not have the resources to hire a person who serves only as a suicide prevention coordinator. The policy recognizes, however, that the suicide prevention coordinator may be an existing staff manager (such as a school psychologist or counselor), where part of his or duties includes serving as a point person on suicide intervention cases, most of which will be handled by other counselors or mental health professionals.

the school mental health professional assists in setting up a mental health appointment for the student.

- **Notification of Principal and Parents.** The principal and suicide prevention coordinator shall be made aware of the situation as soon as possible, and the school-employed mental health professional or principal shall contact the student's parent or guardian, regardless of the level of risk of suicide.
- **Lethal means counseling.** When a student indicates suicidal intent, schools must attempt to discuss with the student's parents or guardian safety at home (known as "lethal means counseling"), advising the parents or guardian to limit the student's access to mechanisms for carrying out a suicide attempt, such as guns, knives, or pills. In addition, the guideline instructs that it is "*imperative to ask parents whether or not the individual has access to a firearm, medication or other lethal means.*" As to firearms, a school should if firearms are kept in the home or are otherwise accessible to the student, recommend that parents store all guns away from the home while the student is struggling; and if the parent will not or cannot store offsite, to recommend that any guns be locked in a gun safe with ammunition locked separately.

The District's suicide intervention guidelines partially complied with these best practices. On the one hand, the guidelines do provide, appropriately, that if a staff member encounters a student who appears to be contemplating suicide, that the staff member should not leave the student alone. Moreover, the guidelines correctly provide that a staff member should determine whether the student has any dangerous instrumentality, such as a weapon or substance.<sup>307</sup> Furthermore, the District's suicide intervention guidelines properly provide that the student's parents be requested to come to school right away, and that the staff member assist the parents in contacting a mental health agency that can intervene.

The District's guidelines, on the other hand, were deficient in a few critical areas as of November 30, 2021. First, the guidelines do not create the position of or identify a suicide prevention coordinator, or any single, central point person to whom concerns of suicide should be addressed. This is important because identifying a single point person helps ensure implementation of the policy and consistency of application. In addition, the

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<sup>307</sup> Administrative Guideline ag5350.

guidelines do not discuss – let alone mandate – annual staff training on risk factors, warnings signs, and the process for referring and intervening in potential suicides. Staff training is essential, because school staff members must be able to identify concerning communications or behaviors and appreciate the need to report this conduct directly to an administrator for further evaluation. Furthermore, and perhaps most troubling, the suicide intervention guidelines do not provide any instruction on “lethal means counseling,” including directing staff members to inquire whether the student has access to firearms, medication, or other lethal means. This line of inquiry is critical for school officials to fully understand and limit a student’s access to dangerous items. Finally, the guidelines do not provide guidance on counseling parents who have firearms in their homes, such as encouraging them to store the firearms offsite (while the student is struggling) or at the very least to recommend that the parents securely lock guns and ammunition, keeping them separated.

### **C. Application of Threat Assessment and Suicide Intervention at OHS**

We evaluate in this section whether OHS applied the District’s threat assessment and suicide intervention policies prior to the shooting and, if not, why not, and what it did instead. We found that OHS did not directly apply either the District’s threat assessment policy (po8400) or the District’s suicide intervention guidelines (ag5350). Instead, OHS applied its own ad hoc threat assessment practices, and it developed and used its own suicide intervention protocol and forms.

#### **1. OHS Threat Assessment Practices**

##### **a. Policy 8400 and Form 8400 F1 Were Not Followed at OHS as of November 30, 2021**

As of November 30, 2021, OHS’s administration and staff were unaware of the District’s threat assessment policy. OHS’s principal, Steve Wolf, did not recall having read the District’s threat assessment policy as of November 30, 2021, despite the fact that the policy appoints the principal to lead the building’s threat assessment team. He also testified that the District’s threat assessment policy was not used with the building’s “threat assessment teams” prior to November 30, 2021. Wolf did not recall receiving any

direction or communication from Superintendent Throne or any assistant superintendent on the District's threat assessment policy. Wolf stated that building-level administrators are not "focused on policies and guidelines," but are instead "focused on goals on the ground."

Likewise, none of the OHS's assistant principals were familiar with the District's threat assessment policy. In addition, none of the counselors, mental health professionals, or teachers who we interviewed informed us that they were familiar with the District's threat assessment policy. Beyond that, we confirmed that OHS did not use (and had never used) the District's approved threat assessment form (8400 F1) as of November 30, 2021.

As for Superintendent Throne, he stated that he "assumed" that building principals were following the District's threat assessment policy. However, Superintendent Throne does not recall any specific discussions with assistant superintendents where they discussed the District's threat assessment policy, nor does he recall providing any direction to assistant superintendents to meet with principals to ensure compliance with the District's threat assessment policy.

The District has hundreds of policies, and the Superintendent assigns responsibility for policies to assistant superintendents based on the subject matter of the policy. When a policy is assigned to an assistant superintendent, the assistant superintendent also takes the lead on reviewing updates for those policies. For instance, in the fall of 2019, Assistant Superintendent of Student Services, Denise Sweat, was assigned to review threat assessment administrative guidelines (ag8400a). Again, we note that we did not have the opportunity to speak with Sweat, as she refused to speak with us. We reviewed the District's position description for the Assistant Superintendent of Student Services, which outlines 34 "essential duties and responsibilities." Nearly all of the essential duties and responsibilities related to administering the District's special education program, and none of the duties for the Assistant Superintendent of Student Services included threat assessment.

In June 2020, the District assigned the task of reviewing updates to Policy 8400 to Assistant Superintendent of Business & Operations Sam Barna. Barna stated that he did

not recall being assigned to review Policy 8400, nor does he recall reviewing it. Barna commented that while there are aspects of Policy 8400 relating to physical (technology-related) security and emergency operations planning (for which he did have some responsibility), he claimed he would not have read the portion of the policy relating to threat assessments because that did not fall under his job duties. We reviewed the District's position description for the Assistant Superintendent of Business & Operations (then Business & Maintenance), which includes 21 "essential duties and responsibilities." One of the essential duties and responsibilities included participating with state and local organizations "in staying abreast of school finance reform and other district-related issues, in particular those related to operational issues (safety and security, transportation, etc.)." Other than this one parenthetical reference to "safety and security" in the context of participating with state and local organizations in staying abreast of district-related issues, there was no other reference to safety and no reference whatsoever to the District's threat assessment policy.

In April 2021, Assistant Superintendent Jill Lemond (who assumed Sweat's role, in part, after Sweat's retirement, as noted below) was assigned to review Policy 8400 in connection with a meeting with the Board's policy committee (then consisting of Korey Bailey, Dan D'Alessandro, and Mary Hanser), according to District records. Lemond was also directed to review policies prohibiting staff from possessing weapons on school property (po3217 and po4217), with the direction to align those policies with Policy 8400.<sup>308</sup> Lemond testified, however, that she did not believe that she was responsible for threat assessment prior to November 30, 2021. Instead, Lemond stated that she was responsible for "COVID safety" and "building security." Even though she claims that she was not responsible for threat assessment, Lemond drafted a grant application in the spring of 2021 that was focused on threat assessments, suggesting she did have at least some responsibility for threat assessment as of spring 2021. Former Board member, Korey Bailey, told us that Lemond spoke with him about threat assessment in the summer of 2021, indicating that she did not believe that the District was complying with its threat

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<sup>308</sup> See April 27, 2021 Policy Committee Meeting Notes.



assessment policy and informing him that she was requesting a grant relating to threat assessments. This conversation further suggests that Lemond had responsibility for threat assessment as of November 2021.

Moreover, Lemond was the Executive Director of Strategic Initiatives and Safety Operations. When Sweat retired in 2021, Lemond was promoted to Assistant Superintendent, and she assumed Sweat's non-special education responsibilities (such as transportation), while maintaining her responsibilities as Executive Director, including Safety Operations. The District's position description of the Executive Director of Strategic Initiatives and Safety Operations outlines 11 "essential duties and responsibilities," one of which is to maintain the district's "Emergency Operations Plan" and manage emergency operations and compliance. As discussed above, the EOP includes a protocol for threat assessment. However, the duties and responsibilities of the Executive Director of Strategic Initiatives and Safety Operations' do not expressly identify "threat assessment."

Lemond believed that then-Assistant Superintendent of Curriculum & Instruction Ken Weaver was responsible for threat assessment, because Weaver reviewed building level administrators (including Principal Wolf) and, according to Lemond, that review would include threat assessment teams "via default." However, the District's position description of the essential duties and responsibilities of the Assistant Superintendent of Curriculum & Instruction identifies 28 essential duties and responsibilities, none of which expressly include threat assessment. One responsibility identified in the position description includes "execution and implementation of adopted policies of the Board of Education." But with the Board having adopted over 400 policies, and with those policies assigned to different assistant superintendents, it is not reasonable to suggest that one assistant superintendent was responsible for "all" the policies, and no one has suggested that.

The Assistant Superintendent of Curriculum & Instruction is responsible for supervising all principals "in their instructional and managerial duties." As part of the supervision, the Assistant Superintendent of Curriculum and Instruction evaluates principals on approximately 20 factors, two of which are whether "faculty and staff perceive a safe

environment” and whether “students, parents, and community perceive a safe environment.” Some of the factors considered in this evaluation are whether there is evidence that faculty and staff know emergency management procedures and how to implement them for specific incidents and whether a system is in place for mass communicating to parents about issues regarding school safety. The Assistant Superintendent of Curriculum & Instruction’s evaluation of principals, which is based on an approved “School Leader Evaluation Model,” does not include an evaluation of threat assessment.

The District had a threat assessment policy and threat assessment principles were outlined in the District’s EOP, but no assistant superintendent would acknowledge responsibility for threat assessments, with some claiming that they believed that threat assessment was being handled at the building level. We view this failure by all cabinet-level administrators to accept responsibility for ensuring that the District’s threat assessment policy was being implemented correctly as a serious breakdown, the responsibility for which lies with the District’s most senior administrator, Superintendent Throne.

Superintendent Throne believes that building administrators knew of – and were following – the District’s threat assessment policy. He offers three reasons for this belief. First, Superintendent Throne noted that when a policy is updated, it is emailed to all administrators, and he observed that Policy 8400 was updated in 2021. Principal Wolf stated that he did not recall communications from the Superintendent’s office to building-level administrators when there was an update to a policy. Wolf observed that Policy 8400 had been updated three times while he was the principal of OHS, and the Superintendent’s office did not communicate the updates to the building-level administrators.

However, we reviewed a communication in July 2021 in which the Superintendent’s office notified Oxford administrators of updates to Board policies, including Policy 8400.<sup>309</sup> But

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<sup>309</sup> See Email from Angela Weaver, July 12, 2021.

this was a mass email to 42 Oxford employees, notifying them to updates to 28 different policies, one of which happened to be Policy 8400. Explaining the updates, the email states only that “[a]ll policies were updated to align with state law.” The communication did not include any substantive information on the updates to any of the revised policies, let alone Policy 8400. Furthermore, although Superintendent Throne noted in his interview with us that Policy 8400 was updated in 2021, and he claimed that notice of this update would have been sent to building-level administrators, there appears to have been no change to the “threat assessment” portion of Policy 8400, with the change limited to a different portion of the policy.<sup>310</sup>

Second, Superintendent Throne assumed that the building administrators knew of and followed the District’s threat assessment policies because staff were required to annually acknowledge that they read and reviewed the Board policies. The District has 419 policies, totaling over 660 pages. It is not reasonable to assume that building-level administrators or faculty and staff members read each of these policies every year. Moreover, based on the documents we reviewed, the District does not require faculty and staff to “read and review” each of the District’s policies. Instead, it requests that they read, review, and acknowledge only 26 policies, covering areas such as conflicts of interest (po1130), student privacy and parental access to information (po2416), drug-free workplace (po3122.01), and bullying and other aggressive behaviors toward students (po5517.01). The District’s faculty and staff are *not* required to certify each year that they read and reviewed the District’s threat assessment policy.

Third, Superintendent Throne believed that the District’s threat assessment policy was being applied because he “knew” that threat assessments were occurring. By that, Throne meant that he was aware that when there was a threat, building administrators and others would investigate that threat, resulting typically in a disciplinary tribunal hearing. As to the District’s threat assessment form (8400 F1), Throne stated that he

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<sup>310</sup> In 2021, the substantive change to Policy 8400 was deleting the following sentence: “The Superintendent shall take the necessary steps so that an individual eighteen (18) years of age or older who is a registered sex offender, and resides, works, or loiters in violation of the Student Safety Zone, is prosecuted to the fullest extent of the law.” See June 8, 2021 Revision to Policy 8400, available at 8400 - BoardBook Premier.

assumed it was being used. Of course, conducting a threat assessment process in general (such as the threat investigations that led to disciplinary tribunal hearings) and following a threat assessment process that complies with Policy 8400 are two different things.

Monitoring and ensuring strict compliance at the building level with the District's threat assessment policy, which was designed to be consistent with the Enhancing School Safety guide, is important for three critical reasons. First, the threat assessment policy appropriately sets a low threshold for elevating concerning conduct to a threat assessment: it provides that a threat assessment should be conducted when there are communications or behaviors that "*might* suggest that an individual intends to cause physical harm" or "*suggest[s]* the likelihood of a threatening situation." Second, the policy requires training, which would necessarily include instruction to team members on the low threshold for elevating concerning conduct for evaluation by a threat assessment team. And finally, the policy appropriately requires that concerning conduct or behaviors potentially indicating violence be disclosed to an administrator, with a principal leading a threat assessment team in consultation with others, such as a school resource officer. Superintendent Throne's "assumption" that these processes were being completed, as required by the District's policy, is a far cry from ensuring that the District's operations comply with Board policies, which was his duty as the head of the District.<sup>311</sup>

#### **b. Threat Assessment Training and Practices at OHS**

As of November 30, 2021, OHS administrators were not aware of the District's threat assessment policy, and accordingly they did not follow it. Likewise, as of November 30, 2021, OHS administrators were unfamiliar with the District's threat assessment form, and they did not use it.

OHS *did* conduct threat assessments pursuant to the school's own process, known internally as a "huddle up." When the administration learned of a threat, the administrators would "huddle up" to evaluate and respond to the threat. The available

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<sup>311</sup> Board Policy po1230.

administrators (principal and assistant principals) would meet, with other OHS personnel such as the school resource officer, dean of students, or restorative practices/bullying prevention coordinator included as well, depending on the situation. Rather than documenting their findings on the District's threat assessment form, a team member would summarize and record their review of the perceived threat and any findings/determinations in the student's PowerSchool account.

In this section, we outline the training OHS administrators and staff received on threat assessments prior to November 30, 2021, and we review OHS application of threat assessments applying its "huddle up" process.

### **i) Threat Assessment Training at OHS**

Threat assessment training at OHS prior to November 30, 2021 consisted of two principal components: a one-time threat assessment training in 2018 led by Dewey Cornell, Ph.D., a school threat assessment expert, that was attended by certain faculty and staff, and an annual review of behaviors of concern and the reporting of such behaviors. We review the details of each training component below.

#### **Threat Assessment Training Presented by Dewey Cornell, Ph.D.**

In 2018, the District sent several participants, including administrators and staff from OHS, to a threat assessment training session sponsored by the Oakland County Intermediate School District. Dewey Cornell, Ph.D., one of the nation's top experts on school threat assessments, led this training. At this day-long training meeting, Dr. Cornell observed that school shootings are so traumatic that they skew perceptions of school safety,<sup>312</sup> leading some administrators to impose counterproductive zero tolerance programs that result in overreactions, such as suspending a kindergartner for pointing his finger and saying "pow" or a second grader for holding his pencil like a gun. Other districts respond with physical and armed security measures, but the data suggest that less than

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<sup>312</sup> Dr. Cornell presented data reflecting that for every shooting in a school, there are 1,600 outside of school, with restaurants 10 times more dangerous than schools and homes 200 times more dangerous.

one percent of school shootings would have been prevented with such measures, according to Dr. Cornell. Moreover, Dr. Cornell observed, school security measures are expensive, which he believes deprives schools of resources that could be allocated to preventative measures such as anti-bullying measures and counseling services.

Instead of a zero-tolerance approach (which leads to excessive suspensions with no material safety improvements), Dr. Cornell trained participants on behavioral threat assessment, the goals of which are to prevent violence, address problems (such as bullying) before they arise, reduce use of suspensions, and improve trust between staff and students. As an overriding theme, Dr. Cornell emphasized that threat assessment is not designed to determine whether a student has made a threat, but whether the student poses a threat. The training emphasized the importance of having a multi-disciplinary team, with an administrator (principal or assistant principal) leading the team. Other members of the team, Dr. Cornell advised, should include the school resource officer (who advises the team and responds to illegal conduct and emergencies) and mental health professionals (such as school counselors, psychologists, and social workers).<sup>313</sup>

Dr. Cornell's training defined a threat as "behavior suggesting an intent to harm," noting that "[t]hreats may be implied by behavior that an observer would reasonably regard as threatening." Some threats are easily recognized as harmless, such as an obvious joke or a passing expression of frustration. Threats that are not easily recognized as harmless should be reported to the school administrator. Behavior that suggests a threat such as weapon carrying or fighting, Dr. Cornell instructs, should be investigated to determine whether a threat exists. According to Dr. Cornell's training, this process is designed "for assessment of threats to harm others and is not intended for individuals who have only threatened to harm themselves." While Dr. Cornell's training notes that only a small percentage of cases require both threat assessment and suicide assessment, the threat assessment team should supplement the threat assessment process with a suicide assessment protocol.

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<sup>313</sup> Dr. Cornell explained that teachers are not members of the threat assessment teams, but that they must be trained to report threats and concerning behavior and provide input to the team.

Dr. Cornell's training also included form guides to use in evaluating concerning behavior that include observations that may warrant intervention, such as whether the student has a history of suicide ideation, is depressed, has experienced a stressful event, lacks positive relationship with one or more school staff, or lacks supportive family. In addition, the training included a guide for conducting a mental health assessment, suggesting that the school mental health professional (such as counselor, social worker, or school psychologist) inquire about recent stress and trauma ("What is the worst thing that happened to you lately?"), exposure to violence ("What kind of video games do you enjoy playing? What are your favorite internet sites?") or, if appropriate depending upon the context, about psychotic symptoms ("Have you had any unusual experiences lately, such as hearing things that others cannot hear or seeing things that others cannot see?"). Importantly, the threat assessment guide also instructs team members to "[a]sk about firearms in all cases, even if no firearm was mentioned."

The training material also included a guide for interviewing the parent or guardian of a student who has engaged in concerning behaviors that might suggest a threat. The guide instructs the parent be asked about access to weapons ("Do you have a gun in your home? What can you do to restrict your child's access to weapons?"). Still further, the guide prompts the school mental health professional to ask the parent about the student's mental health, such as whether the child ever talked about hurting himself or whether the student ever seemed to be hearing things that were not there.

Once the interview and mental health assessment is completed, the threat assessment team must document their findings and develop a safety intervention plan. Such a plan is context specific, but it may include referral to mental health resources, removal from school, discipline, or further monitoring.

Records indicate that the following individuals attended the threat assessment training from OHS: Steve Wolf (Principal); Jason Louwaert (Security Resource Officer); Kurt Nuss (Assistant Principal); Sandy Kelley (School Psychologist); Stephanie Brevik (Counselor); and Laura Beck (School Social Worker). As of November 30, 2021, Wolf, Nuss, and Brevik and Beck were still employed by OCS and Louwaert still served as the contracted

SRO. As noted throughout this report, we interviewed Wolf, Louwaert, and Nuss; Brevik and Beck refused to speak with us.

### **OHS Internal Training**

While the above-listed OHS personnel attended Dr. Cornell's training in 2018, the District provided no evidence that staff members received any other external threat assessment training from 2018 through 2021. Moreover, while Dr. Cornell's threat assessment training materials were shared with OHS administrators, the District provided no evidence that this training material was provided to OHS counselors, student support staff, teachers, or other staff members.

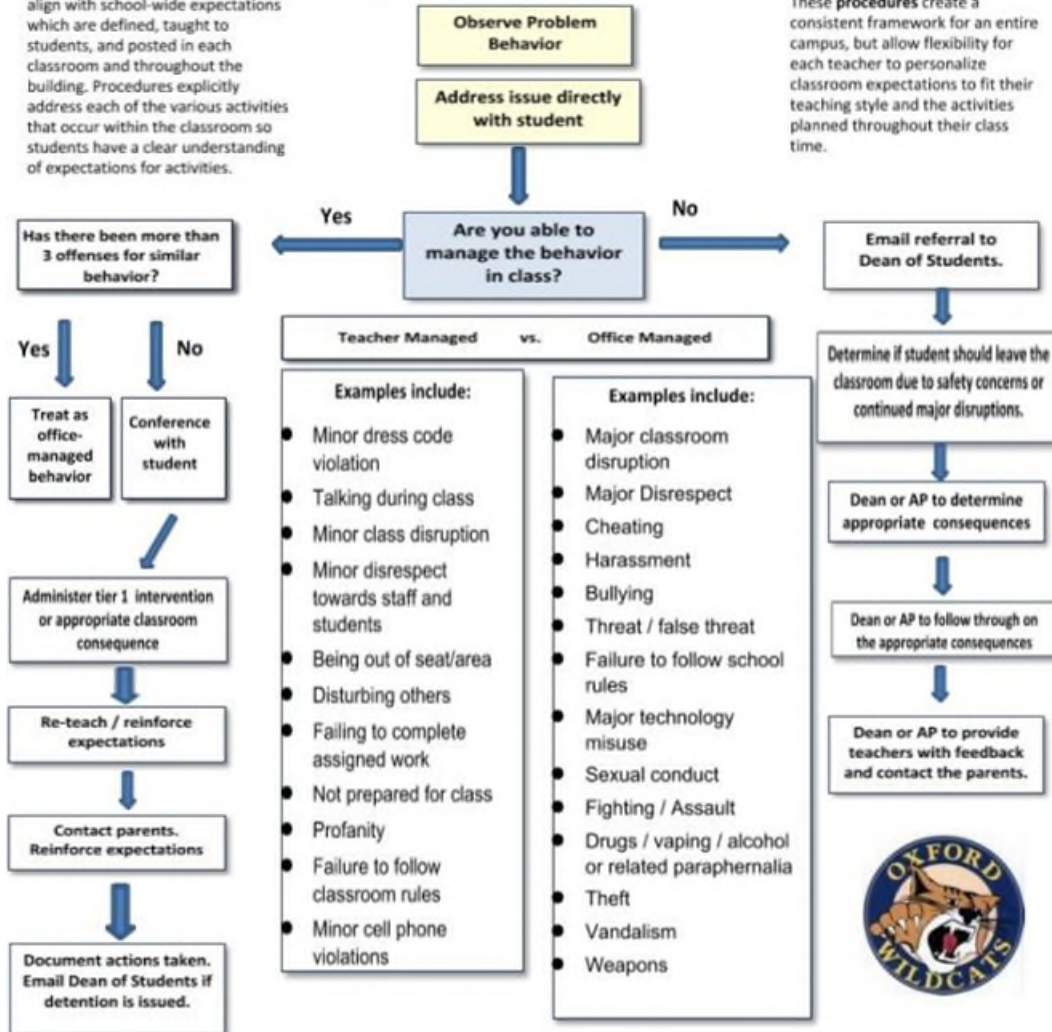
OHS administrators represented that they provided training on reporting and managing concerning conduct in several ways, primarily through OHS's "Behavioral Decision Flowchart," created by the principal. According to Principal Wolf, the Behavioral Decision Flowchart "allowed staff to be able to see and understand who to share information with if there was a concern." This flow chart is shown below:



## Oxford High School Behavioral Decision Flowchart

Classroom rules and procedures align with school-wide expectations which are defined, taught to students, and posted in each classroom and throughout the building. Procedures explicitly address each of the various activities that occur within the classroom so students have a clear understanding of expectations for activities.

These procedures create a consistent framework for an entire campus, but allow flexibility for each teacher to personalize classroom expectations to fit their teaching style and the activities planned throughout their class time.



**Discipline Procedures** - At times, correction and consequences for misbehavior are necessary. The flowchart above depicts the framework that Oxford's staff will utilize when making decisions about implementing corrective measures or applying consequences. An array of appropriate responses that align to the Student Code of Conduct are described within this document. When these measures are taken, behavior is recorded, communicated with the parent and documented in Powerschool. Our staff work hard to re-communicate our expectations and allow the student to reflect in order to correct the student's behavior. Additional interventions and supports may also be implemented by the teacher, administrators, Restorative Care Co-ordinator or the MTSS Committee to support the student. This process is established to support consistent and fair application of disciplinary measures.

This Behavioral Decision Flowchart is a classroom management tool for teachers, identifying conduct that the teacher should be able to manage within his/her class *without* referral to the high school office (such as being out of one's seat, profanity, or minor cell phone violation) as well as conduct that should be referred to the Dean of Students (such as bullying, fighting, or threats). As to behavior that is to be referred to the Dean of

Students, the teacher is to determine whether the student should leave the classroom “due to safety concerns or continued major disruptions,” and then the Dean of Students and an assistant principal determine the appropriate consequences.

This Behavioral Decision Flowchart, however, is *not* a threat assessment guide. While it provides that a threat (or false threat) must be referred to the Dean of Students, it does not provide guidance on the type of concerning conduct that should be reported to an administrator. For instance, it does not instruct that any concerning conduct or behavior that might suggest a threatening or violent situation should be viewed as a threat. Furthermore, it does not instruct that, when in doubt, concerning conduct or behaviors should be viewed as a threat and reported to an administrator.

Beyond the Behavioral Decision Flowchart, OHS administrators claim that staff were instructed on identifying behaviors of concern and to whom to report those concerns. OHS administrators also claim that students were taught (during their advisory class period) about acceptable behaviors and how to contribute to a safe school. Furthermore, Principal Wolf noted that a state court judge discussed with the high school body destructive behaviors and choices. Principal Wolf also suggested that staff and students were instructed on “See Something, Say Something,” which is a national campaign that raises public awareness on how to report suspicious activity to state and local law enforcement.

OHS administrators also educated students and staff about the option to anonymously report concerning conduct through OK2SAY, which is a student safety program, created by Michigan law and managed by the Michigan State Police. OK2SAY is focused on student tips, but it accepts tips from parents, school personnel, and concerned citizens 24 hours a day, seven days a week. The tips are routed to a Michigan State Police technician, who in turn relays the information to the appropriate recipient, which may be local law enforcement, school officials, or community mental health service programs. If the Michigan State Police technician determines that the tip involves an emergency, the technician routes the information directly to local law enforcement as well as school administration. For situations that the Michigan State Police technician deems as non-

emergencies, the information is routed to school administrators. OHS administrators explained that OK2SAY information is posted around the school, with that information including a phone number, a text number, an email address, and a QR code to download an app.

