

## Active Shooter and Hostile Threats in Public Buildings Study Group

January 26, 2022 9:00 a.m. to 10:20 a.m.

Virtual Meeting: <https://vadhcd.adobeconnect.com/va2021cdc/>

### ATTENDEES:

#### **VA Department of Housing and Community Development (DHCD) Staff:**

**Cindy Davis:** *Deputy Director, Building and Fire Regulations (BFR)*

**Jeanette Campbell:** *Administrative Assistant, BFR*

**Jeff Brown:** *State Building Codes Director, State Building Codes Office (SBCO)*

**Richard Potts:** *Code Development and Technical Support Administrator, SBCO*

**Paul Messplay:** *Code and Regulation Specialist, SBCO*

**Florin Moldovan:** *Code and Regulation Specialist, SBCO*

**Kyle Flanders:** *Senior Policy Analyst, Policy and Legislative Office*

#### **Study Group Members:**

**Jimmy Moss:** *Virginia Building and Code Officials Association (VBCOA)*

**Ernie Little:** *Virginia Fire Prevention Association (VFPA), Virginia Fire Services Board (VFSB)*

**Mark Dreyer:** *Virginia Department of General Services (DGS), Division of Engineering and Buildings, State Review Architect*

**Jack Taylor:** *Nightlock*

**Kurt Roeper:** *Door and Hardware Institute*

**Christopher Barry:** *Virginia Fire Chiefs Association (VFCA), Fire Prevention Inspector-Loudoun County*

**Jim Crozier:** *Virginia Association of Counties; Orange County*

#### **Other Interested Parties:**

**Ken Cook:** *Allegion*

**Sean Farrell:** *Prince William County*

#### **Study Group Members not in attendance:**

**Rob Comet:** *American Institute of Architects-VA, Retired architect with experience in schools*

**James Garrett:** *City of Chesapeake Police Department, Lieutenant in charge of S.W.A.T., and 911 coordinator*

**Chris Kuyper:** *Roanoke County Police Department Commander, Special Operations instructor for county, FBI active shooter taskforce, Washington DC*

**Billy Hux:** *Virginia Department of Fire Programs (VDFP), Virginia State Fire Marshal's Office*

**Patrick Green:** *Virginia State Police, First Sergeant and training manager*

**Frederick Presley:** *Stafford County*

**Teri Morgan:** *Virginia Board for People with Disabilities Executive Director*

## **AGENDA AND DISCUSSION ITEMS:**

### **I) Welcome**

Jeff Brown: Reminded the group that the meetings are recorded. Thanked everyone for their time. He's hoping to wrap up discussions today, finalize the proposal and begin working on the report. He asked everyone to be sure and speak up if they had anything to add to the discussion. He gave instructions for members to remain muted unless speaking, and to use the 'raise hand' feature to ask to speak. The study group members are listed in the box on the left. The meeting summary from the last study group meeting has been posted on the DHCD website and is available in cdpVA. He encouraged everyone to review it and let the staff know if there were any corrections needed. The summary from this meeting should be available in about a week. There will be breaks each hour. He asked members to identify themselves when speaking.

### **II) Discussion**

#### **A) Documents Submitted by Ernie Little (VFPA)**

Jeff: asked Ernie to talk about the documents he submitted, since he had to step away from the meeting last time and these documents were not able to be discussed. However, Ernie was not signed in yet. Jeff said they would circle back to this later, when Ernie is available.

#### **B) Other States and Jurisdictions**

Jeff: Mark said in the last meeting that he would look for information on what other states and jurisdictions are doing about barricade devices.

Mark Dreyer: looked into the state of Virginia, and did not see any new activity in any of the jurisdictions he looked into.

Jeff: Anyone else?

Chris Barry: Asked the schools in his district, and there's nothing new in Loudoun.

#### **C) Virginia Experiences**

Jeff: DHCD staff sent a Memo to all Virginia building officials asking them to share any experiences with approving barricade devices in their jurisdictions since the 2018 code changes went into effect on July 1, 2021. There was no response to the request. DHCD also reached out to Augusta County schools, who did install devices prior to the 2018 code update. They still use the devices and it's working well for them. They have procedures in place for maintenance of the devices and training. They are looking into adding them in more schools.