We find that the training of OHS faculty, staff, and students on threat assessments was deficient. The primary flaw was that the training was not focused on threat assessment principles as set forth in the District's policy, the Enhancing School Safety guide, and the Dewey Cornell training. While the administration's instruction may have provided guidance on managing classroom behaviors or reporting direct threats through OK2SAY, it failed to focus on this critical component: concerning conduct or behaviors that *might suggest* violence or a threatening situation must be reported to an administrator. Even an OHS assistant principal believed (incorrectly) that a threat assessment would be triggered only if there was a direct threat against a specific person. Consistent with this, we did not see evidence that the faculty or staff were trained to view concerning conduct or behaviors as a low threshold that must be reported to an administrator for a multi-disciplinary threat assessment evaluation. Likewise, we do not see evidence that OHS properly instructed students to disclose concerning behaviors or communications that might suggest violence or a threatening situation to an administrator or trusted adult.

Layered on this is OHS's failure to ensure threat assessment training for all threat assessment team members on an annual basis. Based on the information we learned, there was no threat assessment training provided to OHS's counselors. As of November 30, 2021, OHS had four principal counselors, with each responsible for a quarter of the student body. Of those four counselors, three refused to speak with us and we were therefore unable to explore the topic of threat assessment training with them. The Board had the authority to direct the counselors (who were still employed by the District) to speak to us as a condition of their employment, but the Board declined to do so.

While counselors would receive annual professional development training on "blood borne pathogens" or "ALICE protocols," we have seen no evidence that they received training on threat assessments. For instance, it does not appear that counselors were

trained that concerning communications or behaviors that might suggest violence must be disclosed immediately to an administrator. Moreover, although OHS received training materials from the Dewey Cornell training, there is no evidence that this material was provided to counselors as of November 2021. Further still, there is no evidence that OHS provided annual threat assessment training to threat assessment team members, which is an important and necessary step especially with staff turnover.

**ii) Application of OHS Threat Assessments as of November 30, 2021**

OHS administrators investigated threats at OHS prior to November 30, 2021. Although the District had a threat assessment form (8400 F1), which prompts a threat assessment team to inquire about the student's capacity to carry out an attack, including access to firearms, OHS did not use this form to guide or document its threat investigations. OHS did not produce a single 8400 F1 form completed prior to November 30, 2021. OHS administrators did not use any form to guide the investigative process. Instead, OHS personnel merely logged the relevant investigative findings in the student's PowerSchool account.

These PowerSchool records confirm that OHS investigated *direct* threats. For instance, OHS investigated when a student sent a message threatening to kill another student. It also investigated when a student made a direct verbal threat to cause physical harm to another student, as well as when a student posted a direct threat to the high school on SnapChat. On another occasion, OHS conducted a threat investigation when it learned that a student brought a knife to school.

On at least one occasion, OHS investigated an implied threat when a student posted concerning statements on social media with a picture of a firearm. In connection with that investigation, the Oakland County Sheriff's office was contacted, the student was directed not to attend school, and OHS administration investigated the conduct, which included gathering additional evidence and interviewing the student.

The District's records reflect that, on at least one occasion (prior to 2020), an OHS threat investigation included the search of students' belongings and backpacks. In that case, a

student admitted to vaping marijuana in the school's bathroom with several other students, and the administration, using security footage, identified another student who was in the bathroom at the same time as the student who admitted smoking marijuana. Administration searched that student, discovering a vaping device. Administration then searched that student's backpack, discovering a spring loaded, pneumatic BB gun.

The findings from threat investigations were typically logged into PowerSchool by the Dean of Students, who would (on at least some occasions) identify other team members who participated in the investigation. According to the PowerSchool records, other members who participated in the above-described investigations included the school resource officer and assistant principals.

The District produced PowerSchool records reflecting threats that were investigated in three school years (2018-19, 2019-20, and 2020-21). These records are logged into PowerSchool under "Discipline," with each case having a separate "Subtype" log entry that identifies the specific conduct. The specific conduct corresponds to the prohibited conduct listed in the OCS Student Code of Conduct, ranging from "Bullying/Cyberbullying" (the first prohibited conduct listed) to "Weapons: Use of Legitimate Tool as Weapon" (the forty-ninth -- and last -- prohibited conduct listed). One of the categories of prohibited conduct is "threats." For the three school years for which the District produced PowerSchool records, OHS logged eight threats. According to a national threat assessment expert, the average number of threat assessments conducted in a similarly sized school is fifteen threat assessments per school year, which would be 45 assessments over three years. While the eight OHS threat investigations in three years are obviously significantly less than 45, it appears that some conduct that could have been classified under "threat" was logged in different sub-type categories, such as "intimidation behavior" or "harassment," which would in turn increase the number of investigations related to threats.

Even considering that, OHS conducted fewer threat assessments than would have been anticipated for a school its size. This is attributable to two, interconnected reasons. One, OHS did not properly frame the type of conduct that should have been reported to an

administrator for a threat assessment. As emphasized in the leading threat assessment guides, the correct question is not whether a student *made a threat*, but whether the *student poses a threat*. And whether a student poses a threat is determined by evaluating whether the student's conduct or behaviors *might suggest* violence or a threatening situation. OHS administrators did not view the standard correctly, with at least one administrator of the opinion that a threat assessment was triggered only when there was a direct threat to a specific person. Had the standard been framed correctly, more conduct would have been subject to a threat assessment. Two, OHS conducted fewer threat assessments because the administration did not educate faculty and staff members on the correct standard for reporting concerning behaviors that might suggest violence. OHS's counselors, who interacted directly with students, were unaware of and received at most limited training on threat assessment processes.

OHS also did not have a written process for documenting conduct or behaviors from faculty, staff, or others that could provide relevant context when evaluating whether concerning behaviors might suggest that a student poses a threat. While conduct that would give rise to a disciplinary violation is logged into PowerSchool, there is no evidence that other information reported from faculty or staff to an administrator or counselor about a student was systematically logged into PowerSchool. If a teacher believed that a student's conduct (either academic or behavioral) warranted a referral to a counselor or staff, that conduct should have been consistently logged into PowerSchool. For instance, if a teacher felt compelled to elevate an issue to a counselor because a student was regularly sleeping through class and failing the course, for instance, that should be recorded. Likewise, if a teacher reported that a student regularly refused to comply with a teacher's instruction, that too should be recorded. Standing alone, this information does not suggest a student code of conduct violation, nor certainly does it suggest violence. But it is relevant data that provides context and should be available to administrators and a threat assessment team when they are reviewing conduct or behaviors that might suggest violence or a threatening situation.

OHS also did not have a written process providing direction on collecting additional information in connection with reviewing concerning conduct or behaviors that might

suggest violence or a threatening situation. For instance, there was no protocol providing for a team member to contact a student's teachers to solicit additional information about the student. Likewise, there was no written protocol at OHS instructing a threat assessment team member to search for the student's public social media accounts, a practice that the Enhancing School Safety guide recommends. While we understand that many students maintain private social media accounts, and still other students use fake names for their accounts, that does not negate the utility of searching social media. This is especially true when balancing the minimal time, it takes to conduct an online search against the potentially useful information available.

## **2. Suicide Intervention Practices at OHS as of November 30, 2021**

As of November 30, 2021, the District did not have a Board policy on suicide intervention, instead having only an administrative guideline. That guideline outlines a process that must occur any time a staff member encounters a student who appears to be contemplating suicide. That process includes conversing with the student to determine whether the student has any "dangerous instrumentalities," such as a weapon, on or nearby his person. A staff member must also try to determine the reason for the student's distress and to contact the student's parent.

The District adopted a suicide assessment form (5350 F2) to guide a school mental health professional to evaluate the probability of a suicide attempt. It directs the mental health professional to consider the availability of means, classifying "not available" as low probability and "has in hand" as high probability. It also directs the mental health professional to consider the "lethality of the method," classifying "pills, slash wrists" as low probability with "violent action" (such as a firearm) as high probability. Based on this assessment, the mental health professional evaluates the degree of risk of suicide (low, medium, or high) and the need for intervention (referral to therapist or immediate intervention). The District did not produce a single completed 5350 F2 form as of November 30, 2021.

Rather than using Form 5350 F2, the District developed a different "Suicide Threat Protocol," which was presented to the school's mental health professionals in

approximately 2019. This protocol included a packet of material, which started with a checklist. That checklist reminds the mental health professional never to leave the student unattended, to assess the suicide risk, and to complete the suicidal behavior report form. It also identifies the steps to take depending upon whether the suicide risk is identified to be “low” or “medium/high.” If “low,” the checklist directs that the mental health professional call the parent, complete a safety/action plan, and provide the parent with resources for help. If the suicide risk is found to be “medium/high,” then the additional steps are taken: the parent must come and pick up the student and the mental health professional is to follow-up with the parent within 24 hours to confirm that the student received an evaluation from a mental health professional. That checklist is reflected below:





## Suicide Threat Checklists

### Counselor/Social Worker

- Never leave a suicidal person unattended
- Use the Suicide Lethality Checklist to assess the suicidal risk
- Complete Suicidal Behavior Reporting Form and give a copy to Administration

#### Low Risk

- Call parent
- Complete Safety/Action Plan
- Provide parent with the following:
  - o Suicidal Behavior Reporting Form
  - o Suicide Lethality Checklist
  - o Resource List
  - o Safety/Action Plan

#### Moderate/High Risk


- Call parent and/or 911 if necessary
- Wait with student until parent comes to pick up
- Provide parent with the following:
  - o Suicidal Behavior Reporting Form
  - o Suicide Lethality Checklist
  - o Resource List
  - o Parental Acknowledgment Form
- Complete follow-up within 24 hours
- Complete Safety/Action Plan before student returns to school

### Teacher/Staff

- Never leave a suicidal person unattended
- Notify Administration/Counselor/Social Worker immediately
- Stay with student until Crisis Team representative responds
- Relate pertinent information from suicidal intent
- Identify staff/students "at-risk" as a result of this incident and report to Administration

The next step of the District's suicide intervention protocol instructs the school mental health professional to complete the "suicide lethality checklist." While the checklist directs

the mental health professional to inquire about the contemplated “method” of suicide and whether the “method is available,” it does not specifically direct the mental health professional to inquire whether the student has a dangerous instrumentality (such as a weapon) on or near him. Moreover, in outlining the risk factors, the Suicide Lethality Checklist does not include “Access to Firearms,” which is one of the strongest correlating factors to suicide. The Suicide Lethality Checklist that OHS mental health professionals purportedly used as of November 30, 2021 is shown below:



**Suicide Lethality Checklist for Youth**

Student: \_\_\_\_\_ Date: \_\_\_\_\_  
 Completed By: \_\_\_\_\_

Part One – PLAN

- What is the plan?

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- What is the method?

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- Is method available?

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	<u>LOW</u>	<u>MODERATE</u>	<u>HIGH</u>
• When	___Unplanned	___Vague	___Specific
• Where	___Unplanned	___Vague	___Specific
• Previous Attempt	___No	___Yes	
• Alcohol/Drug Use	___No	___Sporadic	___Chronic
• Recent Loss	___No	___Yes	
• Depression	___No	___Yes	



**Suicide Lethality Checklist for Youth**  
(continued)

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Part Two – Risk Factors

	<u>LOW</u>	<u>MODERATE</u>	<u>HIGH</u>
• Physical Assault*	___No	___Recent	___Ongoing
• Sexual Assault*	___No	___Recent	___Ongoing
• Witness to Violence/Trauma*	___No	___Recent	___Ongoing
• Beating/Humiliation*	___No	___Recent	___Ongoing
• Hyposomnia/Disturbed Sleep	___No	___Recent	___Ongoing
• Preoccupation with Death	___No	___Recent	___Ongoing
• Gender Identity Issues	___No		___Yes
• Sexual Orientation	___Heterosexual	___LGB,Q	
• Poor Impulse Control*	___No	___Recent	___Ongoing
• Fear of Losing Control	___No	___Recent	___Ongoing
• Loss of Concentration	___No	___Recent	___Ongoing
• Psychomotor Retardation/Agitation	___No	___Recent	___Ongoing
• Constricted Thinking*	___No	___Recent	___Ongoing
• Somatic Complaints	___No	___Recent	___Ongoing
• Expression of Guilt/Shame*	___No	___Recent	___Ongoing
• Expression of Hopelessness*	___No	___Recent	___Ongoing
• Chronically Depressed Parent*	___No	___Recent	___Ongoing
• Turning Against Self (Verbally)	___No	___Recent	___Ongoing
• Support of Others (Real or Perceived)	___>2	___one/two	___None
• Refuses to Contract	___No		___Yes
Total:	___Low	___Moderate	___High

The suicide intervention protocol also included a list of warning signs for the mental health professional to consult in evaluating the risk of suicide. Such warning signs include “feeling hopeless” or making statements such as “life is not worth living.”

Once the suicide lethality assessment is conducted, a staff member completes the “Suicidal Behavior Reporting Form,” in which the staff member documents the suicide threat, identifies who contacted the parent, records the parent’s response, and if the threat was determined to be moderate or high, identifies the person who transported the student home or to the hospital. Next, the protocol directs that, for moderate or high-risk cases, that the parent be provided the parental acknowledgment form, urging the parent to seek

an immediate evaluation for the parent's child. The parental acknowledgment form is shown below:



Date: \_\_\_\_\_

Dear Parent/Guardian:

A recent contact with \_\_\_\_\_ has given staff reason to believe that he/she may be at risk for suicide. Eight out of ten children who commit suicide give some warning prior to taking action. About two-thirds discuss it in the last few months before their death—sometimes with relatives, friends, a doctor, clergy or someone they trust. Some children see death as the only option to relieve their unpleasant feelings, while others are making a plea for help or simply testing the idea. As school staff we do not determine the level of threat, but recommend action be taken to properly assess the risk of your child following through with a suicide.

We strongly urge you to seek an immediate evaluation for your child from a mental health professional or family physician. We also strongly suggest that you do not leave your child alone until they are evaluated by a mental health professional. Below are a few agencies that can call to schedule an evaluation. You can also take your child to the nearest emergency room.

- Common Ground Crisis Line.....1-800-231-1127
- Common Ground Walk-in Screening.....248-456-1991
- Harbor Oaks .....855-738-8198
- Havenwyck Hospital.....947-333-9281

- I agree to cooperate and follow through with recommendations made.
- I disagree with recommendations and take full responsibility for the welfare of my child and any outcome of this crisis.
- I understand that if no help is sought for a child at risk of harm that the law requires notification of Child Protective Services for further investigation.

COMMENTS:

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Parent/Guardian Signature: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

The District did not produce *any* completed suicide assessment forms as of November 30, 2021 applying the District's suicide intervention protocol.

**D. Application of Threat Assessment and Suicide Intervention Policies and Practices on November 29 and 30, 2021**

**1. The Conduct on November 29 Was Likely Not Sufficient to Trigger a Threat Assessment or Suicide Intervention**

We believe that the Shooter's conduct of which OHS was aware on November 29, 2021 was *not* sufficient to trigger a threat assessment under the District's policy. The Shooter's conduct involved looking at an image of bullets in class, which was reported to the Dean of Students, the Restorative Practices/Bullying Prevention Coordinator, and the Shooter's counselor. To be sure, this is more than a cell phone violation. The content itself – an image of bullets – is an important consideration, one that adds (at least some) weight to potential violence. In fact, the Threat Assessment in Schools guide suggests that a student bringing a bullet to school is sufficient to conduct a threat assessment.<sup>314</sup> We appreciate that looking at an image of bullets is different than bringing a bullet to school, but the context of boldly looking at images of bullets in school – where a student can be easily monitored and seen – is concerning behavior.<sup>315</sup>

While many OHS employees sought to downplay the conduct by noting that Oxford is a hunting community, there is no evidence that this conduct – viewing an image of bullets *in* school – is remotely consistent with school norms. None of the Oxford high school teachers we interviewed told us that they have ever previously seen a student looking at images of bullets online in class. Moreover, posting a hunting picture on a student's private social media account with a deer and a rifle is fundamentally different than looking at an image of bullets in school.

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<sup>314</sup> While many students reported *after the shooting* that the Shooter showed students bullets the day before the shooting, there is no evidence that OHS staff were aware of this fact.

<sup>315</sup> While the Shooter did bring a bullet to school that he showed a classmate, there is no evidence that this was disclosed to or discovered by OHS faculty or staff.

Still, as of November 29, 2021, the Shooter's conduct was an isolated incident. And Pam Fine and Shawn Hopkins believed that the Shooter offered a reasonable explanation for his conduct: he and his mother had a hobby of shooting guns at a gun range, and he was looking at potential ammunition because they had visited a gun range over the previous weekend. With this isolated occurrence, we find that a mental health professional or administrator trained on threat assessments would not reasonably conclude that this conduct suggests a likelihood of a threatening situation, necessitating a threat assessment.

Nor do we believe that the conduct on November 29, 2021 should have triggered the District's suicide intervention process. Prior to November 29, 2021, there were two relatively-recent referrals to Hopkins about the Shooter from the Shooter's Spanish teacher, Diana McConnell. In September 2021, McConnell reported that the Shooter wrote on an assignment that he "feels terrible" and that "his family is a mistake."<sup>316</sup> In early November 2021, McConnell informed Hopkins that the Shooter was having a "rough time" and "might need to speak to him." While these statements may reflect a potential need for mental health support, they do not indicate potential suicide.

Furthermore, there was no evidence of concern of suicide from the meeting between Fine, Hopkins, and the Shooter on November 29, 2021. Based on what we know about that meeting, the Shooter did not say anything that reflected hopelessness, nor did the Shooter emote feelings of distress in his words, tone, or actions. There was nothing from the November 29, 2021 meeting – which was focused on the Shooter's inappropriate viewing of an image of bullets in class – that suggested suicide. Accordingly, a trained school mental health professional would not have reasonably concluded that the Shooter appeared to be contemplating suicide as of November 29, 2021.

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<sup>316</sup> Hopkins testified that he spoke to McConnell about the assignment to gain context, and McConnell explained to him that the Shooter prepared the assignment in a group with friends and that he wrote it as a joke. Hopkins did not speak to the Shooter about this assignment.

**2. The Conduct on November 30, In Conjunction with the Events on the Previous Day and Hopkins Prior Knowledge About the Shooter, Warranted a Threat Assessment and Suicide Intervention**

The calculus is far different on November 30, 2021. As discussed below, we find that OHS should have conducted both a threat assessment and a suicide intervention assessment in light of the Shooter’s conduct on November 30, viewed cumulatively with his conduct on November 29 and Hopkins’s prior knowledge of concerns about the Shooter’s well-being.

**a. OHS Should Have Conducted a Threat Assessment on November 30**

The Shooter’s troubling conduct on November 30 began in the first period of the day, with an OHS teacher (Karpinski) reporting to Fine and Hopkins that the Shooter was watching “videos on his phone of a guy gunning down people.” This is significant for three reasons.

First, this conduct (watching a video of a “guy gunning down people”) occurs the very next day after the Shooter was admonished for looking at images of bullets on his phone. This is not a situation where the student's second violation of school policy occurred in the next semester or the next month; violations that are spread out over time are perhaps not uncommon, where the effect of an admonishment dissipates with time, and therefore less of a direct flaunting of school authority. Here, the Shooter was looking at an image of bullets on day one and was admonished for that conduct, and then was caught on day two watching a violent video of “a guy gunning down people”. This direct disobedience should have been viewed in the context of the Shooter’s disciplinary record, or lack thereof – he was not a student with a history of a discipline problem or disobedience, not an intractable student who serially violated school policy. While a school official may argue that this fact weighs against a potential threat, the more logical conclusion is the opposite. Hopkins and Ejak were confronted by a student with recent mental health concerns raised by a teacher, who previously had mostly flown under the radar at a big school with mostly poor grades, fair attendance, and no serious discipline history – a student who now on *back-to-back occasions* violates school policy, first by viewing and

image of bullets in class and then by watching a video of "a guy gunning people down." That raises a serious red flag.

Second, the Shooter's conduct was concerning because of the content he was viewing, with each episode connected to firearms. The District's policies highlight the concern with and danger of firearms at school. For instance, the District's policy recognizes that an imminent warning sign that a student "is very close to behaving in a way that is potentially dangerous to self and/or to others" is possession of firearms.<sup>317</sup> Likewise, the District's policy strictly prohibits "students from possessing . . . a weapon in any setting that is under the control and supervision of the District," with the policy requiring the Superintendent to refer any student who violates this policy to the criminal justice system.<sup>318</sup> The point here is not that this information – viewing an image of bullets on day one and watching a video of a guy gunning down people the very next day – is necessarily sufficient to have reasonable suspicion that the Shooter possessed a firearm; the point is that school staff and threat assessment team members must have a heightened sensitivity to conduct connected to firearms, such as was presented here, especially in this age of tragic school shootings.

Third, the context of the discovery of the Shooter's conduct in looking at an image of bullets and watching a video of people being gunned down is important. This is not a situation where the student made any real attempt to hide the conduct; rather, in each case, a teacher observed the inappropriate and violent content. The Shooter could have easily hidden the content he was viewing. Had a threat assessment team at OHS been assembled and trained consistent with the principles set forth in the Threat Assessment in Schools guide and Enhancing School Safety guide, team members would have appropriately recognized this conduct as troubling behaviors potentially reflecting violence, which is known as "leakage." As the threat assessment guides instruct, most attackers do not threaten their targets directly, but "engage in pre-attack behaviors that

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<sup>317</sup> Board Policy po8410B.

<sup>318</sup> Board Policy po5772.



would have indicated an inclination toward or the potential for targeted violence.”<sup>319</sup> In other words, students who engage in targeted violence are frequently of two minds: on the one hand, they generally do not express their intention directly for they do not want to get caught but on the other hand, some feel empowered with their hidden plans, signs of which they disclose. That is what occurred here.

We anticipate the objection to this analysis by some who may claim that it is confirmation-bias based on hindsight. We disagree. We believe that this analysis is the natural, logical byproduct of applying established threat assessment principles. As the U.S. Secret Service has emphasized when conducting threat assessments in schools, it is critical for the threat assessment team members to have an “investigative, skeptical, inquisitive mindset.”<sup>320</sup> Applying that type of mindset, a trained threat assessment team member should have started the threat assessment process based on the Shooter’s recent mental health issues and conduct of viewing an image of bullets and a violent shooting video in school on back-to-back days. Such conduct “*might* suggest that an individual intends to cause physical harm.”<sup>321</sup> It does not mean that a student *is* intending to cause physical harm, only that he *might be*. That is what triggers a threat assessment, a process in which a team is then assembled – led by an administrator and with notice to a school resource officer – to ask the appropriate questions to evaluate and gather information about a potential risk.

The Shooter’s conduct did not end with him viewing bullets on a phone and watching a violent video. In the very next class period on November 30, the Shooter wrote troubling and disturbing content. He drew a picture of a handgun, a bullet, a crying face, and a crime-scene body with what appeared to be two holes in the body and blood emanating from the head. The multiple holes in the crime-scene body suggest not suicide, but homicide. The Shooter added the following five troubling statements: “The thoughts won’t stop,” “Help me,” “Blood everywhere,” “My life is useless,” and “The world is dead.” The

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<sup>319</sup> Threat Assessment in Schools at 5.

<sup>320</sup> Threat Assessment in Schools at 29.

<sup>321</sup> Board Policy po8400.



statement “Blood everywhere” alone connotes violence. It is not a close call: the Shooter’s concerning behaviors and statements at the very least might suggest physical violence or a threatening situation.

With this added “troubling” or at least “concerning” information, a threat assessment should have been conducted. In fact, the Threat Assessment in Schools guide provides an illustration of a previous school shooter’s writing that should have -- but did not -- trigger a threat assessment. In that case, the student wrote: “Thinking life is profane/Knowing life is useless . . . . Am I insane/Wanting to spill blood like rain/Sending them all to hell.”<sup>322</sup> While one may argue that this example more directly reflects a threat, that would be splitting hairs too finely, especially when the consideration is whether the conduct *might* suggest the possibility of violence. That is the standard. Even the-OHS Principal Wolf agreed (after the fact, during his deposition) that the Shooter’s conduct – from looking at images of bullets in class, to watching a violent video in class, to drawing a picture of a gun, to writing disturbing statements including “blood everywhere” – might suggest an individual intends to cause physical harm. But the Shooter’s behavior, statements, and drawing were never presented to Wolf, as they should have been.

Had Hopkins and Ejak been aware of and trained on the District’s threat assessment policy, they should have concluded that the Shooter’s conduct might have suggested that he intended to cause physical harm to himself or others and they should have notified the principal. Moreover, had any OHS administrator been aware of the District’s threat assessment form (8400 F1), the threat assessment team would have been prompted to inquire about the Shooter’s access to firearms. Unfortunately, neither Hopkins nor Ejak notified an administrator about the concerning conduct, nor did Hopkins or Ejak ask the Shooter about access to weapons.

Furthermore, had the principal been notified and a threat assessment conducted, the principal may have consulted with the school resource officer, in which case there is a greater likelihood that questions about access to weapons would have been asked and

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<sup>322</sup> Threat Assessment in Schools Guide at 22.

the principal or the SRO would have perhaps searched the Shooter or his belongings to determine whether he possessed a dangerous instrumentality or weapon. The principal could have asked the Shooter for consent to search, without the need for reasonable suspicion. Had the Shooter agreed, the firearm would have been found. And if the Shooter refused, that would provide additional data on whether to allow the student to go back to class or demand that his parents take him from the school.

To conduct a search without consent, a school administrator must have reasonable suspicion, which is defined as “grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student” has violated the student handbook, a law, or possesses an item which presents an immediate danger of physical harm to students and staff. Possession of a firearm would violate the student handbook, the law, and would be an item that presents an immediate danger of physical harm to students and staff.

We believe, based on the totality of the information known to OHS, that administrators would have had reasonable suspicion to search the Shooter’s backpack. The Shooter had been looking at an image of bullets on November 29, informed Hopkins and Fine that he enjoyed shooting at a gun range with his mother, watched a violent video of "a guy gunning down people" on November 30, drew a pistol, a bullet, a person who appears to have been shot, and then wrote troubling statements including “Blood everywhere.” That is enough to establish reasonable suspicion. In fact, courts have found reasonable suspicion to conduct a search in similar situations.<sup>323</sup>

But even if it was a close issue as to whether there was reasonable suspicion to conduct a search, the tie should go to conducting a search. When balancing the enormous potential harm of a student having a gun in school against the minimal privacy invasion of searching a backpack, a search should be conducted when there is a reference by a

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<sup>323</sup> *Porter v. Ascension Par. Sch. Bd.*, 301 F. Supp. 2d 576, 592 (M.D. La. 2004), *aff'd sub nom.*, 393 F.3d 608 (5th Cir. 2004) (reasonable suspicion existed and search of student and his bag was "necessary, justified, and clearly permitted" where student's sketchbook containing drawing of student's high school being soaked with gasoline surrounded by an individual with a torch).

student to firearms, as there was on multiple occasions on November 29 and November 30. And had the search of the backpack been conducted, the Shooter's handgun would have been found.

**b. OHS Should Have Conducted a Suicide Intervention**

We also conclude that the new information discovered by and disclosed to OHS staff on November 30, 2021 should have prompted the District's suicide intervention process. On his math assignment, the Shooter wrote: "The thoughts won't stop," "Help me," "Blood everywhere," "My life is useless," and "The world is dead." These phrases, standing alone, were sufficient to reasonably conclude that the situation involved a student who appeared to be contemplating suicide, especially considering the recent concerns about the Shooter's mental health. Moreover, the District's suicide intervention protocol identifies a suicide warning sign as including a statement such as "Life is not worth living."

A suicide intervention process was not conducted. Hopkins testified that he believed the Shooter was "not contemplating suicide." But the standard for conducting a suicide intervention is whether there is conduct or behaviors that suggest that a student appears to be contemplating suicide. Regardless of what a student may say in a discussion with a counselor, the statements written on his math assignment – "The thoughts won't stop," "Help me," "My life is useless," "The world is dead" – are more than sufficient to conclude that the student appeared to be contemplating suicide. Hopkins asked whether the Shooter was a threat to himself or others and the Shooter responded that he was not. But that was an insufficient inquiry under the circumstances. When conducting a suicide intervention, the District's guidelines provide that the school mental health professional must first determine if the student has any dangerous instrumentality, such as a weapon, on or nearby his person. Hopkins should have asked about the Shooter's access to weapons. To a large degree, this is a matter of common sense, where the Shooter had previously been looking at an image of bullets, told Hopkins that he enjoyed shooting firearms with his mother, watched a violent video that morning of a guy gunning down people, and drew a picture of a handgun. Potential access to firearms should have been top of mind. Even a former Assistant Superintendent at the District agreed that if a student

is identified as potentially suicidal, that a school mental health professional should ask the student about his access to weapons. Nevertheless, neither Hopkins nor Ejak asked about the Shooter's access to weapons.

Hopkins also did not follow OHS's in-house suicide protocol, which requires a counselor to conduct a suicide lethality evaluation and complete a suicide behavior reporting form and a safety action plan. None of that was done. Finally, when the Shooter's parents arrived, Hopkins did not discuss safety at home for the Shooter, even though the Shooter's statements – "My life is useless," "The thoughts won't stop," "Help me," and "The world is dead" – are clear suicide warning signs. Had Hopkins been trained to do so, he should have inquired of the parents of their access to firearms and the need to ensure that the Shooter does not have access to guns. Doing so may have prompted one of the Shooter's parents to check on the recently-purchased pistol.

Furthermore, Hopkins and Ejak should never have allowed the Shooter to return to the classroom after they reviewed the concerning drawings and troubling statements on the math assignment. This conclusion is not based on hindsight but instead on application of OHS' suicide intervention protocol. In fact, Hopkins testified that he believed the Shooter was a threat to himself despite the Shooter's denial.<sup>324</sup> Likewise, Ejak told the police after the shooting that he and Hopkins called the Shooter's parents to school because they believed it was not safe to send the Shooter back to class. The District's suicide intervention protocol provides that where there is a moderate or high risk or suicide the student's parents must come and retrieve their student from the school. The Shooter's statements on his math paper expressed hopelessness and a preoccupation with death, he made multiple references to firearms, and Hopkins himself believed that the Shooter was a threat to himself, all of which add up to at least a "moderate" risk of suicide. Accordingly, the Shooter's parents should have been directed to take the Shooter home.

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<sup>324</sup> Hopkins Prelim. Exam. Tr. at 147-48, 154.

Unfortunately, we never had an opportunity to interview Hopkins, and few of these important issues about threat assessment and suicide intervention protocols were covered in his deposition. Hopkins refused to speak to us. While we requested that the Board direct Hopkins to speak with us as a condition of his employment, which the Board had the right and power to do, the Board decided not to do so. Ejak also refused to speak with us. The two people with the most information about the decision to allow the Shooter to go back to class with his backpack refused to cooperate with our investigation.

## **E. Overall Assessment**

We interviewed over 60 OCS-affiliated individuals (ranging from school board members, to administrators, to teachers, to staff). Our unmistakable takeaway from our interviews is that the OCS community cares deeply about the school district and its students. We found this OCS community to be committed to student growth, empathetic to student concerns, and excited for student success. Striving to do their best to educate and support their students, the OCS community is understandably proud of its school district.

Nonetheless, our review confirmed that there were breakdowns in implementation and execution of the District's threat assessment and suicide intervention policies and guidelines. Missteps at each level throughout the District – from the Board, to the Superintendent, to the OHS administration, to staff – snowballed to create a situation where a student's communications and conduct should have triggered a threat assessment and suicide intervention on November 30, but did not. None of these mistakes were intentional. But costly mistakes they were.

### **1. Board's Responsibility**

Responsibility starts with the Board, the body delegated the authority by Michigan law to provide for the "safety and welfare" of students while at school.<sup>325</sup> The Board enacted – and revised as recently as June 2021 – a policy directing the Superintendent to ensure that the District utilized threat assessment teams in a manner consistent with the

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<sup>325</sup> See MCL 380.11a(3)(b).

Enhancing School Safety guide.<sup>326</sup> The Board vested the Superintendent with the duty to ensure that the District's operations comply with the Board's policies.<sup>327</sup> But the Board had an important duty too: it was responsible for evaluating whether the Superintendent properly discharged his responsibilities, including ensuring that the District operated in compliance with the Board's policies.<sup>328</sup> The Board failed in this duty. As to threat assessments, there is no evidence that the Board ensured Superintendent Throne's proper discharge of his duties. For instance, the Board's policy (po8400) required the Superintendent to create building-level, *trained threat assessment teams*, headed by the Principal and including counselors, a school psychologist, instructional personnel, and where appropriate, a school resource officer. There is no evidence that the Board ensured that Superintendent Throne complied with this directive. Likewise, the Board's policy (po8400) authorized the Superintendent to create threat assessment guidelines for the purpose of requiring team participants to receive appropriate training, to define the behavior that would trigger a threat assessment, and to identify the processes from initiation to conclusion of the threat assessment. Failing in its oversight responsibilities, the Board did not ensure that Superintendent Throne promulgated threat assessment guidelines.

The Board also failed as to suicide intervention. While there were suicide intervention guidelines, the Board did not adopt a suicide intervention policy as of November 30, 2021. It should have. The District's operations are set by policy, and policy should have been adopted. Moreover, the suicide intervention administrative guidelines, which were promulgated in 2011, were outdated and did not reflect best practices as of 2021. Most importantly, the outdated guidelines did not provide direction to school mental health counselors to discuss safety at home with parents of a student who appears to be contemplating suicide, including limiting the student's access to firearms. The suicide intervention guidelines should have been updated. They were not.

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<sup>326</sup> Board Policy po8400.

<sup>327</sup> Board Policy po1230.

<sup>328</sup> Board Policy po1240.

In identifying these oversight failures, we understand that school board members are not serving as compensated professionals, unlike members of a corporate board. School board members are community members, most of whom do not have experience as a professional educator or administrator or with security. Instead, school boards throughout the country rely extensively on their superintendents and administrators in overseeing and managing school districts, from identifying policies to ensuring that their districts are operating in accordance with their policies. However, school board members are not forced to volunteer for this role. They choose to run for election as stewards of their local schools, and therefore they should be held accountable for their actions as board members.

## **2. Superintendent/Cabinet Responsibility**

With this context, and based on our review, we believe that the District's administration bears the most significant responsibility for the District's failure to implement an appropriate threat assessment process that was consistent with the District's policy, including the principles set forth in the Enhancing School Safety guide. And the senior administrative officer for a school district, and the one who bears most responsibility, is the superintendent. Superintendent Throne failed in the following five principal ways.

*First*, Superintendent Throne failed to structure his cabinet in such a way that it was clear which cabinet member was responsible for the critical area of threat assessments, as he had done for areas such as curriculum and instruction (Weaver), human resources (Pass), and business and maintenance (Barna). Although Barna was responsible for obtaining and implementing physical security and drafting the Emergency Operations Plan, he was *not* the District's chief security officer. There was no chief security officer in charge of safety and security District-wide. Throne told us that his assistant superintendents for student services, Sweat and later Lemond, were *involved with* threat assessments, but he never said they were *responsible for* making sure that the District's (*his*) threat assessment policy was being followed at the schools. Sweat refused to speak with us so we could not ask her about this. Lemond said she was *not* responsible for threat assessments and believed Weaver was. Weaver said he was *not* responsible for

threat assessments and believed Lemond was. It is no surprise then that Wolf told us that no one from the cabinet pushed the District's threat assessment policy and form down to him at OHS (although both were publicly available), nor any threat assessment guidelines, so he created a behavioral flow chart (to help teachers manage classroom behavior), but this behavioral flow chart was not equivalent to threat assessment guidelines nor a substitute for them.

*Second*, Superintendent Throne failed to communicate the District's threat assessment policy to building-level administrators, let alone ensure that it was being followed. As of November 30, 2021, building-level administrators (including the high school principal) were not familiar with the District's threat assessment policy, a policy that requires the District to have a threat assessment process that is consistent with the principles outlined in the Enhancing School Safety guide. While the Superintendent's office notified administrators in a mass email in July 2021 that there were an updates to 28 policies, one of which happened to be the District's threat assessment policy, the Superintendent's office did not provide any direction or guidance as to implementing the threat assessment policy.

*Third*, Superintendent Throne failed to create guidelines that implemented the threat assessment policy. The Board authorized the Superintendent to create threat assessment guidelines that required team members to receive training, to define the conduct that would trigger a threat assessment, and to identify the process for conducting threat assessments. Administrative guidelines were available; Neola, a company from which the District receives proposed policies and guidelines, drafted "Threat Assessment and Intervention" guidelines (ag8400A). The District reviewed these administrative guidelines in February 2020, but the District did not adopt them. These guidelines provide instruction on classifying a potential threat and the process for intervention. Even when concerning conduct is classified as a "low level" threat, the guidelines instruct the threat assessment team to inquire as to the student's capacity to carry out an attack, including access to firearms.



*Fourth*, Superintendent Throne failed to notify building-level administrators of the existence of – and direction that their schools should use – a threat assessment form (8400 F1), which was available on the District’s website. That form helps guide a threat assessment process. It includes prompts for areas of inquiry that should not be missed in a threat assessment, including inquiring whether the student has access to firearms.

*Fifth*, Superintendent Throne failed to ensure that there were building-level, trained threat assessment teams, which were led by a principal and included counselors, social workers, and school resource officers. Superintendent Throne claims that he “knew” there were threat assessments being conducted because there were instances where conduct was identified as a threat, investigated, and disciplined. But that is a far cry from ensuring that a *process* was in place in line with the District’s threat assessment policy, which was designed to be consistent with the Enhancing School Safety guide. Had that process been developed, it would have included threat assessment training for teams, including counselors; it would have defined concerning conduct and behaviors that would warrant a threat assessment; it would have set the standard that, when in doubt, elevate concerning conduct or behaviors to administrators; and it would have ensured that teams were assembled, which included an administrator, a school mental health professional, and notification to the school resource officer. None of that was done.

### **3. OHS Administrators’ Responsibility**

We also believe the OHS administration bears responsibility. To be fair, there is no evidence that the Superintendent’s office appropriately communicated with the high school administration regarding threat assessment policy (po8400) or threat assessment forms (8400 F1). In other words, there was no direction from the Superintendent’s office to building-level administrators to ensure that buildings had defined threat assessment teams, sufficient training, and processes for reporting concerning behaviors and conducting a threat assessment.

Since the Columbine school shooting, building administrators must be proactive in evaluating threats. Though the District’s threat assessment policy and threat assessment form were not communicated by the Superintendent’s office to building administrators,

they were publicly available. Moreover, the high school administration should have ensured more fulsome training of teachers and staff. Sending a handful of school employees to a single training on threat assessment in 2018 is insufficient. And while high school administrators claim that teachers and staff were instructed on threat assessments, the counselors and teachers who spoke with us indicated they were unaware of a threat assessment process. Furthermore, the high school's process of "huddling up" when there was a threat lacked defined structure and process. That matters. Having a written structure and process helps ensure that (a) concerning conduct is reported to administration, (b) appropriate team members are assembled to investigate, including school resource officers, and (c) team members evaluate the potential threat of violence, including inquiring about access to firearms.

#### **4. Responsibility of Hopkins and Ejak**

Finally, we believe that the counselor, Shawn Hopkins and the Dean of Students, Nick Ejak, who met with the Shooter on November 30, 2021 bear responsibility, along with the Board, the superintendent, and the principal. Based on interviews with other counselors, it is likely that Hopkins did not receive sufficient (if any) threat assessment training. It does not appear that he was trained to report concerning conduct that *might* suggest a potential for violence to an administrator. And it does not appear that he was made aware of the threat assessment form (8400 F1), which guides threat assessment team members in conducting an evaluation, including inquiring about access to weapons.

Nonetheless, as the Threat Assessment in Schools Guide announced, the "investigative mindset and perspective also rely on common sense."<sup>329</sup> Even without formal threat assessment training, Hopkins was a licensed school counselor and Ejak was the Dean of Students. As discussed above, there were more than sufficient warning signs and red flags to necessitate the elevation of the Shooter's conduct and behavior to a principal or assistant principal for review. When each instance of the Shooter's conduct over November 29 and 30 is viewed separately, some may rationalize that Hopkins' decision

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<sup>329</sup> Threat Assessment Guide at 31.

was appropriate: he contacted the parents, met with them, and then requested that they schedule a meeting for the Shooter with a therapist or counselor as soon as possible. From this point of view, looking at an image of bullets at school was a cell phone violation of minimal concern in a hunting community. Watching a violent video was no different than students playing a popular violent videogame, such as Call of Duty. And the concerning writings on his math assignment reflected “appropriate sadness” for his recent losses.

But the Shooter’s conduct cannot be viewed piecemeal, especially by Hopkins. He was not only involved in meetings with the Shooter on November 29 and 30, but he had also been alerted by one of the Shooter’s teachers earlier that fall to that teacher’s concern about the Shooter’s emotional state. Searching for an image of bullets at school is concerning conduct that might suggest violence, even in a school with a hunting culture. Watching a violent video of a shooting *the very next day* after being admonished the previous day is concerning conduct. And combined with a disturbing drawing of a handgun, a bullet, a crime scene body with likely bullet holes, and exclamations of “The thoughts won’t stop,” “Help me,” “My life is useless,” “Blood everywhere,” and “The world is dead,” it defies common sense to suggest that this conduct does not at least possibly suggest that the Shooter intends to cause physical harm or a threatening situation. Once that conclusion is reached, the conduct should have been elevated to the principal or assistant principal.

We will never know what would have happened had the principal or assistant principal been summoned. But we feel that it is likely that more questions would have been asked, including about firearms. That the school resource officer would likely have been consulted, who may have provided advice on conducting a search. The threat assessment team may have asked the Shooter or his parents for consent to search his backpack. And if consent were denied, as discussed above, we believe that the Shooter’s conduct on November 29 and 30, in combination with previous information about his emotional state, established reasonable suspicion to search the Shooter’s backpack. Had that been done, the firearm would have been detected.

Hopkins also erred in failing to conduct a suicide intervention. With the student's written statements being prototypical suicide warning signs, a trained school mental health professional would reasonably conclude that the situation involved a student who appeared to be contemplating suicide. Hopkins suggests that when he asked the Shooter about his distress, the Shooter explained that he had recently experienced sad events, including the passing of a grandparent, the death of a dog, and a friend who was no longer attending OHS. Hopkins believed that the Shooter showed "appropriate sadness." But that does not diminish the impact of what the Shooter wrote: "The thoughts won't stop," "Help me," "Blood everywhere," "My life is useless," and "The world is dead." These statements reflect a despair and hopelessness that is far disproportionate to the sad events the Shooter described. Hopkins should have conducted a suicide intervention. Had Hopkins followed the District's administrative guidelines, that suicide intervention would have begun with Hopkins asking the Shooter whether he had any dangerous instrumentality, such as a weapon, on or near his person. That conversation needed to happen. And it never did. When the Shooter's parents arrived, Hopkins should have discussed access to firearms. Again, he never did. This oversight contributed directly to the tragic shooting on the afternoon of November 30, 2021.

Finally, we believe that Hopkins and Ejak should not have allowed the Shooter to return to class, but instead should have required the Shooter's parents to remove him from school. OHS's suicide threat protocol provides that where there is a moderate or high risk of suicide, the parents must be directed to retrieve the student from school. With the disturbing statements on the math assignment ("The thoughts won't stop," "Help me," "My life is useless"), the multiple references to firearms, the visible sadness of the Shooter when talking to Hopkins and Ejak on November 30, and Hopkins's awareness that a teacher had observed that the Shooter was experiencing a "rough time", there was at least a moderate risk of suicide, necessitating the Shooter's removal from school. Had the parents refused the request, then Hopkins should have raised the issue directly to a principal or assistant principal. This was not done.

## **XV. Physical Security**

This section of the report identifies the physical security and emergency operations planning in place at OHS on November 30, 2021, when the shooting occurred, and assesses their adequacy and effectiveness during the shooting.<sup>330</sup> Because the Shooter was an OHS student inside OHS during school hours, we focus our analysis on what steps OHS took before the shooting with respect to (i) physical security, to minimize the risk of an active shooter situation involving an OHS student inside OHS during school hours; and (ii) physical security and emergency planning, to mitigate the damage caused by such an event.

We find that OHS physical security and emergency operations planning, on November 30, 2021, functioned adequately and partially mitigated the damage from the shooting, but that there were some shortcomings in the District's preparation and implementation of its physical security and emergency operations plan. Overall, the District policies and guidelines conformed to the requirements of federal and state laws respecting the need for an Emergency Operations Plan and its contents. They provided a strong foundation for the deployment of the EOP, countermeasures, and staffing when the shooting occurred. The EOP, and use of ALICE in particular, established a solid framework for incident response and management and were effective in their execution overall, with the exceptions noted below. The OHS students and teachers implemented ALICE quickly and capably in response to the gunfire, despite the ensuing confusion. The administrative staff implemented the ALICE protocol as soon as they knew of the threat. Overall, implementation of the ALICE protocol and the reliability of the video surveillance system, in real time and forensically, were satisfactory.

As to shortcomings, however, one in particular stands out – the failure to monitor the surveillance video immediately and continuously when the shooting started, which limited

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<sup>330</sup> This section should be read in conjunction with our first report, which identified and evaluated physical security updates and changes made by OCS following the shooting. Modifications, additions, or deletions to the entire physical security system should be considered only following a risk assessment in collaboration with a security consultant, engineer, and project management team.

the ability to broadcast ongoing messaging regarding the Shooter's location and movements. The EOP and associated crisis management plan did not identify a process regarding, or party responsible for, immediate and ongoing review of the video surveillance system during an active shooter incident. The failure to do that may have affected the decisions made by students and staff as they implemented ALICE, and delayed identification of the Shooter's location and movements.

In addition, the public address speaker system was deficient, and the ALICE announcement was not loud enough or clear enough in all sectors of the school, causing some confusion and misinterpretation. This was especially true in the courtyards, where students may not have been able to hear announcements clearly, and in the bathrooms, which lacked speakers altogether. We note that schools often utilize their PA systems for emergency messaging due to the cost of specialized systems and misunderstanding or lack of knowledge about the differences between a PA system and a true emergency notification system. In general, PA systems are not built to deliver emergency notifications and often provide inadequate sound quality and volume in an emergency, particularly in high-population areas such as cafeterias, auditoriums, gymnasiums, natatoriums, and outdoor facilities. PA systems often do not provide a visual indication of a non-fire emergency situation to support people with auditory impairments. We do not know whether audible speakers throughout the building, in the bathrooms, and in the courtyard might have affected the outcome, but we do know that the failure to have an audible emergency notification system confused and delayed the response of some students, teachers, and staff.

Moreover, the staffing protocols for security staff were inadequate in that they did not ensure that designated, armed security staff members were on campus at all times during school days, including substituted staff in the event of an absence. Potential misunderstanding about who was considered a designated security staff member also contributed to these challenges. The fact that both primary security staff members were offsite during the shooting clearly impacted the speed and effectiveness of response measures.

This section also considers barricade and lockdown capabilities in bathrooms and courtyards, where security professionals, education professionals, and first responders typically do not recommend usage for the reasons discussed below. Due to the tragic deaths of Justin Shilling (in a bathroom) and Tate Myre (who had just entered an interior corridor from a courtyard), however, as well as the fact that other students hid in bathrooms during the shooting, we felt a special obligation to analyze these contentious issues and consider whether more could be done to ensure the safety of students in these areas.

It was reasonable, as of November 30, 2021, for OHS not to provide means to secure the bathrooms from the inside, given the prevailing wisdom of security, education, and first responder professionals. That was, and still is, common practice in high schools nationwide, as it mitigates the risk of assaults and other misconduct in bathrooms. However, there are techniques for installation of a lock in the bathroom that may satisfy the concerns of security and safety professionals and code enforcers, such as a Nightlock® paired with an alarm inside the bathroom and an unlocking tool outside the bathroom near the door. Other schools are also grappling with this issue, seeking options to make bathrooms more secure. Similarly, the District should examine whether it makes sense to diverge from standard practice, to provide greater protection to students who hide in a bathroom because they cannot evacuate the building or escape to a lockable room. If it is not possible to install a lock, at a minimum the District should ensure that bathrooms have speakers and emergency communication system strobes so that occupants have visual and audio notification of emergency announcements. Better training should also be provided so that students know not to hide in bathrooms except as a last resort. This training is essential, as other students sheltered in bathrooms on campus at the time of the shooting.

Further, the ingress and egress doors to the courtyards could not be locked in both directions due to the building's design and the fire and building code requirement for emergency egress. As such, it is critical that emergency messages can be heard clearly and consistently throughout the courtyards.

Next, we assess the history and use of duress buttons purchased from PrePlan Live . While the first report defined those functions, this section of the second report discusses PPL’s procurement, the fact that it did not work as marketed, and that its duress buttons were not used on November 30. The significant expenditure on a tool that did not work diverted limited school resources from other, proven safety measures and may have provided a false sense of assurance.

Finally, we review two additional security measures that could have been potentially relevant to the prevention and response to the shooting but were not deployed at OHS on November 30, 2021: metal detector(s)/weapon detection systems and a “clear backpacks” policy. We find that OHS was reasonable in not using these measures prior to the shooting, because the school is in a low crime area and there was no history of these types of incidents there. We concur with OHS’s decision to employ them after the shooting.

#### **A. Security Policies, Guidelines, and Plans in Effect at OHS on November 30, 2021**

It is important to understand the laws and regulations that governed OHS’s physical security and emergency operations planning when assessing their strengths and deficiencies. OCS policies and guidelines and EOP (and its Appendix A: Crisis Management Plan (CMP)) were drafted based on those laws, as guided by Neola, a nationwide education consulting firm that promulgates “best practices” in school policies.

Based on our review, we find that OHS complied with these requirements as of November 30, 2021.

#### **1. Federal and Michigan State Laws<sup>331</sup>**

At the time of the shooting, federal and Michigan state laws required that OCS have an EOP. Federal regulations and guidelines are promulgated by the Occupational Safety

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<sup>331</sup> For ease of reading, parts of this narrative are written in the present tense, but it should be understood that the information pertains to laws and policies in effect at OCS and OHS on November 30, 2021.



and Health Administration (“OSHA”) within the U.S. Department of Labor. Michigan state regulations and guidelines are promulgated by the Michigan Occupational Safety and Health Administration (“MIOSHA”) within the Michigan Department of Licensing and Regulatory Affairs. The federal and state requirements are largely the same.<sup>332</sup> Both sets of regulations require that employers maintain a site-specific emergency plan that includes, among other elements, an alarm system; procedures for reporting an emergency; procedures for evacuation in the event of an emergency; procedures for critical employees who must remain in place for critical operations during the emergency; procedures to account for all personnel following an evacuation; procedures for administration of emergency aid; and training protocols for all personnel.

## **2. Pertinent OCS Policies and Guidelines**

### *Section 8000: Operations*

The OCS Policies, Guidelines, and Forms in place at the time of the shooting included an “8000 – Operations” section. This section sets forth requirements for physical security preventative measures (such as the EOP) and general guidelines for creating a safe and secure school environment.

### *Section 8402: Emergency Operations Plan (EOP)*

This policy, adopted May 28, 2019, mandates that each school building in the District, by January 1, 2020, establish an EOP in compliance with the guidelines and procedures in the state policy. Thereafter, at least biennially, the school is to review the plan, including the vulnerability assessment, with at least one law enforcement agency with presiding jurisdiction.

The EOP shall include guidelines and procedures that address (i) school violence and attacks, (ii) threats of school violence and attacks, (iii) bomb threats, (iv) fire, (v) weather-related emergencies, (vi) intruders, (vii) parent and pupil reunification, (viii) threats to a school-sponsored activity or event whether or not it is held on school premises, (ix) a plan

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<sup>332</sup> The pertinent federal regulations are found at Code of Federal Regulations (CFR) Part 1910, CFR 1910.38(a)-(f), Michigan state regulations are found at Michigan Administrative Code, Rule 408.10623.

to train teachers on mental health and pupil and teacher safety, (x) a plan to improve school building security, (xi) an active violence protocol, (xii) continuity of operations after an incident, and (xiii) a vulnerability assessment. The District is also required to notify the Michigan Department of Education within 30 days of adoption of the plan and after each biennial review.

#### *Section 8420: Emergency Situations at Schools*

This policy, last revised on August 27, 2014, identifies expectations and actions regarding various forms of emergency preparedness, the number and types of drills to be conducted at each school, the publication of drill results on the school's website for general review, and cardiac emergency response plans, including each building's team and life-saving equipment on-site.

Each school shall conduct at least three drills each school year in which occupants are restricted to the building's interior. The timing of these drills is at the discretion of the Superintendent, but one must be conducted before December 1 and one after January 1.

#### *School Safety Information Policy Agreement*

The School Safety Information Policy Agreement confirms the District's compliance with the Michigan Statewide School Safety Information Policy.

### **3. Emergency Operations Plan (EOP)**

The OHS EOP (revised as of November 22, 2019), which was operative at the time of the shooting, is a 179-page document that meets the requirements of District Policy 8402 referenced above. It drew from relevant guidance at the federal and state levels, including specific guidance for EOPs within schools.<sup>333</sup> It is an "all-hazards" response plan that sets forth emergency response guidelines for all forms of emergency situations at

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<sup>333</sup> These sources included the Michigan Department of Education (MDE) Ready Schools Emergency Planning Kit, Michigan Department of Community Health (MDCH) MI HEARTSafe School, United States Department of Education Guide to School Vulnerability, United States Department of Homeland Security, and the Federal Emergency Management Agency.

facilities, including natural events (hurricanes, earthquakes), medical emergencies, and internal threats.