Jack Taylor: His company Nightlock is based in Michigan. He says they have had increased activity recently. They currently have devices in 62 schools in VA. He is also working with a few VA schools, who are looking into their devices, but none of them have mentioned the new code.

Jeff: For the benefit of those that were not able to attend the previous meetings, he summarized the background discussions and activities around barricades in schools last cycle, and the directive to address barricades in public buildings this cycle.

#### **D) Draft Proposal**

Jeff: DHCD has drafted a proposal to meet the intent of the directives given by SB 333 and HB 670, understanding that some in the study group may not support it. The full report will outline the information discussed, including concerns. When the report and proposal are complete, there will still be opportunity to discuss and raise any concerns in the Workgroup meetings before being sent to the Board for a decision.

Jack: stated that the Naval technical training center in VA is using barricades and that while Nightlock barricades are mainly used in schools, they are used in other public buildings as well. He indicated they have barricades in municipal, military, government, corporate and retail buildings. They are primarily in place to protect employees, and give them a place to retreat to and shelter in place if needed.

Jeff: Reviewed the proposal drafted by the DHCD staff, which was sent out with the agenda and is available in the file pod on the left of the meeting space. Section 108.1 - when applications are required. This would impact the devices in any occupancy. Alteration to means of egress already required a permit per the code. Last cycle, language was added to include requiring a permit when adding barricade devices. The draft proposal includes language to require a permit for removing barricade devices as well.

Jimmy Moss: They were able to do all of this previously, but the wording in the proposal is good because it makes it very clear to everyone what is specifically required.

Mark: DEB would not issue a permit for removal. It would be better to say that removal should be coordinated with first responders and the training program.

Kurt Roeper: The existing Code requires permitting and approval of devices. According to a statement made earlier by a study group member, there are at least 62 schools in VA that have installed the devices, but DHCD did not get any response back from building officials when asked for examples of installed devices. How does that reconcile?

Jeff: There were a number of these devices installed prior to the 2018 USBC going into effect. They probably would have been installed with approval of a building official using a code modification or other process. At a previous Study Group meeting, it was acknowledged that barricade devices were already installed. DHCD staff asked for examples of any installations using the new 2018 regulations (effective July 1, 2021). DHCD didn't hear back from building officials on that request.

Jack: The same thing happened in Michigan. Sometimes, when a state goes through the regulating process, schools will wait a bit before implementing the new rules or guidelines. If he knows of any new code changes, he would definitely share those with all schools (or other buildings) who request devices in the state.

Kurt: is concerned that there may be many undocumented installations, where first responders may not have received notification.

Jeff: He isn't sure about what process each of the schools may have used prior to the 2018 code change. However, Augusta's approval process did include coordination and consultation with local law enforcement and first responders

Jeff: finished reviewing the proposal:

- 110.1.1 - Talks about notifying officials of removal of devices.
- Chapter 2 – definition of Public Building was added according to the previous Study Group discussions.
- 1010.2.8 - Was changed to include public buildings.
- 1103.2.15 - Added 'and public buildings'
- 1031.11 In SFPC – Added 'the conditions of its approval' to indicate that a change in building use would nullify the approval, as it was conditioned on the building use. As in a change of occupancy from public to private use for example.
- Reason statement – in compliance with SB 333 and HB 670 to expand the use of barricade devices to public buildings.

Jack: asked if under the draft proposal, there was a change in occupancy, the new owner could apply for use?

Jeff: The proposal would limit approval to "public buildings". The Study Group's directive is only for public buildings. It doesn't prevent anyone from submitting another proposal using different language, which would go to the Workgroups for consideration.

Chris: Indicated that he does not like the generic term 'notify first responders'.

Jeff: Highlighted section 110.1.1 listing the titles of the various officials (which was not changed).

Chris: stated there's a big difference between schools and public building staff structure. He wanted to review the training section.

Jeff: Reminded the group that there's no change to the language in 1010.2.8 #5 – The approval process includes checks to make sure that they are training as required and also requires that they make their training records available for inspection.