Procedures, plans, and other propriety information that are not relevant to this report are not discussed here. Rather, we assess the overall quality of the EOP and conclude that it conforms to the governing laws and policies described in this section of the report and, in material respects, was effectively executed during the shooting.

#### **4. Summary of the EOP**

##### *EOP Section 1: General Information*

Section 1 of the OCS EOP “identif[ies] and respond[s] to incidents by outlining the responsibilities and duties of Oxford Community Schools and its employees.” The EOP is intended to enable its users – students, staff, employees, parents/guardians and other community members – to act quickly and knowledgeably:

*The Oxford Community Schools EOP outlines the expectations of the faculty/staff, roles and responsibilities, direction and control systems, internal and external communications plans, training and sustainability plans, and authority and references as defined by local, tribal, state, and federal government mandates. It also outlines common and specialized procedures as well as specific hazard vulnerabilities and response/recovery operations.<sup>334</sup>*

Section 1 identifies a variety of hazards to which OCS may be subjected, ranging from violent criminal threats to natural weather hazards. Each hazard is assigned a risk priority level and assessed for frequency of occurrence, severity, warning time available, and duration.

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<sup>334</sup> OHS Emergency Ops Plan Nov 2019

As to human-made hazards, “Weapon Assault” is listed with the following attributes:

- Frequency: POSSIBLE
- Severity: CATASTROPHIC
- Warning Time: MINIMAL
- Duration Affected: 24+ HOURS
- Risk Priority: HIGH

Assumptions and limitations are identified, allowing OCS to deviate from the standard plans based on exigent circumstances:

*It is the policy of Oxford Community Schools that no guarantee is implied by this plan of a perfect incident management system. As personnel and resources may be overwhelmed, school administrators and staff can only endeavor to make every reasonable effort to manage the situation with the resources and information available at the time.*<sup>335</sup>

### *EOP Section 2: Concept of Operations*

Section 2 of the EOP discusses the “Concept of Operations” for any incident that may occur at an OCS facility. Roles and assignments are set forth for key personnel, including the School Principal, School Crisis Response Team, Office Staff, Teachers/Instructional Assistants, Counselors, Social Workers, and Psychologists, School Nurses/Health Assistants, Custodians/Maintenance Personnel, Food Service/Cafeteria Workers, Students, and Parents/Guardians.

Section 2 states that “the building principal will determine both the primary and alternate locations [for command posts] based upon incident type and location,” but then identifies the “Central Hallway” as that location.

Section 2 discusses the School Incident Command System (“ICS”); the principal is responsible for activating the EOP and ensuring that the command system organizational structure is deployed. The principal shall designate responsible parties for the different roles upon activation of the EOP. The ICS should include a School Incident Commander,

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<sup>335</sup> OHS Emergency Ops Plan Nov 2019.

Counseling Representative, Information/Media leader, Communications/Recorder, Crisis Response Team leader, Student Accounting leader, Off-Site Bus Staging leader, Off-Site Evacuation leader, Parent Reunion organizer, Police/Fire liaison, and a School Site Safety leader. Incident command should quickly be transferred to first responders upon their arrival and a transfer of command briefing.

Section 2 also sets forth communications guidelines for internal and external stakeholders for disseminating information about an emerging incident, ongoing updates, and post-incident communications. Administrative guidelines are provided, including finance and logistical requirements for procurement of emergency services, recordkeeping, and preservation of records (including legal documents and student files) to ensure a timely recovery of school operations post-incident. Training requirements are set in accordance with state and district requirements.

#### *EOP Appendices --- Key Topics Covered*

Appendices A through C provide school reference information including emergency contact rosters, class rosters and schedules, and school maps and floor plans. Appendix D includes response action plans for ALICE, lockdown, evacuation, shelter in place, severe weather, relocation, and reunification. Appendix E provides hazard-specific emergency procedures for two main types of events: violent threat incidents and other emergency incidents. Violent threat incidents are defined as active violent incident, intruder/trespassing, verbal/written threat, bomb threat, weapon on campus, hostile person, and sexual assault. Other emergency incidents are defined as non-cardiac medical emergencies, cardiac medical emergencies, death on campus, fire/explosion, flooding, utility failure, chemical incident, biological incident, radiological/nuclear incident, missing/abducted student, public demonstration, student disruption, and bus accident.<sup>336</sup>

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<sup>336</sup> Additional appendices provide further information, procedures, action plans, and forms:

- Appendix F: Continuity of Operations Plan
- Appendix G: Incident Command Job Action Sheets
- Appendix H: Resource Inventory
- Appendix I: Go-Kit and Emergency Supplies Checklist
- Appendix J: Memorandum of Agreement/Understanding

### *EOP Appendix A: Crisis Management Plan*

The Crisis Management Plan in Appendix A identifies key individuals and their roles and responsibilities.

The Oxford Stadium and the southeast parking lot of the Meijer supermarket were the on-site and off-site evacuation locations, respectively. The assignments were:

- Steven Wolf, Principal – Incident Supervisor
- Kurt Nuss, Vice Principal – Communications Liaison/Recorder
- Kristy Gibson-Marshall, Vice Principal – Student Accounting
- Melissa Williams, Administrative Assistant to the Principal – Go-Kit Coordinator
- Jason Louwaert, Oxford County Sheriff – Police/Fire Liaison
- Stephanie Brevik, Counselor – Counseling
- Shawn Hopkins, Counselor – Parent Reunion Coordinator

### *EOP Appendix D: Specific Response Actions*

Appendix D provides guidance and definition of multiple response plans and programs for specific incidents. ALICE is described in detail and is assessed below.

### *EOP Appendix E: Hazard Specific Procedures*

Appendix E provides guidance and definition of multiple response plans and programs for specific hazards, including ALICE.

## **5. ALICE Protocol for an Internal Threat**

### **Definition**

ALICE, which stands for “Alert, Lockdown, Inform, Counter, and Evacuate,” is a proactive means for civilian response to an active shooter situation or other violent intruder incident. ALICE is a more flexible and adaptable alternative to the traditional "lockdown-only" protocols that were once prevalent in schools and other institutions, as it provides a range

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- Appendix K: Law Enforcement Command Posts
  - Appendix L: Emergency Utility Shut-Off Procedures
  - Appendix M: Cardiac Emergency Response Plan

of options and strategies to increase individuals' chances of survival during a high-threat event.

Each letter of the ALICE acronym highlights a different aspect of this methodology:

- **Alert:** The first step in ALICE is to alert others to the presence of an active threat. This can be done by various means, including calling 911, pressing a panic button, or sending alerts via a mass notification system.
- **Lockdown:** Traditional lockdown procedures entailed hiding in place and locking doors, which may not always be the best option. ALICE encourages individuals to barricade or lock doors if safe to do so, but if that is not possible, to consider other options, including evacuation and other countermeasures.
- **Inform:** Communication is crucial during an active threat. ALICE promotes the provision of real-time information to those in danger about the threat's location and movements. That can enable them to make informed decisions as to whether to hide, flee, or confront the threat. Announcements must clearly indicate the type of threat, where it may be, and the direction in which it is moving, to ensure that individuals can update and modify their responses based on their location and circumstances.
- **Counter:** If confronted by an active shooter and unable to escape, hide, or lock down, an individual should use countermeasures as a last resort to disrupt the shooter's plans, including throwing objects, improvising weapons, or engaging in self-defense.
- **Evacuate:** When it is safe to do so, individuals should flee the danger zone rather than remain in a locked-down area.

ALICE and other sections of the EOP reference "Nightlock®" barricading devices, which were installed primarily in classrooms and other commonly occupied spaces at OHS. These devices provide additional lockdown protection at a door beyond the capacity of the door's existing lock, or where a swinging door cannot otherwise be secured. Our first report reviewed then-current Nightlock® implementation. Here we discuss the utility of Nightlock® in non-typical locations, and in particular, student bathrooms.

## 6. OCS Implementation of ALICE Before the Shooting

OCS contracted<sup>337</sup> with the ALICE Training Institute<sup>338</sup> to develop active shooter standard procedures and conduct active shooter training throughout the District. Students and staff were then trained on ALICE via a PowerPoint that defined its elements; instructed on lockdown procedures; emphasized continued communication; explained when to counter the threat and when and how to evacuate; identified two active shooter situations; and asked the audience to decide whether to lock down or evacuate in each scenario.

The 2019-2020 OHS Staff Handbook<sup>339</sup> sets forth the following ALICE procedure in an active shooter situation:

1. *The announcement “All students and staff - we are in a \_\_\_\_\_ situation.<sup>340</sup> All students and staff are to implement ALICE procedures now!” will be used to initiate the ALICE protocol(s).*
2. *Go to door, bring in any students from hallway, lock door.*
3. *Contact the office to report any students not assigned to you.*
4. *Wait for further directions.*

In addition to that protocol, the OHS EOP<sup>341</sup> states:

*Any school faculty member, who observes or is made aware of an immediate dangerous threat, shall immediately call 911 and notify all other persons present in the school vicinity.*

Other instructions indicated that the person should announce “Lockdown” and provide the best description, location and/or direction in which the threat is traveling.

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<sup>337</sup> OHS Staff Handbook 2019-2020 at 35.

<sup>338</sup> ALICE Training Institute - <https://www.alicetraining.com/>

<sup>339</sup> OHS Staff handbook 2019 – 2020, at 35.

<sup>340</sup> Typically, the announcer would provide details to fill in the blank listed, e.g., we are in an active shooter situation, hurricane situation, etc., but this is not specified in the document.

<sup>341</sup> OHS Emergency Ops Plan Nov 2019, at 66.



The third set of instructions, called the “Office ALICE Response Team document,” provided an additional script for initiation of ALICE, as follows:

*Initiate ALICE – Initiate ALICE. This is not a drill. (Insert specifics→ type of threat, description of threat, location and movement, instructions for various parts.) This is not a drill.*<sup>342</sup>

In addition to the ALICE protocol for the initiating announcement, the EOP Specific Response Actions for an Internal Threat instructs individuals to activate the duress buttons located within the wall-mounted safety kits, if they can do so. These are the “PrePlan Live” duress buttons, discussed below. Apart from that, there are no other site-specific instructions.

There are no directions or guidance provided to administrators or staff on how, when, or what to provide in INFORM updates. The protocol merely states that any individual “can continue to provide updated information about the threat.” There is no assignment or guidance on effective means for disseminating information or sources to use for information such as the video surveillance system. Notably, the term “CCTV” (closed-circuit television) is defined in the EOP’s glossary but not used anywhere within the document.

As discussed above, the Crisis Management Plan – EOP Appendix A – assigns duties and responsibilities to key personnel during a building emergency. But there is no duty or responsibility assigned to an administrator to support any of the ALICE tenets, including INFORM. Thus, the OHS administration did not plan for or identify a specific staff member to provide INFORM update messages or serve point on providing alarm verification information or situational awareness via the security systems (notably video surveillance).

Further, none of the response plans called for dialing #3131; likewise, there is no such direction in the EOP. Indeed, the EOP does not explain the function of #3131, although #3131 is listed in the Oxford Community Schools Safety Manual (colloquially referred to as the “emergency flipbook” or “flipbook”) under Oxford Community Schools Emergency

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<sup>342</sup> OHS Office ALICE Response Team.

Numbers. The flipbook states that someone can dial 3131 from the classroom phone to report an emergency. In OCS, the Administrative Offices, High School, Middle School, and Oxford Virtual Academy all have emergency numbers listed in the flipbook.

## **7. The Office ALICE Response Team Plan**

While, as noted above, the OCS Office ALICE Response Team document included active shooter scenarios and instructions on the proper response from pre-assigned staff members, *none* of these scenarios included a threat within school corridors or classrooms. The document discussed only two interior threat scenarios, one inside the main office and one in the lunchroom.

- “Front Office Threat (inside of main office)” - This scenario assumes that the front office becomes compromised, and does not include any lockdown procedures, which are noted as “not a good option.”

Assuming the front office is compromised, however, most immediate communications and security systems will no longer be accessible there. Thus, control of security systems must be transferred elsewhere. But no plan or process for doing so is provided in this document, the Emergency Operations Plan 2019, the Crisis Management Plan, or OCS Policies, Guidelines, and Forms; none defines by whom, where, or how security systems should be accessed and used from other OCS locations.

- “Lunchroom (during lunch)” - This is the only scenario pertinent to the shooting, as it concerns an event *in* a school’s interior. But again, lockdown is not suggested; rather, it is simply noted as “may not be a good option in most locations.” Some direction is given for ALICE components ALERT and INFORM, including a building-wide public address announcement, where the announcement should originate (“any front office amin [*sic*],” and who should be informed.

As to INFORM, however, the only guidance given is that administrators should use walkie-talkies to communicate with staff, and that students should be directed to announce relevant information as they EVACUATE. An EVACUATE procedure for the cafeteria and building are also set forth.

Only one scenario in the document – located in the INFORM section and entitled “Side and back entrances” – mentions using video surveillance cameras to inform occupants of what is transpiring. That scenario assigns specific people to cameras.

## 8. ALICE Drills

OHS conducted ALICE safety drills on February 25, 2019,<sup>343</sup> September 30, 2019, and October 25, 2019 that focused on lockdown, barricade, and evacuation procedures. Before the second drill, the dean of students recommended that teachers review ALICE procedures with their classes. The third drill, however, was designed to surprise the students, who were expected to implement the procedures they had been taught and trained on in the prior drill. According to the OCS website where drills are publicly listed, OHS conducted further drills on October 1, 2020, October 27, 2020, and October 7, 2021.<sup>344</sup>

Principal Steve Wolf reported that he also conducted periodic ALICE training with the office staff, although it was not required. He assigned specific roles to people and went through various scenarios. He stated further that the Nightlocks® were always part of the drill and worked well; students reported to him that they always wanted to practice on the Nightlocks® whenever they drilled. Other staff witnesses corroborated Wolf’s account.

We could not ascertain which set of instructions from the various scripts for ALICE initiation were used during these drills.

However, we note that drill scenarios that were practiced *did* include a scenario of an active shooter threat within student corridors and the required student response, even though the OHS Office ALICE Response Team document did *not* contain that scenario.

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<sup>343</sup> See [https://oxfordhigh.oxfordschools.org/administration/school\\_safety\\_drills](https://oxfordhigh.oxfordschools.org/administration/school_safety_drills)

<sup>344</sup> With respect to the length of time between drills, this may have been affected by the COVID-19 emergency, including school closings and additional public safety measures, including social distancing. During 2020 and 2021, it was not uncommon for schools to postpone their emergency drills to maintain social distances measures.

## **9. Other Trainings and Relevant Meetings.**

According to Superintendent Tim Throne, at the start of every school year, employees would have to certify that they had reviewed, and understood, certain District policies; employees would not have access to their pay stubs until they did so. Further, at the end of every month throughout the school year, all policy updates that had been approved by the Board during the previous month would be distributed to the District's administrative team so that they (and through them, their subordinates) would be current on new policies and policy changes. Throughout the year (except during COVID), there were various trainings and drills for emergency situations including active shooter incidents, and when new policies were introduced, training would be offered to affected staff.

In addition, at the administrative retreat at the start of every year, the participants would discuss safety and security issues. Further, Throne assembled a District Safety Committee consisting of himself, his cabinet, and a Board member, and the Oakland County Sheriff, Police Chief, and Fire Chiefs. They conducted open meetings twice a year to discuss safety concerns; principals, teachers and community members were invited.

### **B. OHS Effectively Implemented Its EOP and ALICE Protocols, With Some Limitations, on November 30, 2021**

The District's physical security and emergency operations planning at OHS at the time of the shooting, with the exceptions noted above, functioned effectively to contain the scope of the tragedy.

In that regard, it is important to note the following. The EOP for any incident, including the shooting that unfolded at OHS, sets guidelines for implementing the Incident Command System (ICS), with roles and assignments for staff, as described above. It is unclear from our investigation *all* of the specific roles that were assumed by the by the leadership team in the first moments of the incident. With an incident such as this one, occurring rapidly over less than nine minutes, it is not uncommon for the full ICS not to be activated immediately as most individuals spring into action. Formal engagement of ICS is more common in prolonged incidents.

However, there is evidence that specific roles were assigned ahead of time and assumed and executed during the emergency. Wolf testified that after he made the ALICE announcement, he checked to be sure that staff in the front office were doing their roles. The video footage shows that one of the administrative assistants in the office immediately went to the door that leads to the front lobby and put in the Nightlock® and further shows her walking in the direction of the other door to do the same. Moreover, the early college program director also locked doors in the larger front office. And there were two administrative assistants assigned to take the “go-student” carts outside; one of them tried to do it alone but struggled with getting both out and a counselor jumped in to help.

More importantly though, OHS immediately activated ALICE as provided by the EOP when an “Internal Threat” arises. Students and staff implemented ALICE remarkably well, and to the best of their ability, with the information available to them as events unfolded. Upon hearing gunshots, many students and staff either locked down in their classrooms or evacuated. As prescribed in the EOP, reunification of students who evacuated the premises occurred at the Meijer parking lot, although some students did not go there immediately (students and school staff who were interviewed, however, reported that Meijer staff seemed unaware that Meijer was the designated reunification site, and were unclear on how to help the arriving persons.)

Lockdowns were achieved by locking doors, engaging Nightlock® barricading devices, and other means available for barricading entrances. Many of the first lockdowns and evacuations took place in the 200-hallway even before the ALICE initiation announcement was made. Notably, as discussed above on November 30, the teacher in classroom 249 shut the door moments after the shooting began, and then, when they determined it was safe to do so, the teacher and students evacuated through Door 7. Several students hid in bathrooms, which did not have door locks, Nightlock® devices, or movable furniture to barricade the doors. That issue is discussed in depth below.

## **1. Policies and Guidelines Were Generally Well-Written and Comprehensive**

OCS's policies on physical security and emergency operations planning were generally well written, and, together with the related guidelines, contained the material typical in such documentation.

The Guidelines are intended to supplement the above-discussed policies, providing more in-depth information for those tasked with implementing and sustaining individual policies. We note that the 8420 Guideline for Emergency Situations at Schools (Evacuation, Fire, Tornado, Lockdown, Unusual) is well-written, clear, and easy to follow. It reflects best practices associated with responding to these emergencies.

## **2. The EOP Contained Many Best Practices, But Did Not Provide Complete Guidance for the Active Shooter Situation**

The EOP is a comprehensive document that meets best practices overall, with a few exceptions. And, while there were gaps in it, such gaps are not unusual in our experience. One important shortcoming, however, as discussed above and below, is the absence of an instruction in any preplanning document (OHS ALICE Office Response Plan, the EOP, or the CMP) to monitor the video system *immediately and continuously*, if possible, upon initiation of ALICE. Had such a protocol been established and followed, the monitoring person could possibly have communicated the Shooter's movements to building occupants on an ongoing basis. That would have given individuals in hiding or lockdown the information needed to assess whether to remain in lockdown or evacuate, and in which direction it might be safe to do so.

Further, as discussed above, while the EOP policy covers several scenarios, at least two important elements are missing. First, while "*threats to a school-sponsored activity or event whether or not it is held on school premises,*" is referenced in Appendix E, subsection "Verbal/Written Threat," the text of the EOP does not extend its process to school-associated events. Second, the EOP does not contain a vulnerability assessment, which is needed for developing a comprehensive plan.

The plan also includes potential staging areas for media, but there are no emergency responder staging areas or command posts designated. Page K-1 of the report states: “At time of EOP development, the Oakland County Sheriff’s Office is currently identifying command post locations in the event of an emergency at the school. Upon the completion of this process, the district will coordinate with them to obtain this information and incorporate it into the plan, as applicable.” However, this update had not occurred by the time of the shooting.

### **3. ALICE Initiation on November 30, 2021**

The Shooter exited the first bathroom at approximately 12:51:10. When the shooting started, many students and staff members immediately evacuated the building or sought cover in a classroom or other location and locked-down, as set forth above in the shooting section of this report. Principal Steve Wolf made the first ALICE announcement at 12:52:33, immediately following a #3131 call notification from Lauren Rambo in Room 237.

The varying witness renditions of the exact content of Wolf’s broadcast emphasize the need for an effective emergency communications system and for clarity and consistency in the message. We obtained an audio file from a student witness who recorded some of Wolf’s announcement in real-time: “Pardon the interruption, staff and students, we are going to go into a uh ALICE lockdown, please lock and secure your doors. I’d ask the students that don’t have the ability to do it now . . . [shots].” The sound of gunshots renders the remainder of the message inaudible.

In retrospect, Wolf could not recall his exact words. He did remember saying, “We are going into ALICE,” but he could not remember whether he said, “This is not a drill.” Several witnesses heard the words, “This is not a drill,” or something similar. Some witnesses heard “ALICE lockdown” and others heard “Initiate ALICE.” One witness heard “We are in ALICE. This is not a drill,” which was repeated. Kim Potts stated that, “at 12:51 I heard ‘ALICE drill ALICE drill’ over the radio.” Another teacher stated that they “heard an announcement by Mr. Wolf (over PA) stating ALICE LOCKDOWN. [I] immediately turned off the lights, locked the door, and had all the kids go into the bathroom

where the art supplies are kept.” Police reports state that multiple interviewees heard the word “drill” and thought that an ALICE *drill* was taking place (the exact wording of that announcement varied with each witness who heard it, multiple witnesses did hear: “This is not a drill” and “begin ALICE response. . .”). According to then-Deputy Superintendent Ken Weaver, “Mr. Steve Wolf yelled into the phone that there was (*sic*) reports of shots fired at the high school and that they had initiated ALICE.”

Informing occupants where an assailant is located and moving is a critical component of ALICE. Many witnesses stated that there were no follow-up announcements or any additional information that would typically be given during ALICE implementation regarding the type of threat, its location, and the threat’s movements. However, Pam Fine did make a follow-up announcement over the PA system later, instructing, “Remain in the classroom in lockdown. Remain in your classroom in lockdown.”

It should be emphasized that the instruction to “lock down” (first made by Wolf, and then repeated in the second announcement), which was consistent with the second set of instructions for ALICE announcements provided at OHS (see above), did *not* conform to the District’s ALICE initiation protocol, insofar as the announcement may have caused individuals to believe they should lock down, when ALICE requires that they assess their conditions and take the best course of action for them and not simply lock down, unless lock down is their best course of action.

Wolf’s announcement to “lock down” also may have caused confusion as it is part of the language required by the Oxford Community Schools Safety Manual flipbook for external threats, not internal threats. The flipbook’s section on LOCKDOWN PROCEDURES – EXTERNAL THREAT directs the administrator receiving notice of an observed threat to the building to use the words, “This is not a drill. All staff and students go into an External Lockdown.”

The guidance in the flipbook for THREAT OF VIOLENCE / ARMED PERSON does not specify specific language to be used: “The person should use the PA system and/or whatever communication method possible to announce the threat and provide the best description, location and/or direction the threat is traveling.” The flipbook continues,



“Depending on the learned information of the threat, teachers will determine whether lockdown or evacuation is appropriate.”

#### **4. ALICE Operation on November 30, 2021**

Although the ALICE announcement could have been clearer, Wolf’s “lockdown” directive did *not* inhibit many occupants of OHS from EVACUATING. The speed with which the incident unfolded and was resolved likely accounts for the failure to make additional substantive announcements. Within the minute the shooting started (12:51:13), the first 911 call was made (12:51:46). The quick emergency contact and response, as well as implementation of ALICE protocols (first announcement made at 12:52:33), saved lives and prevented what otherwise might have been greater tragedy. We recognize that while further information may not have been available at the outset, ideally, additional announcements and updates should have been given when possible to advise of the Shooter’s location and enable listeners to determine their best course of action pursuant to ALICE training.

The mother of a student stated in an interview that my son “indicated that he was in class when the emergency ALICE alarm sounded ...” In another interview by the same investigator, a father related that his son:

*... advised he was across the school and did not hear or see anything related to the incident. [redacted] advised he was in classroom 240 and assisted the teacher with locking the classroom and also barricading the door with desks.*

After the shooting, one student stated, “... my teacher saw people running down the hall and locked the door and shut off the lights and a few minutes later the announcement went on and announced that their (*sic*) is a (*sic*) active shooter in the school.” Another student stated similarly, “... [I] heard the announcement to lockdown because there was an active shooter in the school.” Again, this contradicts ALICE protocol, especially on a system that is building-wide.

Other witnesses noted that they followed ALICE protocol by locking, barricading, or evacuating after hearing gunshots. Aside from being a chaotic time, the individuals

nearest the shooting clearly began ALICE procedures as soon as gunshots were heard, even before any announcement. Examples are:

- “Around 12:51 I hear 7 shots fired ... Me and (*sp?*) go to the door to get the night lock on for safety.”
- “... I heard gunshots we shut and locked the door and hid under the table ...”
- “... I heard about four shots and Mr. Fed ran into the room and locked the door.”
- “... we pulled this one girl to the classroom and close the door and two seconds after we heard shots. We barricaded the door and went to the corner.”
- “Me and my teacher walked into the hall and heard gunshots then my teacher threw me into the class and we jumped out the window and ran away.”
- “They heard someone say he had a gun and the teacher slammed the door shut and an announcement came over the PA and then locked the door.”

Wolf stated that his role was to ensure that staff reacted to the active threat appropriately, and they did. They were trained to call the emergency line (#3131), and one staff member did that, which triggered his initiation of ALICE. The building was immediately put into the ALICE protocol, and the District office was immediately contacted.

## **5. ALICE Implementation Could Be Improved**

Although OHS, for the most part, implemented ALICE properly on November 30, 2021, there were areas that could be improved. In particular, as noted throughout this section, if possible, OHS should clearly communicate the threat’s location and movements at all times so that all building occupants can follow their training and make the best decisions based on their circumstances.

To be sure, on November 30, 2021, OHS administrators immediately alerted building occupants upon receipt of the #3131 emergency call, whereupon students and staff assessed their situations and made determinations to LOCKDOWN, COUNTER, or EVACUATE, depending on where they were. But the OHS administration did not sufficiently INFORM the students and staff who were locked down in the building. They provided no substantive follow-up announcements alerting students to the Shooter’s

movements, nor did they monitor video surveillance immediately to spot him as soon as possible and relay that information over the PA system.

## **6. The ALICE Response Team Document Should Be Enhanced**

The “OHS ALICE Response Team” document should be a key document for ALICE training and reference. However, as currently drafted, its purpose and goal are unclear. The document provides team assignments and guidance in only two scenarios. The event that unfolded at OHS on November 30, 2021 – an interior threat starting within the building’s footprint, away from the main office and other large gathering places such as the cafeteria – is *not* in the referenced document. Further, key elements of the ALICE process are not well defined and often left blank or noted as “if necessary.” Absent continual drilling, it would be difficult for individuals to remember their assignments during a high-stress event like an active shooting incident.

The document should identify key ALICE response team members and the steps each should take to initiate and manage an ALICE response. The “OHS ALICE Response Team” document is insufficient in that regard. We found no other OCS document that could serve as the appropriate guiding document. Guidepost notes that the Oxford Schools Safety Manual provides responsibilities for administrators, staff, and Nighttime custodial staff, but this is in relation to lockdown procedures for an external threat. Under the THREAT OF VIOLENCE / ARMED PERSON section, the guidance does not specify roles, and instead states, “Any school faculty member who observed or is made aware of an immediate dangerous threat shall immediately call 911 and notify all other persons present in the school vicinity.”

While the “OHS Office ALICE Response Team” document does assign multiple individuals to the INFORM task, only *one* of the scenarios mentions the video surveillance system as an aid in providing real-time information. The ALICE protocol in the EOP also omits any assignments or use of the video surveillance system for INFORM. Ultimately, the lack of information gathered from the VSS in the INFORM stage, and absence of follow-up information, signifies a failure of the written protocols and training that more thorough

protocols would have prescribed. None of the training materials that we reviewed includes using the VSS.

The document's discussion of effective ALICE initiation announcements could also be improved. A well-defined plan for ALICE initiation should include clear and effective announcements with consistency in operations, plans, and training. Consistency is imperative for successful implementation of ALICE and, most importantly, for personal safety during an active shooter or violent intruder event. At OHS, there were two sets of announcements, one of which seemingly included the phrase "this is not a drill" and one that instructed occupants to lock down.

An appropriate announcement would start with the statement noted in the operational guideline, "Initiate ALICE," then, if possible, followed by information as to where the shooter may be and may be heading, if known, using field-relayed information from sources, such as a two-way radio or culled from the video surveillance system. The announcement should clearly convey the nature of the threat and its location, as clarity helps prevent confusion and ensures that people know what is happening. These alerts should be disseminated through multiple channels, such as PA systems, mass notification systems, text messages, emails, and mobile apps, to reach as many people as possible. Redundancy in communication methods is crucial in case one channel fails. Alerts and status should be updated regularly to inform the occupants where the threat is and where it is going. As noted elsewhere in this section, instructions to "lock down" counter the ALICE protocol, which emphasizes *options* for occupants to secure themselves, rather than simply locking down.

Further, announcements initiating ALICE or any other emergency notification should *not* use the word "drill," as individuals who do not hear the full sentence because the announcement is not clear, or because ambient noise is distracting, might think that a drill is being announced. In fact, that happened on November 30, 2021; police reports state that multiple interviewees heard the word "drill" and thought that an ALICE drill was taking place (the exact wording of that announcement varied with each witness who heard it). Multiple witnesses did hear: "This is not a drill" and "begin ALICE response . . . ." But

again, it is understandable that the accounts of what was said are conflicting, given the traumatic event that the witnesses lived through.

### **C. Key Shortcomings In OHS’s Response to the Shooting on November 30, 2021**

As discussed in our first report, OHS had a comprehensive security program in place at the time of the shooting. Given the ongoing challenges schools face, the District and OHS continually made enhancements to the program before November 30, 2021.

Although the program had many strong facets, as discussed in our first report, some key shortcomings may have limited OHS’s ability to respond effectively to the Shooter. Some of these gaps are more apparent through hindsight, and these gaps may not have changed the outcome of the OHS response, but we think it is important to discuss each relevant system, its use and limitations.<sup>345</sup>

In particular, we highlight the following areas as having specific relevance to the school’s response to the Shooter: the video surveillance system; the public address system; security personnel and staff; and lockdown barricading devices.

#### **1. Failure to Monitor Video Surveillance System During Attack the Shooting**

A video surveillance system<sup>346</sup> serves as a visual assessment and documentation tool in real time and forensically. At the time of the shooting, the VSS positioning, according to the “OHS map with cameras,” shows approximately 177 surveillance cameras throughout the facility, with multiple cameras in and around the rooms and corridors where the shooting occurred. In addition, adjacent spaces, such as the courtyards, leading corridors, and exterior spaces, had surveillance coverage. Multiple access points were

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<sup>345</sup> Other protective systems are not addressed herein because they did not affect the events of November 30, 2021. They are covered in our first report: Architectural Elements; Electronic Access Control; Visitor Management; Basic Classroom Door Locking Hardware; Intrusion Detection Alarm System; Entry Control and Intercom Systems; Perimeter Fences & Gates; and Key Control.

<sup>346</sup> VSS are also known as Closed Circuit Television (CCTV) systems.

available to view live and recorded video surveillance footage including the OCS administrative offices, the OHS administrative offices, and the on-site security office.

The cameras in the 200-hallway on November 30, 2021 were of different makes and varying quality; the majority were immovable, fixed-dome interior cameras with a 720p/1.3Megapixel resolution. In general, however, these cameras provided sufficient quality and coverage to observe and record the movements of the building's occupants, including the Shooter.

The VSS was configured to record on motion. This is a common measure used to conserve storage in a VSS. Due to either the placement, lighting, or sensitivity settings of the analytics, however, the motion-recording algorithm at certain points could not provide a sufficiently fluid re-creation of the unfolding shooting – that is, the recording stopped and started at various points. Still, the placement and quality of the cameras were not unusual for a public high school building, and the “record on motion” feature, even though it resulted in some coverage gaps, did not inhibit a thorough recording of the shooting.

During the first moments of the shooting, after the front office was locked down, there was no effort to use the video surveillance system to determine and validate the nature of the threat until a 911 operator asked if OHS personnel could locate and identify the Shooter. As set forth above, no one was assigned the responsibility under the EOP to monitor camera usage during an internal threat scenario. That was a significant omission, for the reasons discussed above.

The VSS was able to record the shooting with a sufficient level of detail to provide a clear understanding and confirmation of the Shooter. Guidepost notes, however, that the use of face masks due to the pandemic likely limited the ability of staff to identify the Shooter by name. The cameras could have been viewed from the very start after the office was secure with the Nightlock® devices, but that did not occur. Pam Fine viewed the cameras

only after the 911 operator had asked.<sup>347</sup> When Fine reviewed the footage, she was able to see the Shooter exit the First Bathroom, although she could not identify him at that time. According to Nick Ejak's deposition, "Pamela Fine was able to operate the security system and see it was a student with a gun."

Although many EOPs may not include details addressing camera review during incidents or assign responsibility for this duty to a particular individual, that omission should be corrected. EOPs should include a designation of a primary, alternate, and tertiary person to monitor the cameras. This role may also be accomplished remotely from a District office if necessary. To do this, the OCS offices must be able to communicate with the local personnel at OHS via the handheld radio system or phone, make announcements, and activate the emergency communications or mass notification systems.

Regardless of who is assigned responsibility, training and practice are required to master the complex operation of a VSS under duress in an emergency. The features embedded within modern surveillance systems are robust and diverse, ranging from advanced analytics to remote monitoring capabilities, but without proper training and practice, users may not harness the full potential of these tools when they are needed the most in an expedited response.

Moreover, in times of crisis, every second counts. A well-trained user can swiftly navigate the system, review live footage, and retrieve crucial footage to enhance and support situational awareness. This efficiency is paramount for timely responses to security incidents, potentially preventing escalation or mitigating the impact of threats. To ensure a comprehensive response and an effective use of the ALICE protocol, training must include not only student and staff responses, but also administrators' roles, including their responsibility for video surveillance and communication.

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<sup>347</sup> Ms. Fine was familiar with the system due to her prior role as Dean of Students and had used the cameras recently to check for late students returning from an OHS-sponsored event at OMS.

## 2. Reliance on an Inadequate Public Address System for Emergency Communications

In our first report, we assessed the PA system that was in place at OHS on November 30, 2021, focusing on the audible level in courtyards; sound quality throughout school facility and grounds; and time, origination, and destination of audio announcements. We found that the system was not functioning in certain locations and that inadequate equipment was being used specifically for delivering emergency notifications.<sup>348</sup>

Here, we explain how this inadequate system affected the response to the shooting. At that time, the OHS public address system combined existing speakers and components from the building's original layout and use as a *middle school*, with inconsistent additions and extensions when renovated to accommodate the high school's population and building additions. The system was originally designed to broadcast general announcements and classroom changes, not to serve as a reliable emergency communications platform.

The limitations on the PA system's coverage were not manifested during the shooting, but appeared to be known already at OHS. An email<sup>349</sup> dated February 25, 2019, captioned "Alice drill," from Stephanie Brevik to Steven Wolf, Kurt Nuss, Kristy Gibson, and Ryan Moore, with others copied, stated:

*FYI – counseling department does not have speakers. We are unable to hear any announcements from our offices where we normally are working.*

Principal Steve Wolf wrote in a February 26, 2019 email,<sup>350</sup> in which he was reporting audibility issues with the PA system following an active shooter drill: "Counseling can't hear that well ... Also, most hallway speakers are a bit too quiet." This problem was not resolved after this email. When interviewed after the shooting, Hopkins indicated that he

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<sup>348</sup> Please refer to the first report for a thorough review of the quality and functionality of the public address system.

<sup>349</sup> Email, "Alice Drill" from:stephanie.brevik@oxfordschools.org, 10:18 AM, Feb., 25, 2019.

<sup>350</sup> Email, "speakers" from:Steven.Wolf@oxfordschools.org, 8:33 AM, Feb. 26, 2019.



had been texting with Wolf because Hopkins could hear that there were announcements, but he could not understand the substance of the announcements.

Much of the confusion around the ALICE initiation was caused by the poor quality and misuse of the PA system; as discussed above, those communications were garbled at times and hard to hear. The police report contains many statements regarding the limited functionality of the PA system during the shooting. Despite these known limitations, the PA system was the only tool used for emergency communications during and immediately following the shooting. As noted above, two ALICE announcements were made over this system, and later, a responding law enforcement officer stated, “When we were done with the east side they advised over the PA to have all deputies go to the main office.”

In our view, the PA system’s limitations impeded OHS’s response to the shooting. It is true that many schools use PA systems for emergency communications, but what happened here highlights the vulnerabilities caused by an inability to share information throughout the school clearly, consistently, and effectively. While a traditional PA system is adequate for routine announcements, it lacks the necessary features and capabilities required for swift, targeted, and comprehensive communication in high-stress situations. This is particularly crucial in situations where different parts of the school might be affected differently, requiring tailored instructions or updates.

Further, a mass notification system should integrate with emergency response protocols and public safety agencies (where at all possible), enabling seamless coordination and communication with external responders. The ability to relay real-time information to local law enforcement, fire departments, and other relevant authorities enhances the overall emergency response and situational awareness for a campus.

Utilizing a PA system not built for mass notification not only hampers the effectiveness of communication but also risks delaying response times and exacerbating emergency situations. Investing in a dedicated mass notification system designed for the demands of modern emergencies is a proactive step toward ensuring the safety of the school community during critical incidents. OHS is in the process of deploying a new emergency

communication system within the school that provides visual and audible notifications and announcements.

### **3. The Organization and Staffing of Security Personnel at OHS Limited OHS's Ability to Respond Effectively to the Shooting**

At the time of the Shooting, the OHS security team consisted primarily of two individuals, Security Guard and former police officer Jim Rourke, and School Resource Officer Deputy Sheriff Jason Louwaert. Rourke reported directly to Wolf. Louwaert reported to the Oakland County Sheriff's Office but also took direction from and coordinated with OHS administration. In addition to Rourke and Louwaert, former police officer and armed Student Monitor Kim Potts, who also reported to Wolf, assisted the security team as needed, although she was not officially part of the team.<sup>351</sup>

Rourke was the only District-employed security person within OHS during school hours. He was tasked with monitoring the OHS security cameras, assisting in safety planning, liaising with local authorities on safety and security related issues, responding to safety incidents involving students (including physically intervening when necessary), investigating safety and security-related incidents on site that did not rise to the level of a criminal act, and attending additional trainings to assist in the management of emergency situations.

Louwaert, as stated above, was contracted by OCS to work as the District's SRO, but he was not an OCS employee. According to the SRO contract for the 2021-2022 school year, *"[t]he purpose of the SRO is to provide for and maintain a safe, healthy, and productive learning environment, emphasizing the use of restorative approaches to address negative behavior, while acting as a positive role model for students by working in a cooperative, proactive, problem-solving manner between the TOWNSHIP and the SCHOOL DISTRICT."*<sup>352</sup>

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<sup>351</sup> Thus, in an email dated January 20, 2020, Principal Steve Wolf wrote: "Mr. [sic] Potts is not a security officer ...".

<sup>352</sup> Oxford Community Schools District School Resource Officer Interlocal Cooperation Agreement, B.1.

Potts was tasked primarily with monitoring student behavior in the cafeteria and hallways. Although, as noted above, she was not officially a member of the security team, she was often assumed to be, because she had been a police officer for many years, often wore clothing indicating a security role, assisted in security-related issues relating to the girls bathroom, and was armed while on campus. The confusion as to whether Potts was a member of the security team extended beyond the student population to the administration and staff. As set forth above, at the time of the shooting, she was the only armed staff member on site.

Louwaert was not required to be at OHS at all times during school hours. He was the District's SRO, which meant he would address issues at other OCS schools in addition to OHS, and he would occasionally visit the Oxford substation of the OCSO. In the late morning of November 30, Louwaert left OHS to attend to an issue at OMS and then stopped at the Oxford OCSO substation, in connection with a school-related investigation, he was driving back to OHS when the shooting began. Rourke had that day off from work. When the shooting began neither Rourke nor Louwaert was at OHS.

Rourke had notified Louwaert, on November 29, that he would not be at OHS on November 30. Louwaert testified that he and Rourke had an understanding "that there would be one person in the building with a gun at all times if possible." This was not an OHS or OCS requirement or a formal agreement between Louwaert and Rourke, just an understanding that it was "a good idea."

Rourke told us that he typically monitored the video cameras when he was at his desk in the OHS security office. Kim Potts recalled that on November 30, the monitors were not displaying any camera feeds because Rourke was absent and nobody else had logged into the camera system. Accordingly, the monitors were not showing in real time what was happening around OHS that day.

There was no District or OCSO requirement that either Rourke or Louwaert remain at OHS at all times during school hours. According to Jill Lemond, if an SRO was not in the building, they were not replaced or "subbed." After the shooting, OCS's agreement with the OCSO, and OCS's policy were changed to require that at least one armed security

team member is present at OHS at all times during school hours, with an exception for an SRO called away from OCSO business, in which case OCSO would try to replace the SRO. Lemond advised that an SRO is "subbed" with a replacement officer if the assigned SRO is absent for more than half a day.

#### **4. The Inability to Lockdown the Bathrooms and Courtyard, While a Reasonable Security Decision, Put Students in Dangerous Situations**

We know that a total of eight students hid in the Second Bathroom and the adjacent girls' bathroom. Others entered the school from a courtyard during the active shooting. At that time, neither the bathrooms nor the courtyard doors could be locked. Further, as noted above, the bathrooms did not have speakers, and the speakers in the courtyards were not consistently audible. Accordingly, students in the bathrooms and courtyards may not have heard the ALICE initiation or other emergency messages.

Nightlock® door barricading devices were deployed at OHS in classrooms and offices – but not in bathrooms – for use by staff and students in case of an imminent threat where the occupants could not evacuate and needed to lockdown.<sup>353</sup> This section analyzes the impact of that omission and the school's inability to lockdown the interior courtyards.

##### **a. The Students in the Bathrooms**

At the time of the shooting, the Second Bathroom at OHS, had outward swinging, single doors without any latching mechanism. The doors *did* have door-closers and deadbolt cylinders to secure the space when the restrooms were not in use. The deadbolt cylinders were keyed on both sides and therefore could not be set from inside the bathrooms without a key. A key was required for the deadbolt on both sides of each door. During school hours, the doors were unlocked, and students could not lock or secure them. No Nightlock® barricade devices were installed in the student bathrooms; no movable furniture or other fixtures were within the student bathrooms; and no windows or other exits were present in the Second Bathroom.

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<sup>353</sup> Our First Report reviewed the Nightlock® device.

As discussed earlier in this report, during the shooting, Justin Shilling and Keegan Gregory hid in the Second Bathroom and six students hid inside the adjacent girls' student bathroom. The Second Bathroom at OHS does not have a secondary means of egress from the bathroom such as an egress window, egress hatch, or secondary door. There is only one way in to and out of this bathroom.

The OCS emergency flipbook gave guidance to the community in the event of an active shooter. It was posted in classrooms and common spaces throughout the school. Although that document gave instructions on hiding if evacuation was not possible, it did *not* state that an occupant of the building should specifically not hide in a bathroom.<sup>354</sup> The flipbook stated, "If evacuation is not possible, find a place to hide where the active shooter is less likely to find you." The flipbook designates that the hiding place should be out of the active shooter's view; provide protection if shots are fired in your direction (i.e., an office with a closed and locked door); and not trap you or restrict your options for movement."<sup>355</sup> The flipbook provides guidance on preventing an active shooter from entering the hiding place: lock the door; if there is a Nightlock® device available, secure the door with it; and blockade the door with heavy furniture.<sup>356</sup>

In one email exchange among administrators following an ALICE drill, the question was raised as to what students should do if an ALICE alert were to occur during passing time when someone was in a bathroom. The response was simply that students should "assess the information given and act accordingly, if it is safe, exit the building. If it is not

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<sup>354</sup> OCS emergency preparedness guide,1 based on the ALICE2 protocol, individuals who cannot evacuate and decide to hide are instructed as follows: "To prevent an active shooter from entering your hiding place: Lock the door; If there is a Nightlock® device available, secure the door with it; Blockade the door with heavy furniture." The OCS Safety Manual, posted in classrooms and common spaces throughout the school, states, in the Threat of Violence/Armed Person section: "If evacuation is not possible, find a place to hide where the active shooter is less likely to find you. Your hiding place should: Be out of the active shooter's view; Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door); Not trap you or restrict your options for movement; The safety manual provides guidance if the active shooter is nearby: If the active shooter is nearby: Lock the door; Silence your cell phone and/or pager; Turn off any source of noise (i.e., radios, televisions); Hide behind large items (i.e., cabinets, desks); Remain quiet."

<sup>355</sup> "THREAT OF VIOLENCE / ARMED PERSON." Oxford Community Schools Safety Manual. N.d.

<sup>356</sup> "THREAT OF VIOLENCE / ARMED PERSON." Oxford Community Schools Safety Manual. N.d.

safe, go to the nearest classroom to lock down.” While this guidance implicitly indicated that the bathroom *not* be used for shelter, the rationale was not explained, and thus the message was incomplete at best. And, while we understood from our interviews that staff *did* direct that bathrooms *not* be used for locking down or hiding during an internal threat, there is no indication that instruction was ever formalized in training or documented beyond this email exchange to the broader community.

Given that Justin was shot in a bathroom, it is important to consider whether the bathrooms could be made more secure so that individuals hiding there could effectively barricade themselves from an active shooter.

We note that any use of a barricade device, such as a Nightlock®, is subject to the legal constraints imposed by relevant governing authorities. Most such agencies, including local government agencies, building departments, and fire departments, do not approve using barricading devices in restrooms (although we were advised that the relevant authorities approved their use in other rooms at OHS). For fire departments and the Authority Having Jurisdiction (“AHJ”), this is often due to concerns about limiting the ability to freely egress a restroom in the event of a fire. For school administrators and security professionals, the concern is that barricade devices in restrooms could increase the risk of criminal behavior there, including assaults, self-harm and suicide, and illegal drug use. Thus, as noted in our first report, Nightlock® devices are not normally posted at restrooms “due to fire and life safety concerns from the state fire marshal and general concerns about students becoming locked in the restrooms and at risk to assault or abuse.”<sup>357</sup>

In light of these restrictions, clear direction must be provided to ensure that individuals know that bathrooms and all other locations that do not permit barricading or lockdown are not suitable for hiding from an assailant. We cannot expect the students to know that bathrooms are not safe hiding places without explicit instruction and training, as many people, when placed in a high stress incident such as a shooting, can become flustered and react hastily.

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<sup>357</sup> Page 87 of the first Guidepost Oxford report.

The District should consider whether diverging from standard practice makes sense to best protect students at OHS. If the AHJ over fire codes and egress approves it, and other relevant state and federal regulations are consulted and permit their use, the District may provide lockdown devices within restrooms.<sup>358</sup> Absent locks, OHS should also ensure that bathrooms have speakers and visual strobes enabling occupants to hear and see an emergency condition and announcement.

Given the concern that self-harm, assaults, drug use, and other misconduct could occur in a locked down restroom, and the potential for students using a barricading device to isolate themselves there and prevent staff from entering, if the District wants to use a barricading device, it should consider keeping it within an alarmed enclosure in the bathroom. When the enclosure is opened, an alarm will sound locally and remotely. The alarms should be monitored either by a staff member or a certified alarm central monitoring and dispatch center. Such an alarm should be checked regularly to ensure that it is functioning as intended and that school administrators are notified when it is in use, both during and after school hours.

Moreover, Nightlock® barricading devices are sold with an overriding device that gives users the ability to open the Nightlock® from the unsecured side. These overriding devices are typically placed throughout a facility with their location known only to school administrators and first responders. At the time of the shooting, OHS had override devices in its administrative office. Adding locations for these overrides and placing them near bathroom doors would aid administration and law enforcement in intervening in any assaults or unwanted behaviors in bathrooms that have a Nightlock®.<sup>359</sup> In addition,

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<sup>358</sup> Of note, after the shooting, Michigan enacted the Public Act 48 of 2022: Temporary Door Locking Devices in School Buildings.

<sup>359</sup> As a lack of panic buttons in these restrooms further isolates victims locked inside with an assailant, if lockdown barricading devices are installed in enclosed spaces, such as student bathrooms, occupants should have the means to request help and notify others of duress. Any spaces where students are alone and unobserved by video surveillance or outside the purview of school administration and staff, including bathrooms, locker rooms, and study rooms should be equipped with panic or duress alarms, especially if barricading devices are considered for these spaces. Staff and students should be educated and trained on the locations and proper use of the panic buttons. Also, they should be regularly tested to ensure proper functionality and notification to the appropriate staff members or emergency services.

keeping an override device near but not within immediate view of the bathroom doors if devices are deployed there provides first responders and administrators the ability to intervene rapidly if an incident occurs within the barricaded bathroom, assuming there is preplanning performed and the individuals are trained where and how to access them.

We note that these options to make bathrooms more secure have been employed in other places. For example, we spoke with a Nightlock® representative, who indicated that they generally do not recommend using these devices in bathrooms or locker rooms. However, they understood that some schools install them in these types of rooms, most frequently locker rooms. We also spoke with an independent school in California using Nightlocks® in bathrooms. Initially, the school did not use Nightlocks® on bathroom doors, but administrators found that when students drilled, they often hid in the *bathrooms*. The school obtained approval from the local fire department prior to implementation.

Today, that independent school (along with seven other schools<sup>360</sup>) is beta testing Nightlock's® door alert barricade system, which provides a sensor to notify administrators when a Nightlock® box is opened, as well as a sensor to alert administrators when a Nightlock® is engaged to secure a door. The alert barricade system is a more recent feature from Nightlock® and was not available when OCS invested in the Nightlocks®. This system has cost ramifications in terms of purchasing new boxes, replacing the door inserts for the floor, and a subscription service. It is also not clear whether this system would fully integrate with all electronic access control or alarm systems at OHS.

If OHS decides that it does not make sense to adopt options like the door alert barricade system, OHS must ensure that bathrooms have speakers and visual indicators enabling occupants to hear emergency announcements, and that training is provided so that students do not hide in bathrooms except as a last resort.

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<sup>360</sup> Of the eight schools discussed, Guidepost can only confirm that one has Nightlocks® installed within bathrooms.



In sum, OCS's failure to deploy barricading devices within OHS bathrooms at the time of the shooting was reasonable, as that is common practice and consistent with the guidance provided by manufacturers and regulating authorities. However, training and preparedness should have clearly alerted staff and students as to which spaces could be secured by barricading devices and which could not, so that occupants would flee the building or move to spaces with lockdown and barricading capacity and not get trapped in spaces without that capacity, such as a bathroom. Given the Shooter's actions in the bathroom and the number of students who used bathrooms as hiding places, the District must consider stronger features to provide a means to make emergency announcements in the bathrooms and enable them to be secured during an emergency. The new capabilities of the Nightlock® should be explored and may be one option that could help keep students safer.

#### **b. The Students in the Courtyards**



*Figure 9: Four (4) Interior Courtyards, Highlighted in Green*

Student activity in the courtyard was also unprotected from the Shooter. As seen in this image, OHS has four interior courtyards for student circulation to various hallways. Courtyard doors swing in different directions, depending on the egress paths associated with the opening. Some open into hallways with panic egress hardware located on the exterior, courtyard side of the door, while others swing into the courtyard, with the panic egress hardware located on the interior, corridor side of the door. Door hardware varies, including crash bars, handle sets, and handle pulls. Locking cylinders are provided

on the egress side allowing for manual “dogging” of the egress panic hardware. (Dogging refers to the practice of setting the door's push bar in its retracted latch position to remain

unlocked.) As noted above, at the time of the shooting, the courtyard doors were unlocked, allowing students to use the courtyards for circulation.

On November 30, 2021, at approximately 12:52:07 p.m., Tate Myre, who had been walking through the northeast courtyard, entered the Courtyard Door and turned into the long 200 hallway, where he was first shot at 12:52:10. Tate entered the building by pushing the crash-bar hardware into the corridor, in the direction of egress from the courtyard. Based on the hardware present on the door and the egress code requirements there was no way for this door to be locked in his direction of travel on November 30, 2021.

Locking courtyard doors during a threat incident at OHS was not a viable option due to the facility's architecture, door direction, and functionality, as well as the building and fire life safety code mandate that the doors allow unimpeded egress while the building was occupied. Further, a path of egress must still be available during a mechanical or electronic lockdown.

Even if the doors could not be locked, if there was appropriate communication of the threat in the courtyard, that may have discouraged students from entering the 200 hallway. Unfortunately, as discussed in our first report and the public address section of this report, the coverage of the PA system within the courtyards was insufficient. *However, even if the PA system had been sufficient, Tate Myre was shot before the first emergency (ALICE) announcement had been made.*

During an active threat, timely, appropriate, and adequate visual and audible annunciation must be given, requiring speakers of sufficient volume covering the entire courtyard, and notification through strobe lights at entry points and on the building façade. Enhancement of those features would include a multi-modal mass notification system, including text messaging, phone application, and push notifications. That plan is the best means of alerting all persons present, including those with visual or audio disabilities and those potentially coming to the site from an offsite location. None of these features was present in the OHS courtyards or on the building exterior.

**5. PrePlan Live Wall Mounted Duress Buttons and Stop the Bleed Wireless Duress Buttons Were Ineffective and Were Not Factors in OHS's Response**

PrePlan Live was a vendor that sold safety and security services, including interior mapping, duress buttons, and a mobile application. The first PPL system purchased by OCS featured a three-dimensional (3D) map system that was deployed at OCS in February 2021 to aid first responders in navigating OCS buildings. PPL eventually was contracted to provide "Stop the Bleed" kits with associated duress buttons throughout school corridors.