Jeff: If there are no other questions or concerns, DHCD will finalize the proposal and put it in cdpVA. They will also begin preparing the report to capture the thoughts and comments of group members. If all in the group support a proposal, they will typically put the study group's name on the proposal. Knowing that's not the case here, he wants to know who supports this, in order to put the proponent names on the proposal. Jeff asked for a show of hands (thumbs up or thumbs down) to indicate those who would support approval of the proposal to add barricades in public buildings.

Ernie Little: asked if he could review his proposal before the vote.

Jeff: wanted to vote first on the DHCD proposal separate from Ernie's proposal. The vote resulted in Jimmy Moss, Ernie Little, Jack Taylor and Chris Barry giving thumbs up, indicating that they would support approval of the DHCD proposal. Mark Dreyer and Kurt Roeper voted with thumbs down to indicate that they would not support approval of the proposal. Jim Crozier did not give thumbs up or thumbs down to indicate his position. Jeff will reach out again one last time for proponents before the draft is submitted for public viewing in cdpVA to confirm whose names will be added as co-proponents of the proposal. He reminded the group that it will be discussed again at the General Stakeholder Workgroup meeting.

### **A) (Revisit) Documents Submitted by Ernie Little (VFPA)**

Ernie: Provided 3 documents (first 2 are background / informational)

1. Lori Greene, door & hardware manufacturers - myths & facts
2. NFPA 3000 toolkit - basis for developing a lockdown plan.
3. Code change proposal: amending 404.2.3.3 ASHER Program Compliance – “The development, operation and maintenance of lockdown plans, including the use of emergency supplemental hardware, shall be in accordance with chapter 9 of NFPA 3000”.

Jack: Likes this; he says there are a lot of devices on the market, and there are only some that comply with code and should be approved. At the permitting process level, they need to have the same information and guidelines to decide whether to approve or not. The article by Lori Greene, door hardware industry, doesn't give enough factual information. Barricades are in competition with other door hardware. Lori lumps all barricade devices together. Some are safe to use and some are not as safe. The door hardware industry thinks that all barricades are in competition with them, so they lump them all together, and that's not a true representation.

Jeff: This discussion will be part of the summary. Ernie's proposal is not specific to public buildings. We can mention it as part of the discussions. This change could be submitted separately, and could include co-proponents. DHCD can assist Ernie with submitting the proposal on cdpVA.

Ernie: Yes, thanks. What does the group think?

Jeff: After Ernie finalizes and submits the proposal on cdpVA, DHCD can circle back to this group to ask for proponents.

Ernie: He asked about the additional public building definitions that he sent via email to Jeff.

Jeff: The definition used in the DHCD drafted proposal was based on group discussions in previous meetings. However, Ernie later submitted some additional definitions for consideration.

{BREAK 10:02 – 10:07}

Jeff: Asked Ernie to discuss the definitions of public buildings that he sent over.

Ernie: He provided a few, and he also put together one from all the choices as his favorite. It included examples of the types of buildings, which he thinks is missing from the DHCD draft proposal.

Jeff: asked the group to review & compare with the definition they chose in the DHCD draft proposal. There were no hands or comments, so he asked once more – if anything Ernie submitted would change the DHCD proposal. Seeing no response, the group will go forward with original draft definition proposed.

### **II) Other**

Nothing further to review.

#### **IV) Assignments and Next Steps**

Jeff: DHCD will prepare and finalize the proposal and begin working on the report with the SG discussions noted. DHCD will put the proposal in cdpVA. They will also help Ernie with his proposal. These proposals should be submitted in time to be discussed at the April Workgroup meetings. The Workgroup date for this proposal is April 12<sup>th</sup>. The Workgroup date for SFPC and Ernie's proposal is April 15<sup>th</sup>. He asked group members to attend if they could to provide any additional perspective to the discussions. When the Workgroup sends the proposal to BHCD with their recommendation to approve or not, the summary report with SG and WG discussions will also be sent as a package.

#### **V) Next Meeting**

Jeff: There's no need for another meeting. He thanked the group members for their participation and closed the meeting.