As further explained below, from the time of contracting, PPL did not deliver as promised, and it was not used during the shooting.

**a. PPL Contracting Process**

The software was announced in the *Spring 2019 Wildcat Review* newsletter, which described it as an "innovative way to communicate vital information efficiently to first responders and school administration during emergency situations to ultimately save lives." In the newsletter, OCS announced that the technology worked with building security cameras to provide live viewing, and the 3D mapping technology provided first responders and school leadership with the ability to better aid in emergency response and lockdown assessment. The newsletter also noted that the District was considering deploying trauma kits with wireless panic buttons. These devices were installed in 2020 and 2021.

In 2019, OCS applied for a grant from the Michigan State Police's Grants and Community Services Division to pay for installing the PPL duress alarm buttons in every classroom and main office. The first scope of work included a District-wide safety and security assessment to be performed by PPL at a cost of \$12,500. That assessment was not done, however, as it was not an eligible expense under the terms of the grant, despite OCS's submission in its grant application, which also included this. The grant specified that the funding could not be used for assessments. The second scope of work identified in the grant project narrative was installing District-wide panic buttons. The third project

submitted in the grant application was buying and installing classroom trauma action kits, including basic life support first aid kits with trauma dressings and other first aid materials.

Per the grant application, the PPL system in place at OCS provided:

- *Emergency Preparedness Information and Building Intelligence, to both district staff and first responders, for more effective emergency planning and training;*
- *Mass notification tool that communicates to both district staff and first responders;*
- *Connectivity between schools, district staff, and first responders;*
- *Rapid and secure mobile access to the district's Emergency Response Plans, critical life safety item locations, and both 2D/3D floor plans and 3D interior mapping; this feature satisfies Recommendations 5 and 8 as defined in the Michigan School Safety Task Force report dated November 2018; and*
- *Secure camera integration that allows remote access to live security camera feeds to first responders and designated district staff members.*

The “mass notification” capabilities consisted of a mobile application that had to be installed and regularly logged in to on the phones of first responders, such as the SRO, staff, and administrators. The PrePlan Live and associated duress buttons were installed throughout OHS using the funds provided by the grant. However, the secure camera integration did *not* function at the time the system went live.

A duress button can be any type of mechanical, electronic, or software button that is used to alert others that the activator of the button needs assistance. Typically, the buttons are relayed through an intrusion detection or alarm monitoring system and notify a central station monitoring service. With the correct integrations, network connectivity, cooperation with local emergency services, and programming, a duress button system may be integrated directly into a 911 dispatch center, although this is uncommon. Typically, the central monitoring station will notify 911 dispatch when an alarm is received

from an activated duress button. This is to limit nuisance alarms to emergency services if someone activated a duress button by mistake or was engaged in testing the devices.

Jill Lemond wrote an email to Sam Barna, copying Tim Throne, Ken Weaver, Denise Sweat, and others, on March 2, 2020, stating the purpose and intended use of the buttons:

*The Preplan CEO [Dan Flanders] suggested that we consider using the buttons for not only ALICE-type situations but also medical emergencies. Detective Louwaert, both of our school security officers (retired police), and Oakland Sheriff's Lieutenant Patterson all advised that the buttons be utilized only for serious, violet [sic] circumstances (such as an armed intruder). ... Dacia, Steve, Ken, Sam, and I all weighed in and shared different perspectives, as well. After great consideration, we have determined that the best, safest use of the buttons would be for a violent threat present in/at a district building.*

The 2019 Emergency Prep Guide provided by the Oxford Community Schools noted:

*If there is a threat of violence that requires police attention, push the duress button located in the Stop the Bleed kit. Hold the button for 6 seconds before releasing it.*

These duress buttons were also referenced in the "Threat of Violence/Armed Person" response guide, creating an expectation that they were functional for use in emergencies. The Oxford Community School Safety Manual states in the THREAT OF VIOLENCE / ARMED PERSON section under "Alert":

*If able to do so safely, access the duress button located within the wall-mounted safety kit. Press and hold the button for at least six seconds. It will vibrate upon successful alerting. This action does not replace a 911 call. Always call 911 first in the event of an emergency.*

In an email dated Feb. 28, 2020, captioned "Stop the Bleed safety kits and duress buttons," Jill Lemond wrote:

*I am excited to report that PrePlan Live has installed the safety kits in most of your buildings and many of you have received all contents of those kits, as well. The snow days afforded the PrePlan team the opportunity to test nearly all of the electrical alert systems, districtwide, and they are reporting great success [...] We recently invested in a tool that you should see installed in all classrooms and common spaces over the next couple weeks. This wall-mounted transparent box contains a Stop the Bleed safety kit with emergency medical supplies (including a tourniquet) as well as a duress button powered by PrePlan Live.*

However, as the system was being brought online and prepared for use, the PrePlan Live team notified the District that automatic notification to law enforcement was *not* available.<sup>361</sup> In an email in January 2021 from Dan Flanders of PPL to Jill Lemond and Saso Vasovski, Flanders wrote, “[O]ur technology will remain active and accessible; however, we highly recommend that any and all emergency notification by [*sic*] made using 911 and/or other emergency communications procedures established by your organization.” In an email on February 8, 2021, Flanders advised Lemond, “[T]he Oakland County Sheriff Office and Fire Dept. no longer have access to the platform on the first responder side.” In an interview with Captain Hill of the OCSO, we confirmed that no contract was ever signed between PPL or the company that bought PPL and the OCSO.

Regardless, on February 28, 2021, Lemond emailed District leadership instructing staff to complete PPL online training within a week, providing instructions on updating to the most current PPL phone application, and reminding recipients that the PPL security

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<sup>361</sup> For first responders to receive an alert from the PPL system, they had to install and be trained on the PPL application. Adoption with first responding agencies was limited to local police substation participants who needed to have an application installed on their mobile devices. According to Captain Hill of the Oakland County Sheriff’s office, the application was not used. He confirmed that there was no direct integration between the duress buttons installed throughout OHS and the 911 dispatch center. Any activation of the PPL panic buttons would have to have been done through either notification in the application to substation officer phones with the PrePlan Live application installed or through a third-party monitoring center, neither of which was in place at OHS. Captain Hill also confirmed there was no testing or active training of the duress button alarms that included the Sheriff’s Office or the dispatch center.

camera access was unavailable. Lemond advised as to how the PPL duress buttons were to be used:

*The two most important pieces of information to remember: 1. ONLY press the alert button in the event of an immediate violent threat. Engaging the system alerts users to a need for police response in an ALICE situation. 2. You must call 911! The application/button does not replace this important step in an emergency situation.*

As late as April 2021, Vector Online<sup>362</sup> training education courses required for District employees included "PrePlan Live: Bleed Control Kit" and "PrePlan Live: SecureAlert Duress Alarm System Main Controller."

**b. PPL Was Not Used on November 30, 2021**

The PPL system implementation could not provide the functionality and integration that it had promised. As such, it was not unexpected that PPL was not utilized on the day of the shooting. Based on interview accounts and documentation available to Guidepost, there is no indication that any of the duress buttons were pressed during the shooting incident. Captain Hill stated that the Oakland County dispatch center records do not show that any automatic duress alarm was provided from a third-party monitoring system. There is no evidence, nor are there any statements or existing data logs, indicating that any panic button was activated, and there is no indication that the system was activated during the shooting.

In school buildings, classrooms are central to the safety of students and faculty. Installing the means to communicate an emergency is fundamental to ensuring a swift and coordinated response during a security threat. Having a reliable communication tool within reach enables individuals to take swift action, enhancing overall safety regardless of the type of emergency. Implementing duress buttons should align with a comprehensive security strategy, emphasizing not only response but also prevention and mitigation. Integrating these buttons into the security infrastructure enhances the ability

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<sup>362</sup> Vector Online is an e-learning and training platform that hosts training, documentation, and other relevant materials required for personnel of an organization to review.

to address a diverse range of threats effectively. Regular training and drills should be conducted to familiarize occupants with the location and usage of duress buttons, ensuring a quick and efficient response during high-stress situations. These devices must be tested regularly to ensure that they are working properly. The proper testing involves not only testing that the button generates a local alert but also that any third-parties or receivers are receiving the messages properly and consistently.

Panic buttons can serve as a vital lifeline, providing a quick means for individuals to signal distress and call for immediate assistance during emergency situations. Rapid response times are critical in preventing or mitigating potential threats, and having these buttons strategically placed throughout a facility provides a more robust security posture.

**D. OHS Could Have Implemented Additional Security Measures Prior to the Shooting, But Made Reasonable, Risk-Based Decisions Not to Do So**

There are additional security measures that could potentially have been relevant to the prevention and response to the shooting but were not deployed at OHS on November 30, 2021, namely, metal detector(s)/weapon detection systems and a “clear backpacks” policy.

The propriety of these measures must be assessed in relation to the risks and threats at a particular school or district. In our experience, magnetometers and weapons detection systems are primarily utilized at schools when a relevant threat is present or a risk assessment identifies observable issues, such as criminal activity in the area or gang violence. In addition, most high schools in the United States do not implement a complete clear backpack policy unless there has been a specific or thwarted threat directly involving an individual bringing a firearm into school.

As such, in reviewing whether OHS should have deployed these measures prior to November 30, 2021, Guidepost reviewed the history of gun-related incidents at OHS and OMS. There were few such incidents prior to the shooting. We note that there was one incident that involved the discharge of a weapon at OHS. In that instance, in 2017, an 18-year-old OHS student who had assaulted another student tried to grab the firearm of



an OCSO deputy who was trying to arrest the assailant. The assailant was able to pull the trigger and the firearm discharged.

In addition, in 2015, upon returning from Thanksgiving break, OMS discovered that someone had shot at its entrance and caused property damage.

These two incidents did not involve students bringing weapons into an OCS building. Given that background and the absence of other targeted threats, OHS made a reasonable determination not to implement magnetometers/weapons detection prior to the shooting.

Since the shooting, OHS has deployed Evolv, a weapons detection system. The effectiveness and deployment of Evolv are discussed in the first report.

## **XVI. Post-Shooting Response by the Board and District Administration and Community Reaction**

### **A. District Response**

#### **1. Immediate District Response**

##### **a. Internal Response and Response to Victims/Survivors**

At 1:05 p.m. on November 30, 2021, the Superintendent's Office notified the Board and District leadership via email that there was an active shooter situation at OHS, that OCSO was on the scene, and that the recipients of the email should await further information and not answer any questions.<sup>363</sup> At 1:07 p.m., that email was circulated to additional District personnel.<sup>364</sup>

At 4:04 p.m., Superintendent Throne and Assistant Superintendent Barna were contacted by email by the District's insurance company SET SEG. SET SEG explained that it had

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<sup>363</sup> Email from Weaver re: "HS- Emergency," Nov. 30, 2021.

<sup>364</sup> Email from Weaver re: "FW: HS – Emergency – For your information only," Nov. 30, 2021.

retained the law firm GMH to provide legal services to the District, and security consulting firm Secure Education Consultants (“SEC”) to assist the District with law enforcement and any investigation in connection with the shooting.<sup>365</sup>

Later that evening, an all-District email explained to District personnel: (i) that no work was expected of anyone during OCS school closures; (ii) how to contact the OCS crisis team and Common Ground, a 24/7 crisis-support firm that later created and managed the All for Oxford Resiliency Center to help community members affected by the shooting; and (iii) that District personnel should continue to refrain from making any comments about the shooting during the ongoing investigation.<sup>366</sup>

On December 2, 2021, an all-District staff meeting was held at OMS so that all District personnel could be “briefed at once to maintain consistency and allow for questions,” according to the scheduling email sent the day before. The email further stated that OCS was working with a crisis consultant, that it understood the frustration with the limited information the District had been allowed to share, and reminded staff to refrain from interacting directly with the media and to avoid speculation and rumors.<sup>367</sup>

By December 2, 2021, the families of all the students who had been shot had been contacted by the District under the leadership of Pam Biehl, the Executive Director of Special Education. Biehl checked in with these families and scheduled visits by Superintendent Throne and Principal Wolf if the families were amenable.<sup>368</sup> Eventually, surviving students were assigned a liaison with the District, and Biehl coordinated these liaisons. Other students who were not initially included in this group but were near the

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<sup>365</sup> Email from SET SEG re: “Nov 30 2021 event,” Nov. 30, 2021.

<sup>366</sup> Email from Stublensky re: “Message to Staff,” Nov. 30, 2021.

<sup>367</sup> Email re: “All-District Staff Meeting Tomorrow at 10 am,” Dec. 1, 2021.

<sup>368</sup> Email from Biehl re: “Injured Victim Update,” Dec. 2, 2021.

Shooter or the shooting were added to the contact list as District personnel learned of these students.<sup>369</sup>

## **b. Response to Public**

At 1:09 p.m. on November 30, 2021, an email addressed to “Oxford Community Schools Parent/Guardian(s)” informed the community that there was an active emergency at Oxford High School and the school was in lockdown, that the OCSO was on the scene, and that community members should await further information and not go to the school.<sup>370</sup>

At 2:00 p.m., parents were informed via email that there was an active shooter at OHS, that the scene had been secured by the OCSO, and that students and staff were being evacuated to Meijer where they could be picked up.

At 5:57 p.m. on November 30, 2021, an email addressed to “Oxford Community Schools Parent/Guardian(s)” listed further information about the active shooter, provided resources to support all families navigating the tragedy, laid out a basic plan for school closures, and assured the community that more resources were forthcoming. This was followed up by another email at 8:44 p.m. detailing grief counseling information throughout the District for the following day, December 1, 2021.

OCS continued to inform the community of available post-tragedy resources, including virtual counseling through EMPOWERU; 24/7 assistance through Common Ground; in-person counseling opportunities; educational sessions led by Dr. James Henry, a psychologist specializing in childhood trauma;<sup>371</sup> the Michigan's Crime Victim Services

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<sup>369</sup> Email from Biehl re: “Trauma Counselor Requested in Home for Two OHS Families,” Dec. 4, 2021.

<sup>370</sup> “2021-22 District Communications,” Oxford Community Schools, 2023 ([https://www.oxfordschools.org/for\\_parents\\_students/2021-22\\_district\\_communications](https://www.oxfordschools.org/for_parents_students/2021-22_district_communications)).

<sup>371</sup> Dr. Henry was a leading children’s trauma expert in the state of Michigan at the time and directed the Children’s Trauma Assessment Center. OCS was apparently unaware that Dr. Henry “had been sanctioned, reprimanded and fined by the state of Michigan for practicing social work without a license” when he was brought in to assist the District. See Jennifer Brookland, “Michigan stopped sending traumatized kids to his center. Who will suffer the consequences?,” Detroit Free Press, (July 10, 2023) (<https://www.freep.com/story/news/local/2023/07/10/james-henry-oxford-msu-shooting-student-recovery/70386085007/>). Although Dr. Henry did not hold the required social work license, his defenders assert that his knowledge of trauma-informed care for children and advocacy for such care is unmatched.

Commission (CVSC) Compensation Program; and funds from the National Compassion Fund. The community was also notified about opportunities to participate in community gatherings such as those held at the Legacy Center, to apply for available funds, and to make donations for victims.<sup>372</sup>

On December 4, 2021, Superintendent Throne issued a public letter addressing the high school's interactions with the Shooter preceding the shooting, explaining that he had called for a thorough third-party investigation that would include any and all interaction between the Shooter and OHS staff and students; detailing the current plans for the independent security consultant (SEC); and outlining continued support through counseling and the implementation of expert recommendations.<sup>373</sup> The messages in this letter were reiterated in further public communications by Superintendent Throne, School Board President Tom Donnelly, and Principal Wolf.<sup>374</sup>

On December 11, 2021, OHS leadership relayed via email its plan for students to retrieve backpacks and other personal items left in the school on November 30, during the week of December 13. Students were given the option to arrange an alternative pick-up plan if they did not wish to return to OHS.<sup>375</sup>

## **2. District Return to School and Work**

### **a. Students and Families/Guardians**

The OCS plan for a “soft” reopening of District schools (other than OHS) was disseminated on December 5, 2021; this plan covered the following two weeks and

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<sup>372</sup> “2021-22 Building Communications,” Oxford Community Schools, 2023 ([https://oxfordhigh.oxfordschools.org/parents\\_students/2021-22\\_building\\_communications](https://oxfordhigh.oxfordschools.org/parents_students/2021-22_building_communications)).

<sup>373</sup> “Message from Supt. Throne – Dec. 4, 2021,” Oxford Community Schools, 2021 ([https://cdnsms5-ss8.sharpschool.com/UserFiles/Servers/Server\\_733753/File/Message%20from%20Supt.%20Throne%20-%20Dec.%204,%202021.pdf](https://cdnsms5-ss8.sharpschool.com/UserFiles/Servers/Server_733753/File/Message%20from%20Supt.%20Throne%20-%20Dec.%204,%202021.pdf)).

<sup>374</sup> “2021-22 District Communications,” Oxford Community Schools, 2023 ([https://www.oxfordschools.org/for\\_parents\\_students/2021-22\\_district\\_communications](https://www.oxfordschools.org/for_parents_students/2021-22_district_communications)).

<sup>375</sup> “2021-22 Building Communications,” Oxford Community Schools, 2023 ([https://oxfordhigh.oxfordschools.org/parents\\_students/2021-22\\_building\\_communications](https://oxfordhigh.oxfordschools.org/parents_students/2021-22_building_communications)).

included trauma training for all staff and half-day schedules for students.<sup>376</sup> The District continued to inform the community of any changes and updated plans as time progressed, including the return of OHS athletics on December 13, 2021, and the eventual cancellation of all school from December 14 through December 17, 2021 due to threats directed toward OCS. On December 15, 2021, the District sent an update, which included a statement from Superintendent Throne: “Moving forward, we are enacting a zero-tolerance policy regarding violent content of any kind, whether in word, deed or on social media.” All schools except OHS resumed school on January 3, 2022.

Counselor Shawn Hopkins asked to be placed on “paid non-disciplinary non-duty administrative leave,” and this request was granted effective December 7, 2021. In a letter to Hopkins, the District’s human resources leader explained that placing Hopkins on leave was the best course of action and that he would be notified upon the conclusion of the investigation.<sup>377</sup> Dean of Students Nick Ejak was ultimately placed on paid non-disciplinary non-duty administrative leave as well.

On December 14, 2021, a “Safety Update” was provided to the Board, which detailed the then-current state of security measures throughout the District.<sup>378</sup> The presentation included OHS’s safety measures that were in place at the time of the shooting and “enhanced safety measures” that the District had implemented in response to the shooting, the latter of which included physical and emotional safety components.

On January 4, 2022, community members were invited to a telephone town hall the next day, January 5, 2022, to discuss the District’s plan for reopening OHS and bringing OHS

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<sup>376</sup> “2021-22 District Communications,” Oxford Community Schools, 2023 ([https://www.oxfordschools.org/for\\_parents\\_students/2021-22\\_district\\_communications](https://www.oxfordschools.org/for_parents_students/2021-22_district_communications)).

<sup>377</sup> Email from Pass re: “Re: Paid non-disciplinary non-duty administrative leave,” Dec. 7, 2021.

<sup>378</sup> “Safety Update. December 14, 2021 Board Meeting,” Oxford Community Schools, 2021.

students back to school.<sup>379</sup> Ahead of the town hall on January 5, 2022, the “Tentative Plan on OHS Return” was disseminated by Superintendent Throne to the community.<sup>380</sup>

*With OHS not ready to be fully opened yet, we have created a two week alternate hybrid schedule for our Oxford Middle School and Bridges students in order to share the OMS building with our high school students and staff. The alternate hybrid schedule will be in effect beginning Monday, January 10 - January 21. Each principal will send detailed plans and schedules to all OHS, OMS, and Bridges families later today. We hope this slow transition together at OMS will help in the healing process and ease our high school students back in a familiar academic setting... Renovations to OHS are scheduled to be completed during the week of January 17. Our tentative plan is to host three open house opportunities for our OHS students and families to visit the high school together before we transition back to the building the week of January 24.*

On January 5, 2022, Principal Wolf provided details to the OHS community via email on the tentative return plan for OHS students, acknowledging that the timeline would look different for each student and emphasizing, “Our first focus is to improve, then maintain the physical, social, and emotional well-being of our students and staff. Our second focus is to slowly integrate academics back into our plans and schedule.”<sup>381</sup> The email outlined the initial return for OHS students to classes, starting with half-days at OMS on January 11, 13, 18, and 20,<sup>382</sup> paired with optional asynchronous activities, followed by a planned transition back to OHS on January 24 for the last week of the first semester of the 2021-22 school year. There would not be any further graded assignments for the first semester of 2021-22, and OHS was in the process of fielding students’ interest in transferring to

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<sup>379</sup> “Community Telephone Town Halls,” Oxford Community Schools, 2022. See A/so: “Tele-town Hall Content Outline,” Oxford Community Schools.

<sup>380</sup> “2021-22 District Communications,” Oxford Community Schools, 2023 ([https://www.oxfordschools.org/for\\_parents\\_students/2021-22\\_district\\_communications](https://www.oxfordschools.org/for_parents_students/2021-22_district_communications)).

<sup>381</sup> “Oxford High School - 2021-22 Building Communications,” Oxford Community Schools, 2023 ([https://oxfordhigh.oxfordschools.org/parents\\_students/2021-22\\_building\\_communications](https://oxfordhigh.oxfordschools.org/parents_students/2021-22_building_communications)).

<sup>382</sup> OHS underwent renovations after the shooting, including repairs of the damage in the 200 hallway and blocking off the Second Bathroom and the adjacent girls’ bathroom.

OVA or taking classes through OVA without transferring for the second semester of 2021-22.<sup>383</sup>

In an email to District families on January 18, 2022, Superintendent Throne addressed allegations against the District that appeared in the media and in lawsuits filed by victims of the shooting, which he characterized as “irresponsible and false.” Throne specifically addressed events at OHS leading up to the shooting that were being connected to the shooting, including the deer head, the bird head, OK2SAY tips, faculty interactions with the Shooter prior to the shooting, and the allegation that live ammunition had been discovered on campus.

January 24, 2022 marked the first day of school at OHS following the shooting, and OHS reported an attendance rate of 91%. There was a law enforcement presence, clinicians and therapists from Oakland Schools and Easterseals, dozens of therapy dogs, and a gift bag for each student. OHS and the District continued to seek feedback from students and parents/guardians about the return to OHS.<sup>384</sup>

#### **b. Staff**

Following winter break in early January 2022, (prior to the communication to the community) OHS staff received an email with an update on the transition plan back to OHS, inviting them to provide feedback at an upcoming all-staff meeting that would include a session on healing led by Dr. Henry. The email included the academic schedule for the end of the first and the start of the second semesters, students’ schooling options, the new construction updates to expect, the new clear backpack policy, and the upcoming open houses.<sup>385</sup>

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<sup>383</sup> “Oxford High School - 2021-22 Building Communications,” Oxford Community Schools, 2023 ([https://oxfordhigh.oxfordschools.org/parents\\_students/2021-22\\_building\\_communications](https://oxfordhigh.oxfordschools.org/parents_students/2021-22_building_communications)).

<sup>384</sup> “2021-22 District Communications,” Oxford Community Schools, 2023 ([https://www.oxfordschools.org/for\\_parents\\_students/2021-22\\_district\\_communications](https://www.oxfordschools.org/for_parents_students/2021-22_district_communications)).

<sup>385</sup> Email re: “(Draft) OHS staff email – transition plan,” Oxford High School, Dec. 31, 2021.

## **B. Board Response**

### **1. Initial Board Response**

Several Board members spoke of the challenges of understanding how to respond following the shooting and noted that they did not know what to do. Their response could have been influenced by the initial information that they received about the District's threat assessment and security posture. More specifically, the Board members received differing accounts about the interactions that OHS teachers and staff had with the Shooter before the shooting. Board President Donnelly said that shortly after the shooting, he was told during conversations with Superintendent Throne and assistant superintendents that the Shooter had not been known as a problem and had never been disciplined. Donnelly said that he also understood from these conversations that the individuals who interacted with the Shooter had operated within the framework of the District's guidelines, but he stated that he was not provided with the details of what had happened, including what guidelines and what steps had been taken.

Contrary to Donnelly's purported early understanding, some Board members reported that they later learned that some teachers had been talking about the Shooter's drawings, English assignments, and other erratic behaviors before the shooting. These Board members also claimed that they learned that despite these red flags, the school did not conduct what the Board members believed was a proper threat assessment.

Given the initial inaccurate information that the Board received from District leadership about the situation, the Board's discussions in the first several months after the shooting focused on repairing the high school building, returning students to school, and caring for the families of the students who had been killed or injured, as well as the larger school community. A Board member also lamented what the Board perceived as a lack of actionable assistance from educational authorities on how to move forward and what the appropriate next steps should be. For example, this member stated that while the Michigan Association of School Boards ("MASB") expressed support for Oxford, MASB did not provide the Board with any guidance as to what steps it could or should take in



response to the shooting. This Board member felt that the Board did not have a reliable, knowledgeable source of constructive support.

According to a Board member, the Board members also struggled with communication amongst themselves after the shooting, because members were sensitive to the optics of meeting in a non-public forum, which made it difficult for them to confer on what to do when they did not know what to do. For example, one Board member noted it was difficult to discuss issues such as shooting-related expenses because the meetings needed to be public and such discussions by the Board were perceived by the community as the Board moving on from the shooting. Other Board members felt that they were not receiving adequate information and were unable to function as a board to ensure that they were in agreement on how to respond.

## **2. Proceeding with an Independent Investigation**

According to two Board members who spoke to us, none of the Board members reported being opposed to an independent investigation of the District in connection with the shooting. In terms of the timing of such an investigation, two Board members stated that the Board did not immediately call for an inquiry because it lacked information as to what organization could or should conduct such investigations. Some of the Board members felt that their indecision about whether to initiate an internal investigation was related to certain advice the Board received from the District's litigation counsel. These Board members felt that this advice led to a delayed reaction to the shooting by the Board.<sup>386</sup>

Whatever the underlying reason, the delay in undertaking an investigation undercut public confidence in the Board's post-shooting response. By the time the Board decided to proceed with the independent investigation, community members had already begun voicing concerns about a lack of transparency by the Board.

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<sup>386</sup> We are only reflecting here on the Board's reaction to advice without stating that advice, as that is protected by the District's attorney-client privilege in connection with the litigation.

## **C. Stakeholder Views on District Response and Support**

### **1. Perceptions of Victims' Families and Survivors and Their Families**

In our interviews, the families of the children who were killed and wounded consistently reported their disappointment at their perception of impersonal communications, lack of transparency, and insufficient support they received from both the District and OHS. We understand that the District and OHS had never experienced or expected to experience a tragedy of the type and scale of the shooting, and that there is no standardized playbook that school districts and educators can draw from when responding to such a tragedy. However, there are many available resources for trauma-informed care and responses after a mass tragedy. The families of the children who were killed and wounded on November 30 can now speak to the best way to respond because they are living through it every day. The District should listen carefully to these families' accounts of their experience, to better equip itself to provide ongoing trauma-informed support to them now and in the future.

Common themes arose in our interviews of the families of victims and survivors about the communications made by the District and OHS after the shooting. Family members of the victims told us that the District did not tailor communications to each family's unique circumstances and known family dynamic, and as a result, communications felt impersonal. In addition, families believed that the District failed to provide transparency as the families were processing their feelings of confusion, anger, and pain. With respect to communications from the families to the school, certain families also told us that OHS did not respect their explicitly-stated wishes that certain staff members who had interacted with the Shooter be kept away from their children (who were either survivors or related to victims) when those children returned to school.

Family members of victims told us that they also felt a lack of personalization in terms of the support they were offered. Victims' families told us that, paradoxically, they were either expected to participate in the same offerings as provided to the entire community, despite having suffered an immeasurably greater loss than others in Oxford, or they were not invited or alerted to other community events meant to support the community in the

wake of the shooting. In other words, families felt that there was a lack of events aimed to support their unique position and needs. Some interpreted this as the District's attempt to avoid inflicting "survivor guilt" on the student body and trying to move on as quickly as possible.

In our interviews with victims' and survivors' families, the District and the Board were commonly described as defensive, with many witnesses recalling that this defensive attitude increased over time and perceiving that it first began before the shooting, in November 2021, when the District's response to the "deer head" and "bird head" incidents was criticized. The families reported that the District's defensiveness increased after the shooting and rose even further after several families filed lawsuits against the District. The District's self-protective stance exacerbated the perception that it lacked empathy for those closest to the shooting and caused supportive actions by the District to be viewed as publicity stunts. The District was admittedly in the very complicated position of needing to be transparent and empathic with the families on the one hand and being concerned with the risk of liability on the other. However, as reflected in the comments of the family, it is evident that the persons who most needed healing and support felt the District did not handle this dynamic very well. Without regard to the District's liability risks, it would have better been served by focusing more energy and attention on the families, as their statements reflect.

Among the families we interviewed, there is significant anger toward the District for not preventing the shooting. In addition, because the District has not acknowledged any failures relating to the shooting, these families and others reported an inability to trust the District to serve their children. They perceive the District as standing by bad decisions made by District employees on November 30, 2021, due to the District's refusal to apologize, refusal to provide a transparent accounting of all actions by District personnel leading up to the shooting, and refusal to hold any employees accountable.

Each family who met with us told us some of the details about their unique experience after the shooting. Although we identified some common themes running through many families' experiences, as described in the preceding paragraph, we believe it is important

to discuss each family's experience separately, to ensure that their specific recollections and opinions are heard. . Although we cannot realistically address whether the District erred in connection with all of the issues raised by each family, we believed it was important to fully report the perspective of each family so that the District is aware of how they experienced the District's response to the Shooting and its interactions with them. As indicated below, some families asked us to keep their identities confidential, and we honor their wishes.

**a. The Baldwin Family**

Madisyn's aunt served as the liaison between Madisyn's family and the District. She stated that all the family ever wanted from the District was an apology. The school seemed open and willing to help, but there was never any apology and never any accountability.

Madisyn's family discussed the failure of the District to adequately consider the needs of close family members of the murdered students when contemplating the return to school. Madisyn's aunt's son (Madisyn's cousin) was very close with Madisyn and was at OHS on the day of the shooting. In the aftermath of the tragedy, the District allowed her son to follow a hybrid (online/in-person) schedule after the shooting, which was helpful. At some point, Madisyn's aunt suggested that OHS hold an open house prior to the school's re-opening, to help students transition back to school. When OHS held this event, her son was not included, seemingly because the school only extended an invitation to students who had been directly involved in the shooting. When Madisyn's aunt called the District's central office about this, the family received an apology and her son had a tour the next day. However, when her son went back to school, one of his classes was still held in the same classroom that he had been in when the shooting started. In addition, at least one of her son's teachers was not aware that Madisyn was his cousin.

Madisyn's family felt that the notification to the families that their children had been killed was handled poorly. The families heard the devastating news in a group, in an office at Meijer. They were then taken to the Oxford substation, where they waited for a long time for a status update and were told that they could not see their children. Madisyn's family

believed that this entire process could have been handled in a better (more sensitive) way.

**b. The Myre Family**

Overall, Tate Myre’s parents wish that they had been shown more empathy as they and Tate’s brothers were trying to find a way to move forward after losing Tate and that the District had shown more that it cared about their heart-rending loss. In the days after the shooting, representatives from OCS, OHS, and OCSO visited the Myre home to express their condolences, and initially, the Myre family thought this was a nice gesture. However, after an all-staff meeting at OMS on December 2, 2021, at which Superintendent Throne said the school district did nothing wrong, the family felt that the visit to their home was just a publicity stunt. They do not feel that the District cares about accountability and giving answers to their family about what happened.

Tate’s parents did not feel as if their family received real support from the District after the shooting. They noted that Tate’s football and wrestling coaches held special events to honor Tate, but those coaches and teams acted on their own (in other words, these were not school or District events). Tate’s father described the aftermath of the shooting as feeling like “a business transaction” to the District.

**c. The Shilling Family**

Justin’s mother described District communications with her after the shooting in stark terms: “horrible, zilch, zero.” In her view, email is a poor communication choice when reaching out to grieving families who are struggling with shock and trauma. She explained that even if she was receiving emails about events that were occurring in the community, in the immediate aftermath of the shooting, she was not in a state to process the information in those emails – she needed the personal touch of a phone call. Justin’s mother recalled that an OHS administrator called her at some point after the shooting, but about something other than the shooting, and added “my condolences” at the end of the call. There was another call from the school prior to the graduation that Justin would have attended in 2022, but this call was limited only to graduation specifics. On several occasions, Justin’s mother only learned about events honoring Justin by doing her own

online searches for his name, and she wondered why the school did not reach out to her and alert her to these events. Justin's mother remembered receiving some communications from a school liaison who had been one of Justin's teachers and seemed totally overwhelmed.

Justin's father recalled that OCS and OHS leaders reached out initially as a gesture of goodwill, but when the family began to ask questions about what had happened on November 30, the District did not really answer those questions and tried to shut their inquiries down. He stated that this was true even before Justin's family filed a lawsuit against the District. After these initial communications, it was months before some of Justin's teachers reached out to the family. In addition, Justin's father and stepmother also found that the District's communication was not personalized to their family circumstances. The District persisted in sending email communications, even though that was an ineffective way to reach him and his wife due to their work schedules, and OCS failed to establish a separate stream of communication for the two separate households in the Shilling family structure.

Justin's mother reported there were many events that seemed to be for the community at large, but no events specifically tailored to the families of the students who were killed or the wounded students who had survived. She felt that this further isolated the families at the core of the tragedy. Justin's stepmother remembered that there was a special lunch held for survivors of the shooting, to which the families of the students who had been killed were not invited. A lunch for the victims' families was canceled and never rescheduled.

Justin's family remembered that the District and OHS did not seem to have any proactive plan to support the siblings or family members of students who were killed. Justin's mother noted that the yearbook had quotes from students about the victims and photos of tattoos that students got in honor of the victims, but nobody at the school ever reached out to Justin's sibling to participate in these yearbook tributes. Justin's mother recalled that when Justin's sibling returned to OHS after the shooting, the environment was nurturing and focused on healing, although Justin's father recalled that the school was

reactive rather than proactive in responding to his child's needs. Justin's mother felt that the energy of the school changed the following year and at that point, OHS was focused on moving full speed ahead. She recalled that OHS discouraged her child from going to the counseling office for support, even though the student was at OHS on November 30 and had lost Justin that day.

Beyond siblings and close relatives of the victims, Justin's mother also pointed out that the District and OHS did not reach out to the special people in Justin's life, such as close friends and teammates. She observed that these people might need additional support as they coped with the loss of Justin.

Looking at the OHS student body as a whole, Justin's mother felt as if the District rushed students back to school after the shooting, before they were ready. She believed that there needed to be a recognition that recovery from a tragedy of this magnitude would take years, and the District should not push students and the community to feel a false positivity that was inauthentic to many. The students were expected to return to school, be positive and carry on, knowing that the school had let them down. In addition, the return-to-school plan lacked a consciousness of events or statements that might upset students, in her view. For example, many students returned to the same schedule and entered the same hallways and the same classrooms that they had been in on the day of the shooting (similar to Madisyn's cousin's experience, noted above).

Finally, Justin's father told us that the District established a temporary memorial for the victims only after pressured to do so by the community.

#### **d. The St. Juliana Family**

Like the Myre family, Hana St. Juliana's family found the District's insistence that OHS personnel properly followed established processes and procedures hard to understand, which in turn caused them to distrust the District's statements. They also expressed their dismay about how District personnel interacted with them after the shooting. They recalled that when Hana's sister, first met with OCS administrators after the shooting, the

group did not express their condolences, and one of the administrators insensitively commented that Hana's sister looked just like Hana.

Like other families, Hana's family recalled that the District and OHS did not have a plan in place to adequately support Hana's sister in returning to school. The St. Juliana family told us that it took months to get a special accommodation plan in place for Hana's sister, and Hana's father said that he had to chase the school down to obtain a signed document.

Hana's father and sister also described the frustration and disappointment they experienced in trying to establish even a temporary memorial to Hana, Tate, Madisyn, and Justin. Every time the families thought that they were making progress, OCS would make a change from what the families wanted. Hana's father and Justin's father also spoke to an OCS administrator about a permanent memorial, with the fathers explaining that the parents wanted something at OHS that was visible but not overwhelming. The District administrator raised the issue of cost and also suggested that they look at memorials at other schools that had endured school shootings. Hana's father recalled saying that the District should do what the Oxford students and community wanted, rather than looking at other districts' memorials.

#### **e. The Gregory Family**

Keegan Gregory's parents told us that the District never reached out to them, even though the Shooter tried to kill Keegan in the Second Bathroom and Keegan had experienced the intense trauma of being in that bathroom when the Shooter killed Justin. When the Gregorys learned that Keegan was held and questioned by police in Ejak's office at OHS for more than two hours after Keegan fled the Second Bathroom, they emailed Ejak on December 6, 2021, asking why Keegan, a minor, was held and questioned after surviving a shooting and without notice to his parents. The next day, Wolf called the Gregorys to acknowledge their email; the Gregorys recalled that Wolf told them that Ejak was too distraught to talk and that Wolf did not know the answers to their questions. No one from OHS or OCS ever provided answers to these questions to the Gregorys.



Like members of the victims' families, the Gregorys felt that the District's communications to them were impersonal. In addition, they were not tailored to Keegan's unique experience during the shooting. Keegan's parents recalled receiving an automated call in December 2021, advising them to call a crisis hotline if they needed assistance – a call that all families in the District received as well. Other than the call from Wolf noted above, there was no personalized contact from OCS. Finally, in late December, a friend of the Gregory family alerted school personnel that someone from OCS should contact the Gregorys and help them to get trauma care for Keegan. In addition, OCS did not include Keegan in victim support groups, despite his traumatic ordeal in the Second Bathroom with the Shooter. The Gregorys thought that someone from OCS should have visited them just to say that they were sorry for what had happened to their son.

After the shooting, Keegan's trauma prevented him from returning to full-time, in-person learning at OHS. Keegan's parents said that OHS provided certain requested accommodations, but they had to fight to get Keegan an individualized education plan. They recalled that OHS's attitude was that Keegan was part of the "regular" school community – that any arrangements that were made for the general population should be good for him too. For exams, Keegan was made to attend a full day of school, which was traumatic for him. Exasperated by the District's response to their requests for their son, Keegan's parents contacted the Lieutenant Governor of Michigan for assistance and they recalled that by the following Monday, OHS changed course and offered Keegan help (begrudgingly, in the Gregorys' perception). Like other families, the Gregorys told us that other students who were close to or related to the victims who were also having trouble focusing on homework or academics were told by the school to "get it done."

#### **f. Survivors' Families**

Like other families, the family of one of the survivors told us that they just wanted answers after the shooting, but the secrecy by OCS made it difficult. At the time of our interview approximately nine months after the shooting, this family felt as if they were still asking the same questions that they had been asking immediately after the shooting, and did not

understand why the investigation of the shooting was taking so long. Another survivor's family stated that they simply want the truth about the shooting to come out.

One person told us that when OHS reopened and students returned to school, survivors were expected to act as if everything was fine because they had survived. Upon returning to OHS, several of the shooting victims who survived returned to classes in the 200 hallway near where they had been shot. One survivor's parent stated that it was wrong to make students walk down the hallway of their crime scene. This parent added that in the next school year, the school could have used the 200 hallway for incoming ninth-grade students who had not been at OHS on November 30, 2021.

Another shooting survivor's parents worked over the summer with their child's assigned counselor to schedule classes that were not in the 200 hallway where they were shot. However, when the student returned to OHS, half of the student's classes were back in the 200 hallway. OHS personnel seemingly had not realized that the student was a survivor; an OHS counselor called the parent wondering what was wrong with the student's schedule and a teacher required the student to bring a note to avoid class participation. In addition, when this student had to attend a class in the 200 hallway, due to the specialized nature of the class, the student needed to keep their phone to feel secure because of their trauma, but the teacher took the survivor's phone during class, further traumatizing the student.

A survivor's family told us that OCS stopped sending emails to them after they filed a lawsuit against the District and certain District personnel. This family only realized that they had been cut out of District communications when community members started to post emails on an Oxford Facebook group. The survivor's parent reached out to the District's IT department about the situation and was told that OCS had taken all the victims off email and all communications. This parent told us that this exclusion was particularly difficult for their family and others who still had other students at OCS and needed information about the schools; this parent also felt isolated by the District's decision to take such a step.

#### **D. General Student Body and Community**

Other OCS community members who spoke to us were split in their opinion of the District's response to the shooting. In discussing the same-day response, many community members described the chaos of the student/parent reunion process at Meijer on the day of the shooting and told us that they wished a more detailed plan had been in place ahead of the tragedy, though they understood the inevitable chaos of such an event. Many agreed with victims' and survivors' families that the District did not properly communicate before, during, and after the shooting and did not hold itself accountable or provide transparency in the aftermath. Community members, too, felt the inability to trust the District going forward from a perceived lack of honesty and stonewalling from the District.

Another criticism of the support provided by the District was the perceived failure to try to proactively identify students who required a greater level of support than the general student body. This would include students with close relationships (siblings, friends, cousins, teammates, and significant others) to the deceased and injured victims, possible targets of the Shooter's gunfire, and other close witnesses to the Shooter and the shooting. District officials explained that while they attempted to identify students physically close to the shooting on OHS's video recording of the shooting, the masking requirement in place at the time and grainy picture made it difficult. It was not until January 30, 2022 that OCS publicly communicated its responsibility to uniquely support certain students who may not have been physically close to the shooting but were emotionally close, such as the former sports teams and clubs of deceased victims.<sup>387</sup>

In addition to students and staff who were in the building during the shooting, parent volunteers who happened to be at OHS during the shooting or who arrived and helped were also greatly affected by the shooting but were not contacted by OCS in the aftermath or offered access to the resources available to others. These parents stated that the District should have attempted to contact everyone who was at OHS, even after the

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<sup>387</sup> "Oxford High School - 2021-22 Building Communications," Oxford Community Schools, 2023 ([https://oxfordhigh.oxfordschools.org/parents\\_students/2021-22\\_building\\_communications](https://oxfordhigh.oxfordschools.org/parents_students/2021-22_building_communications)).

shooting, and not limit the contact to strict categories of people. Volunteers and substitute teachers further noted that active shooter training should be provided to all individuals in the school environment, beyond staff, and that this training should include ALICE, Nightlocks®, and identification of concerning student behavior.

On the other hand, other community members commended the District and OHS for their leadership and support given the awful circumstances and the staff's own trauma and grief. Most community members reported admiring how OHS teachers, coaches, and general staff returned to work and prioritized the students' well-being and a sense of normalcy. Many community members commended the support they received from outside resources including the resiliency center, community organizers, and other counseling support.

#### **E. Staff**

District and OHS staff differed in their opinions of the District leadership's response and support in the aftermath of the shooting. Many praised Jill Lemond's leadership and work in serving as a liaison with law enforcement and communicating to staff after the shooting. Furthermore, most staff members complimented OHS's building-level leaders on their support and the return to school, but still recommended areas for improvement. Most of the staff believed top-down communication could have been more thorough over time, and many emphasized the importance of external leadership and new voices due to District leadership's own trauma and grief.

While the strong return of deeply-affected leaders was lauded, witnesses also described a divisive internal school culture that developed at OHS in the aftermath of the shooting. Some who described the internal school culture as negative reported feeling that lines had been drawn between staff members who were perceived to hold more trauma from the shooting and staff members who were seen to have experienced less trauma. Some witnesses saw these division lines in the assignment of tasks in the aftermath of the shooting. They recalled that staff members who were deemed by leadership to have the least amount of trauma from the events of November 30 were assigned to tasks that were trauma-inducing for those assigned staff members. For example, some staff members

were assigned to the duty of collecting student and staff belongings throughout the school while it was an inactive yet uncleaned crime scene, while some were asked to work in OHS while threats were being made against staff members. Staff members who were tasked with or volunteered to work in OHS after the shooting reported that the District never expressed gratitude for their work.

Not only were there perceived assumptions held by leadership as to which staff members had a greater or lesser degree of trauma based on their proximity to the shooting, there was also a reported assumption based on staff members' titles. Many staff members felt that they were perceived by leadership as having less interaction with students compared to other positions and they reported that they were not offered the same recovery resources, such as mental health sessions, in the aftermath of the shooting.

A common conclusion by those who reported feeling as if they were on the outside after the shooting was the importance of bringing in new leadership from outside the school district to guide and support District and building-level leaders and staff in the aftermath of a tragedy that is traumatic for an entire community. Greater influence of external parties or new leadership, such as a recovery coordinator, could help prevent pointless trauma comparisons and improve an environment that may promote divisiveness among staff.

## **CONCLUSION**

### **Enduring Legacies of Madisyn Baldwin, Tate Myre, Justin Shilling, and Hana St. Juliana**

We close this report where we began, with the victims, and by describing the meaningful ways in which Hana, Justin, Tate, and Madisyn will be remembered by their families and their community and how they will continue to have a positive impact on others despite being taken from the world far too soon.

In August 2023, Hana's family led the ground-breaking ceremony for Hana's Garden, a community memorial garden in Seymour Lake Park in Oxford. Hana's Garden is the first project undertaken by the Hana St. Juliana Memorial Fund, which was created in November 2022 to support projects that honor and celebrate Hana's life. Hana's Garden

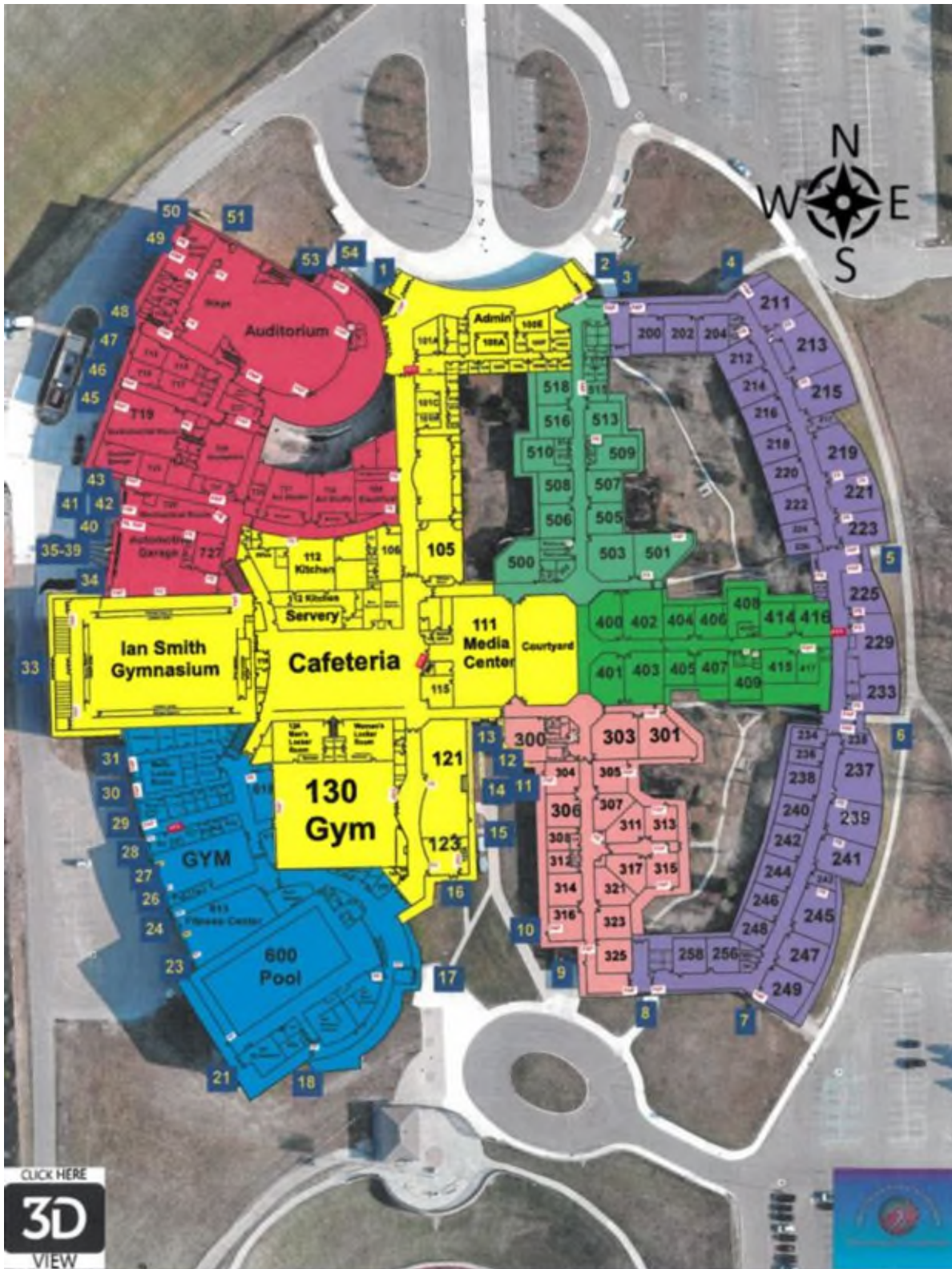
will serve as a memorial to Hana and to Justin, Madisyn, and Tate as well, with a large tree sculpture planned as the focus of the landscape that will have four rings lit up at night to represent the four children. To learn more about Hana's Garden and the Hana St. Juliana Memorial Fund, visit <https://hanamemorialfund.com/>.

Justin's family donated Justin's organs and tissue. His organs saved the lives of six people, while his tissue donation helped countless others. After Justin's death, medical workers inside McLaren Hospital and community members outside the hospital gathered for an "honor walk," a ritual to pay tribute to Justin and his family for the gift of life that he heroically gave to others through his donation. To learn more about Gift of Life Michigan, the state's federally-designated organ and tissue recovery program, visit <https://giftoflifemichigan.org/>.

Tate's family founded 42 Strong, a peer-to-peer mentoring program and foundation, to honor and continue Tate's legacy of mentorship and leadership. The stated mission of 42 Strong is "to create a better future by helping students develop a greater sense of purpose, community, [and] resilience." 42 Strong enlists older high school students to serve as mentors to seventh, eighth, and ninth graders, with the intention of fostering strong, supportive relationships that will benefit both the mentors and the mentees. 42 Strong supports these relationships through regular meet-ups, education sessions, team-building activities, and more. To learn more about 42 Strong, visit <https://42strongtate.org/>.

Madisyn was raised in nearby Clarkston, and the community there created memorials to her that will endure. Pine Knob Elementary School in Clarkson donated a tree that was planted in memory of Madisyn – a tree with heart-shaped leaves. The tree was planted in Clarkston's Depot Park, in view of a playground and in an area where visitors can bring dogs, honoring Madisyn's love for animals. In addition, a mural of Madisyn was created in the Clarkston High School Media Center. Community members also donated money in honor of Madisyn to Autism Speaks, recognizing the love that she had for her younger brother. To learn more about Autism Speaks, visit <https://www.autismspeaks.org/>.

# Appendix A: Map of Oxford High School's Campus





## **Appendix B: Policy 8400 – School Safety Information (po8400)**

Book: Policy Manual

Section: 8000 Operations

Title: SCHOOL SAFETY INFORMATION

Code: po8400

Status: Active

Adopted: April 1, 2004

Last Revised: June 8, 2021

### **8400 - SCHOOL SAFETY INFORMATION**

The Board of Education is committed to maintaining a safe school environment. The Board believes that school crime and violence are multifaceted problems which need to be addressed in a manner that utilizes the best resources and coordinated efforts of School District personnel, law enforcement agencies, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-sponsored activity or while enroute to or from school, or a school-sponsored activity. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

In furtherance of its commitment to a safe school environment, the Board has prohibited weapons on school property and at school-sponsored events, except in very limited circumstances. See Board Policy 3217, Policy 4217, and Policy 5772. This prohibition is reasonably related to legitimate educational concerns, including the ability to provide a safe and secure learning and social environment for its students and controlling and minimizing disruptions to the educational process. The presence of dangerous weapons on school property or at school-sponsored events, except under very controlled circumstances, creates a potentially dangerous situation for students, staff, and visitors, and may trigger precautionary safety responses which disrupt the educational process and learning environment for students.

Federal law establishes a "Student Safety Zone" that extends 1,000 feet from the boundary of any school property in relation to weapons and drugs. Individuals are prohibited from possessing or using weapons or drugs at any time on District property, within the Student Safety Zone, or at any District-related event.

The District will work with local officials in arranging signage defining the 1,000-foot boundary.



The Superintendent or designee shall convene a meeting for the purpose of conferring regarding the *School Safety Information Policy Agreement*, and making modifications as deemed necessary and proper; discussing additional training that might be needed; and, discussing any other such related matters as may be deemed to be necessary by the participants. Participants in this meeting shall include the Superintendent, members of the Board, the County Prosecutor or his/her designee, and representatives from the local law enforcement agencies. The following may also be invited to participate in the meeting:

- A. Chief Judge of Circuit and/or District Courts or his/her designee, including a representative of the family division;
- B. representative from the Intermediate School District (ISD);
- C. representative(s) from the local child protection agency;
- D. building administrators;
- E. teachers;
- F. parents;
- G. students
- H. Fire Marshal or his/her designee;
- I. representative(s) from emergency medical services;
- J. representative(s) from county emergency management service agency;
- K. School Resource Officer.

The Superintendent shall make a report to the Board about all such reviews and recommend the approval and adoption of any proposed revisions or additions.

### **District Contact Person**

Furthermore, in accordance with State law, the Board hereby designates the Executive Director of School Safety, Operational Technology, and Student Services as the District contact person who shall receive information from law enforcement officials, prosecutors, and the court officials, including receipt of the information provided from the Michigan State Police relating to the student safety act hotline (“OK2Say”). The current contact information for the Executive Director of School Safety, Operational

Technology, and Student Services shall be provided to the Michigan State Police in the manner and frequency required by law.

The District contact person shall notify the principal of the school of attendance of a student about whom information is received from law enforcement officials, prosecutors, or court officials within twenty-four (24) hours of the receipt of that information. The principal shall, in turn, notify the building staff members who s/he determines have a need to know the information that has been received within twenty-four (24) hours of receipt of that information.

The District contact person shall notify the appropriate law enforcement officials when an adult or a student commits any offense listed as a reportable incident in the *School Safety Information Policy Agreement* and shall report all information that is required to be reported to State or local law enforcement agencies and prosecutors. Reporting such information is subject to 20 U.S.C. 1232g, commonly referred to as the Family Educational Rights and Privacy Act of 1974.

If a student is involved in an incident that is reported to law enforcement officials pursuant to the District's *School Safety Information Policy Agreement*, then, upon request by school officials, the student's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the student concerning the incident and action taken as a result of the incident.

### **Required Reporting**

The Superintendent shall submit a report at least annually to the Superintendent of Public Instruction, in the form prescribed by the Superintendent of Public Instruction, stating the number of students expelled from the District during the preceding school year and the reason for the expulsion.

The Superintendent shall post a report on the District website at least annually, in the form prescribed by the Superintendent of Public Instruction, stating the incidents of crime occurring at school. At least annually, a copy of the most recent report of incidents of crime, disaggregated by school building, shall be made available to the parent or legal guardian of each student enrolled in the District. This report will include at least crimes involving:

- A. physical violence;
- B. gang-related acts;
- C. illegal possession of a controlled substance, controlled substance analogue, or other intoxicants;
- D. trespassing;

- E. property crimes, including but not limited to theft and vandalism, including an estimate of the cost to the District resulting from the property crime.

Each school building shall collect and keep current on a weekly basis the information required from the report of incidents of crime, and must provide that information, within seven (7) days, upon request.

Additionally, the District shall report all incidents of and attempted commissions of the crimes listed above to the Michigan State Police, in the form and manner prescribed by the Michigan State Police, within twenty-four (24) hours after the incident occurs.

### **Law Enforcement Information Network (LEIN)**

The Board authorizes the Superintendent or designee to request vehicle registration information for suspicious vehicles within 1,000 feet of school property through the Law Enforcement Information Network (LEIN).

### **Threat Assessment**

The primary purpose of a threat assessment is to minimize the risk of targeted violence at school. This policy is designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the joint U.S. Secret Service and Department of Homeland Security publication, *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*. The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe school environment, protect and support potential victims, and provide assistance, as appropriate, to the student being assessed.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Board authorizes the Superintendent to create building-level, trained threat assessment teams. Each Team shall be headed by the Principal and include a school counselor, school psychologist, instructional personnel, and, where appropriate, the School Resource Officer. At the discretion of the Superintendent, a threat assessment team may serve more than one (1) school when logistics and staff assignments make it feasible.

The Team will meet annually and when the Principal learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of violence to a target. If an inquiry indicates that there is a risk of violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat posed by the student in that situation.

The Board authorizes the Superintendent to create guidelines for the purpose of:

- A. identifying team participants by position and role;
- B. requiring team participants to undergo appropriate training;
- C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment;
- D. defining what types of information that may be gathered during the assessment;
- E. stating when and how parents/guardians of the student making the threat shall be notified and involved;
- F. designating the individuals (by position) who would be responsible for gathering and investigating information;
- G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 – Student Records, and State and Federal law.

### **Persistently Dangerous Schools**

The Board recognizes that State and Federal law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-

sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceeds the threshold number established in State policy, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

### **Victims of Violent Crime**

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

Revised 11/22/16  
Revised 11/21/17  
Revised 5/28/19  
Revised 8/11/20

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Legal

Title IX, Section 9532 of the Elementary and Secondary Education Act, as amended  
M.C.L. 380.1241, 380.1308, 380.1308a, 380.1310a, 752.913, 771.2a

**Appendix C: Documentation Pertaining to Threat Assessment and Intervention  
(8400 F1)**

**DOCUMENTATION PERTAINING TO THREAT ASSESSMENT AND INTERVENTION**

This form documents a student-posed safety threat and the District's response. The threat assessment team completes this document only after the immediate threat is neutralized and all students and staff are safe.

Date: \_\_\_/\_\_\_/\_\_\_

**Threat Information:**

- A. Building: \_\_\_\_\_
- B. Individual reporting threat: \_\_\_\_\_
- C. Threat Assessment Team Members: \_\_\_\_\_  
\_\_\_\_\_
- D. Threat Details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Student Information:**

- A. Student name: \_\_\_\_\_
- B. Student D.O.B.: \_\_\_\_\_
- C. Student grade: \_\_\_\_\_
- D. Student family contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- E. Diagnoses and other critical information (e.g., diagnoses; discipline record/history; prior incidents or threats; ETR; IEP): \_\_\_\_\_  
\_\_\_\_\_

**Threat Level:**

- High Level Threat: Direct, specific, plausible, and imminent. Student has a detailed plan and the means to carry it out.
- Medium Level Threat: Indirect, general, indicates action is forthcoming without details. Student does not have a detailed plan or known or suspected means to carry it out.
- Low Level Threat: Vague, indirect, poorly thought-out or implausible. Student does not have a plan and does not have known or suspected means to carry out a possible attack.

**Actions Taken:**

A. Immediate response:

- Law enforcement notified by \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.
- Team alerted by \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.
- Student's parents notified by \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.
- Lockdown implemented at \_\_\_\_\_
- Media Response: \_\_\_\_\_
- Additional steps taken: \_\_\_\_\_

B. Short-Term Response:

Immediate Assessment by District Mental Health Professional:

1. Motivation: \_\_\_\_\_
2. Mental state: \_\_\_\_\_
  - a. Hopelessness, despair: \_\_\_\_\_
  - b. Organized/disorganized thinking: \_\_\_\_\_
  - c. Consistency of story with actions: \_\_\_\_\_
  - d. Does student see violence as only option? \_\_\_\_\_
  - e. Other: \_\_\_\_\_
3. Communications to others: \_\_\_\_\_
4. Plan details: \_\_\_\_\_
5. Capacity to carry out plan, including access to weapons: \_\_\_\_\_  
\_\_\_\_\_
6. Potential targets: \_\_\_\_\_
7. Previous attempts/plans/practice runs: \_\_\_\_\_  
\_\_\_\_\_
8. Family dynamics: \_\_\_\_\_  
\_\_\_\_\_
9. Possible accomplices: \_\_\_\_\_  
\_\_\_\_\_

10. Concerns of others/collateral information: \_\_\_\_\_  
\_\_\_\_\_

11. Trusted adult: \_\_\_\_\_

12. Circumstances affecting possibility of attack: \_\_\_\_\_  
\_\_\_\_\_

Removing/Securing Student:

1. Emergency Removal: \_\_\_\_\_

2. Hospitalization: \_\_\_\_\_

3. Arrest/Detained: \_\_\_\_\_

4. Other: \_\_\_\_\_

Targets:

1. Targets identified: \_\_\_\_\_

2. Targets notified and secured: \_\_\_\_\_

**Long Term Response:**

Parent consent for assessment obtained on \_\_\_/\_\_\_/\_\_\_

Parent refused consent for assessment on \_\_\_/\_\_\_/\_\_\_ (if District suspects a disability and offers to conduct a multi-factored evaluation pursuant to the Individuals with Disabilities Education Improvement Act – District sent PR-01 Prior Written Notice to Parents \_\_\_/\_\_\_/\_\_\_)

In-Depth Mental Health Assessment:

1. Features consistent with diagnoses (e.g., depression, narcissism, anxiety, etc.): \_\_\_\_\_  
\_\_\_\_\_

2. Particular triggering events (e.g., failed relationship, bullying, etc.): \_\_\_\_\_  
\_\_\_\_\_

3. Coping/Resiliency: \_\_\_\_\_  
\_\_\_\_\_

4. Empathy/Alienation/Intolerance: \_\_\_\_\_  
\_\_\_\_\_



- 5. Attitude of superiority: \_\_\_\_\_  
\_\_\_\_\_
- 6. Need for attention: \_\_\_\_\_  
\_\_\_\_\_
- 7. Low Self-Esteem: \_\_\_\_\_  
\_\_\_\_\_
- 8. Anger Management: \_\_\_\_\_  
\_\_\_\_\_
- 9. Inappropriate Commentary/Humor: \_\_\_\_\_  
\_\_\_\_\_
- 10. Interest in Sensationalist Violence/Violent Entertainment: \_\_\_\_\_  
\_\_\_\_\_
- 11. Negative Role Models: \_\_\_\_\_  
\_\_\_\_\_
- 12. Changes in Behavior: \_\_\_\_\_  
\_\_\_\_\_
- 13. Turbulent Family Dynamics: \_\_\_\_\_  
\_\_\_\_\_
- 14. Access to Weapons: \_\_\_\_\_  
\_\_\_\_\_
- 15. Lack of Limits: \_\_\_\_\_  
\_\_\_\_\_
- 16. School/Peer Dynamics: \_\_\_\_\_  
\_\_\_\_\_
- 17. Media/Technology Use: \_\_\_\_\_  
\_\_\_\_\_
- 18. Drugs/Alcohol: \_\_\_\_\_  
\_\_\_\_\_

19. Outside Interests: \_\_\_\_\_  
\_\_\_\_\_

20. School Disciplinary Culture/Responses: \_\_\_\_\_  
\_\_\_\_\_

Implemented Interventions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reintegration Plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reassessment/Re-evaluation Plan, including anticipated meeting dates and individuals: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Threat Assessment Team's Self Evaluation:**

Overall assessment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Future areas for improvement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Strategies to implement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Individual(s) responsible for implementation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Form Completed by: \_\_\_\_\_

Date: \_\_\_\_\_

5/15

## **Appendix D: Administrative Guideline 8410A – Early Warning Signs of Possible School Violence (ag8410A)**

Book: Administrative Guideline Manual

Section: 8000 Operations

Title: EARLY WARNING SIGNS OF POSSIBLE SCHOOL VIOLENCE

Code: ag8410a

Status: Active

Adopted: March 1, 2011

### **8410A - EARLY WARNING SIGNS OF POSSIBLE SCHOOL VIOLENCE**

The following early warning signs are not equally significant and are not presented in order of seriousness:

- A. **Social withdrawal.** In some situations, gradual and eventually complete withdrawal from social contacts can be an important indicator of a troubled child. The withdrawal often stems from feelings of depression, rejection, persecution, unworthiness, and lack of confidence.
- B. **Excessive feelings of isolation and being alone.** Research has shown that the majority of children who are isolated and appear to be friendless are not violent. In fact, these feelings are sometimes characteristic of children and youth who may be troubled, withdrawn, or have internal issues that hinder development of social affiliations. However, research also has shown that in some cases feelings of isolation and not having friends are associated with children who behave aggressively and violently.
- C. **Excessive feelings of rejection.** In the process of growing up, and in the course of adolescent development, many young people experience emotionally painful rejection. Children who are troubled often are isolated from their mentally healthy peers. Their responses to rejection will depend on many background factors. Without support, they may be at risk of expressing their emotional distress in negative ways-including violence. Some aggressive children who are rejected by non-aggressive peers seek out aggressive friends who, in turn, reinforce their violent tendencies.
- D. **Being a victim of violence.** Children who are victims of violence-including physical or sexual abuse-in the community, at school, or at home are sometimes at risk themselves of becoming violent toward themselves or others.
- E. **Feelings of being picked on and persecuted.** The youth who feels constantly picked on, teased, bullied, singled out for ridicule, and humiliated at home or at school may initially withdraw socially. If not given adequate support in addressing

these feelings, some children may vent them in inappropriate ways-including possible aggression or violence.

- F. **Low school interest and poor academic performance.** Poor school achievement can be the result of many factors. It is important to consider whether there is a drastic change in performance and/or poor performance becomes a chronic condition that limits the child's capacity to learn. In some situations--such as when the low achiever feels frustrated, unworthy, chastised, and denigrated--acting out and aggressive behaviors may occur. It is important to assess the emotional and cognitive reasons for the academic performance change to determine the true nature of the problem.
- G. **Expression of violence in writings and drawings.** Children and youth often express their thoughts, feelings, desires, and intentions in their drawings and in stories, poetry, and other written expressive forms. Many children produce work about violent themes that for the most part is harmless when taken in context. However, an overrepresentation of violence in writings and drawings that is directed at specific individuals (family members, peers, other adults) consistently over time, may signal emotional problems and the potential for violence. Because there is a real danger in misdiagnosing such a sign, it is important to seek the guidance of a qualified professional--such as a school psychologist, counselor, or other mental health specialist--to determine its meaning.
- H. **Uncontrolled anger.** Everyone gets angry; anger is a natural emotion. However, anger that is expressed frequently and intensely in response to minor irritants may signal potential violent behavior toward self or others.
- I. **Patterns of impulsive and chronic hitting, intimidating, and bullying behaviors.** Children often engage in acts of shoving and mild aggression. However, some mildly aggressive behaviors such as constant hitting and bullying of others that occur early in children's lives, if left unattended, might later escalate into more serious behaviors
- J. **History of discipline problems.** Chronic behavior and disciplinary problems both in school and at home may suggest that underlying emotional needs are not being met. These unmet needs may be manifested in acting out and aggressive behaviors. These problems may set the stage for the child to violate norms and rules, defy authority, disengage from school, and engage in aggressive behaviors with other children and adults.
- K. **Past history of violent and aggressive behavior.** Unless provided with support and counseling, a youth who has a history of aggressive or violent behavior is likely to repeat those behaviors. Aggressive and violent acts may be directed toward other individuals, be expressed in cruelty to animals, or include fire setting. Youth who show an early pattern of antisocial behavior frequently and across multiple settings are particularly at risk for future aggressive and antisocial

behavior. Similarly, youth who engage in overt behaviors such as bullying, generalized aggression and defiance, and covert behaviors such as stealing, vandalism, lying, cheating, and fire setting also are at risk for more serious aggressive behavior. Research suggests that age of onset may be a key factor in interpreting early warning signs. For example, children who engage in aggression and drug abuse at an early age (before age 12) are more likely to show violence later on than are children who begin such behavior at an older age. In the presence of such signs it is important to review the child's history with behavioral experts and seek parents' observations and insights.

- L. **Intolerance for differences and prejudicial attitudes.** All children have likes and dislikes. However, an intense prejudice toward others based on racial, ethnic, religious, language, gender, sexual orientation, ability, and physical appearance--when coupled with other factors--may lead to violent assaults against those who are perceived to be different. Membership in hate groups or the willingness to victimize individuals with disabilities or health problems also should be treated as early warning signs.
- M. **Drug use and alcohol use.** Apart from being unhealthy behaviors, drug use and alcohol use reduces self-control and exposes children and youth to violence, either as perpetrators, as victims, or both.
- N. **Affiliation with gangs.** Gangs that support anti-social values and behaviors--including extortion, intimidation, and acts of violence toward other students--cause fear and stress among other students. Youth who are influenced by these groups--those who emulate and copy their behavior, as well as those who become affiliated with them--may adopt these values and act in violent or aggressive ways in certain situations. Gang-related violence and turf battles are common occurrences tied to the use of drugs that often result in injury and/or death.
- O. **Inappropriate access to, possession of, and use of firearms.** Children and youth who inappropriately possess or have access to firearms can have an increased risk for violence. Research shows that such youngsters also have a higher probability of becoming victims. Families can reduce inappropriate access and use by restricting, monitoring, and supervising children's access to firearms and other weapons. Children who have a history of aggression, impulsiveness, or other emotional problems should not have access to firearms and other weapons.
- P. **Serious threats of violence.** Idle threats are a common response to frustration. Alternatively, one of the most reliable indicators that a youth is likely to commit a dangerous act toward self or others is a detailed and specific threat to use violence. Recent incidents across the country clearly indicate that threats to commit violence against oneself or others should be taken very seriously. Steps must be taken to understand the nature of these threats and to prevent them

from being carried out.

Unfortunately, **there is a real danger that early warning signs will be misinterpreted.** Educators and parents--and in some cases, students--can ensure that the early warning signs are not misinterpreted by using several significant principles to better understand them. These principles include:

- A. **Do no harm.** There are certain risks associated with using early warning signs to identify children who are troubled. First and foremost, the intent should be to get help for a child early. The early warning signs should not be used as rationale to exclude, isolate, or punish a child. Nor should they be used as a checklist for formally identifying, mislabeling, or stereotyping children. Formal disability identification under federal law requires individualized evaluation by qualified professionals. In addition, all referrals to outside agencies based on the early warning signs must be kept confidential and must be done with parental consent (except referrals for suspected child abuse or neglect).
- B. **Understand violence and aggression within a context.** Violence is contextual. Violent and aggressive behavior as an expression of emotion may have many antecedent factors--factors that exist within the school, the home, and the larger social environment. In fact, for those children who are at risk for aggression and violence, certain environments or situations can set it off. Some children may act out if stress becomes too great, if they lack positive coping skills, and if they have learned to react with aggression.
- C. **Avoid stereotypes.** Stereotypes can interfere with--and even harm--the school community's ability to identify and help children. It is important to be aware of false cues--including race, socio-economic status, cognitive or academic ability, or physical appearance. In fact, such stereotypes can unfairly harm children, especially when the school community acts upon them.
- D. **View warning signs within a developmental context.** Children and youth at different levels of development have varying social and emotional capabilities. They may express their needs differently in elementary, middle, and high school. The point is to know what is developmentally typical behavior, so those behaviors are not misinterpreted.
- E. **Understand that children typically exhibit multiple warning signs.** It is common for children who are troubled to exhibit multiple signs. Research confirms that most children who are troubled and at risk for aggression exhibit more than one warning sign, repeatedly, and with increasing intensity over time. Thus, it is important not to overreact to single signs, words, or actions.

## Appendix E: Administrative Guideline 8400A – Threat Assessment and Intervention (ag8400A)

Book: Administrative Guideline Manual

Section: 8000 Operations

Title: THREAT ASSESSMENT AND INTERVENTION

Code: ag8400A

Status: Active

Adopted: September 13, 2022

### 8400A - THREAT ASSESSMENT AND INTERVENTION

Recognizing that student conduct may present a danger to students and staff members, in an emergency, school officials must act promptly to minimize risk.

Building-level threat assessment teams shall be headed by the Principal and include a school counselor, school psychologist, second mental health professional, instructional personnel, and, where appropriate, the School Resource Officer. When logistics and staff assignments make it feasible, a Team may serve more than one (1) school. Team members shall receive training.

As required by Policy 8400, the following guideline outlines steps building administrators and their threat assessment teams must take when they become aware of a student-posed safety threat.

A threat is a concerning communication or behavior that suggests a person may intend to harm someone else. The threat may be spoken, written, or gestured and is considered a threat regardless of whether it is observed by or communicated directly to the target(s) of the threat. A threat may be communicated or observed electronically.

- A. **Step One:** The building principal (or designee when unavailable) receives a report that a student has made a threat and/or has engaged in behaviors or communications that would indicate the student intends to harm someone. Together, except in the case of an emergency, the building administrator and the Team assess the threat level posed by the student.
  1. **High Level Threat:** This is a direct, specific, plausible, and imminent threat. The threat is detailed and delineates a plausible plan of action. Examples include a student with a weapon in the building or other information indicating imminent danger on school property.



2. **Medium Level Threat:** This is a more general threat with a strong indication that the perpetrator is preparing for action. The threat may suggest a possible place and time, but is not detailed or immediate. Examples include a Facebook post announcing that the student plans to buy a gun soon and use it, or a YouTube video picturing a ranting student claiming s/he has access to weapons.
  3. **Low Level Threat:** This threat is vague and indirect. The student's threatened conduct may be unrealistic or poorly thought-out. Content suggests a general, nonspecific anger towards the school, staff, or peers. Examples include a student essay describing a school shooting or a child yelling that s/he hates everyone and hopes they all die.
- B. **Step Two:** After determining the level of threat, the building administrator takes immediate action. When the available information is insufficient to determine the level of threat, the administrator should err on the side of caution and consider the threat to be a high-level one.
1. **High Level Threat:**
    - a. The Superintendent or building administrator alerts emergency responders (911).
    - b. The Superintendent or building administrator initiates a school lock-down as per Policy 8400 – School Safety.
    - c. The Superintendent or building administrator maintains communication with emergency responders and follows their directives.
    - d. The Superintendent or building administrator contacts the student's parents or guardians.
    - e. The Superintendent or building administrator takes immediate steps to protect students and address the student's specific plans. This can include emergency removal from school, emergency hospitalization, and law enforcement involvement.
    - f. The Superintendent or building administrator takes disciplinary action, as appropriate, in accordance with Board policy and applicable conduct codes.
    - g. After the threat is neutralized, the Superintendent or building administrator addresses media inquiries or alerts the designated media or public relations spokesperson.

- h. After the specific threat has been neutralized, the Team contacts the student's parent and convenes a meeting to discuss the student and the threat. At the meeting the Team requests consent for further evaluation and permission to receive or share information with outside and/or existing health care providers. If the student has not previously been identified as eligible for special education, the Team, including parent(s), considers whether it suspects a disability; if it does, the District will conduct a multi-factored evaluation in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

The Superintendent or building administrator completes Form 8400 F1 to document the incident and its response.

## **2. Medium Level Threat:**

- a. The Superintendent or building administrator alerts emergency responders (911) and follows their directives.
- b. The Superintendent or building administrator contacts the student's parents or guardians.
- c. A mental health Team member (e.g., school psychologist, counselor) promptly meets with the student to evaluate the risk further. Topics to consider when speaking with the student include his/her: 1) motives and goals; 2) mental state; 3) plan details and consistency; 4) capacity to carry out the plan; 5) potential targets; 6) previous attempts or attack-related behaviors; 7) communications to others; 8) previous interest in violence; 9) family circumstances; 10) possible accomplices; and 11) circumstances that may affect the likelihood of an attack. The Team member should also try to ascertain whether the student has a positive relationship with any adult, especially a staff member.
- d. The Superintendent or building administrator alerts the potential targets and takes measures to secure their safety.
- e. The Team determines appropriate steps to address the student's short-term and long-term challenges. This may include recommendations concerning emergency hospitalization, intensive counseling, anti-bullying measures, and evaluations for further services.
- f. After the threat is neutralized, the Superintendent or building administrator addresses media inquiries or alerts the designated

media or public relations spokesperson.

- g. After the specific threat has been neutralized, the Team contacts the student's parent and convenes a meeting to discuss the student and the threat. At the meeting the Team requests consent for further evaluation and permission to receive or share information with outside and/or existing health care providers. If the student has not previously been identified as eligible for special education, the Team, including parent(s), considers whether it suspects a disability; if it does, the District will conduct a multi-factored evaluation in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).
- h. Provided the parent agrees in writing, a mental health professional conducts a long-term risk assessment, including the child's personality traits and behaviors, as well as family, school, and social dynamics.
- i. The Team convenes with the parent(s) to review the results of the long-term risk assessment and determine whether any services are indicated.
- j. The Superintendent or building administrator takes disciplinary action, as appropriate, in accordance with Board policy and applicable conduct codes.

The Team completes Form 8400 F1 to document the incident and its response.

- k. The Team implements services as indicated by the long-term assessment, and continues to closely monitor the student's behaviors.

### **3. Low Level Threat:**

- a. A member of the Team contacts the student's parents or guardians, and convenes a meeting to discuss the student and the threat. At the meeting, the Team requests consent to evaluate and permission to receive or share information with outside and/or existing health care providers. If the student has not previously been identified as eligible for special education, the Team, including the parent(s), consider whether it suspects a disability; if it does, the District will offer to conduct a multi-factored evaluation pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

- b. Provided the parent consents in writing, a mental health Team member (e.g., school psychologist, counselor) meets with the student to conduct an immediate threat assessment, including evaluating the student's: 1) motives and goals; 2) mental state; 3) plan details and consistency; 4) capacity to carry out the plan; 5) potential targets; 6) previous attempts or attack-related behaviors; 7) communications to others; 8) previous interest in violence; 9) family circumstances; 10) possible accomplices; and 11) circumstances that may affect the likelihood of an attack.
- c. The Superintendent or building administrator takes disciplinary action, as appropriate, in accordance with Board policy and applicable conduct codes.

The Team completes Form 8400 F1 to document the incident and its response.

- d. The mental health member conducts a long-term assessment to determine the student's long-term risk to himself/herself and others. This assessment should include the child's personality traits and behaviors, as well as family, school, and social dynamics.
- e. The Team convenes with the parent(s) to review the results of the long-term risk assessment and determine whether any services are indicated.
- f. The Team implements services as indicated by the long-term risk assessment, and continues to closely monitor the student's behaviors.

C. **Step Three:** After neutralizing the threat, the Team convenes to debrief and self-evaluate. The Team addresses areas to improve and long-term strategies, relating both to the particular situation, as well as possible future threats.

- 1. The Team verifies that all appropriate Level Threat procedures have been followed.
- 2. The Team convenes to evaluate its response and additional areas for improvement. These can include:
  - a. improving lock down policies and procedures;
  - b. working with law enforcement to conduct and supervise drills specific to student threats;

- c. enhancing prevention services: red-flagging students at risk; conducting surveys; implementing hotlines; increasing counseling referrals; raising staff awareness; involving the Intervention Assistance Team;
  - d. clarifying SRO roles;
  - e. soliciting input from staff and students.
- D. **Step Four:** After the threat is neutralized and the Team debriefs, a spokesperson or administrator meets with community members, staff, and students (as appropriate) to dispel rumors, raise awareness, and inform the community about future steps and prevention strategies.
- E. **Step Five:** For students returning to school after an absence (e.g., as a result of disciplinary action, emergency removal, and/or psychiatric treatment/hospitalization), the Superintendent or building administrator will meet with the student's parent or guardian to discuss re-entry and appropriate next steps to determine the student's readiness for return to school. Parents/guardians shall be notified in writing of all expectations for re-entry, and provided with a copy of any safety plan developed by the Team. The student's teachers will notified of any necessary supports or accommodations required from the teachers and the precautions that will be in place to provide for student and staff safety.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

At all times, Team members must comply with students' Federal and State privacy rights, as described in Policy 8330 – Student Records. As necessary and appropriate during the assessment process (i.e., in non-life threatening emergencies), Team members shall acquire written consent for release and exchange of information with mental health providers and local law enforcement agencies.

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