

Active Shooter and Hostile Threats in Public Buildings Study Group

Meeting Summary: January 5, 2022 9:00 a.m. to 10:42 a.m.

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

ATTENDEES:

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

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*

Jeanette Campbell: *Administrative Assistant, Building and Fire Regulations (BFR)*

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)*

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

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

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

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

Kurt Roeper: *Door and Hardware Institute*

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

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

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

Other Interested Parties:

Ken Cook: *Allegion*

Sean Farrell: *Prince William County*

Study Group Members not in attendance:

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

Frederick Presley: *Stafford County*

Jack Taylor: *Nightlock*

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

Welcome

Jeff: Welcomed attendees and performed several mic checks to make sure people could be heard. He asked for individuals to stay muted unless they are speaking, and to introduce themselves when speaking. He let everyone know there would be 5 minute breaks each hour, and a one hour break for lunch. He also indicated that the meeting is open to everyone, but only study group members should join in the discussion. He gave Rob Comet the opportunity to introduce himself, as he missed the previous meeting. He introduced himself as a retired architect with experience in schools. He is representing the American Institute of Architects, Virginia.

Discussion

Jeff: The summary from this group's December 8th meeting contained an error on page 4. The 2018 change to the VCC Section 1010.1.9.8 said, "Delayed Egress: Exception to clarify that ESH shall be considered a delayed egress locking system." This should actually say, "Delayed Egress: Exception to clarify that ESH shall **not** be considered a delayed egress locking system." This will be corrected on the DHCD website and in the cdpVA link. The Last meeting was focused on background information. This discussion today will proceed with thoughts and comments based on previous experience, and ideas on how to move forward. He opened the floor for discussion.

Study Group Members - Initial Thoughts

Rob Comet: Started by asking if there were any other school representatives in the group. He is concerned that the problem may be made worse. In public school discussions in the past, there were concerns about sexual harassment in the classrooms, so windows were put in the classrooms. Then, there was concern about violence, and blinds were added to the windows. He thinks that in most cases, violence in public schools come from within the school, not from outside. Generally, schools are safer than other public spaces. He doesn't want to go too far with barricades by creating new scenarios such as violence within a locked space, fire, firebomb, etc.

Jeff: There are no other school representatives in this group. There were school representatives in the past discussion, but now we're looking at all public buildings.

Chris Kuyper: agrees with Rob. If there's an active shooter in a room with a barricade on the interior door, it will be hard for the police to enter. For that type of circumstance, he agrees with Rob that he doesn't want to make a worse situation. He wants to encourage public buildings to have locks on individual doors, so people can barricade themselves, but still make it accessible for law enforcement personnel to enter the room.

Ernie Little: also shared the concerns about room access. He doesn't think there's a need to fortify a classroom so that people cannot get in or out without the removal of a device. Also, the police would have a problem accessing the shooter and EMS would have trouble accessing patients. Classrooms are different than other public buildings. He provided an example in which each suite in in a building can lock down with a magnetic lock device that can be activated remotely, so that people have to identify themselves coming in. This is more of a training or policy issue than a hardware issue or building code issue. While locking people out is good, there's no need to lock people in a room until a device is removed. He thinks we there are other ways to handle a situation without needing a building code amendment at this time.

Mark Dreyer: He is a DGS architect whose group was involved with initial set of meetings, and they were not in favor of anything being incorporated in the building code, and they still feel that way. NFPA has responded to the dangers of devices in building codes. Everyone should look at that document. Devices in public buildings is even more hazardous than in public schools. Public schools have hierarchy of principal, teachers, etc. to run facilities in a regimented way. Public buildings are not necessarily set up that way. He's leery of applying anything to public buildings.

Billy Hux: from the State Fire Marshal's Office also agrees. Research over several years shows him that an active shooter hasn't gotten past any locked door. We can do our part to make things safer, but let's not compound an issue to fix another one.

Jeff: Jim Crozier is having mic problems and may not be able to participate.

Jeff: Gave a recap of the last meeting. New legislation that initiated this study group gave the directive to develop code change proposals to have additional barricade or safety devices to prohibit active shooters. Some may not be in support of any kind of barricade, but in order to comply with directive, some kind of proposal needs to go forth for consideration. Anything that goes to the Board for consideration will address the concerns raised. Last cycle, during the school barricades discussions, many were opposed to barricades as unnecessary or unsafe, so for each concern identified (training concerns, improper use, accessibility, maintenance, etc.) the group added something in the proposal to address those concerns. At the end of this process, there will be not just a proposal, but also a report to layout all discussion points, other documents submitted and meeting summaries. There will not be a study group recommendation for approval or disapproval; the study group will gather facts and address concerns. Data and other information submitted to DHCD by study group members and reviewed by the group will be included with the report. The goal is to clarify and simplify the information submitted to the Board, so we should avoid providing duplicated information. Ernie has already submitted some documents that will be discussed today.

Mark: Although DGS didn't support barricades in public schools, there was merit in items added to the code that made it safer than it was (when jurisdictions could put things in as they saw fit). The overarching guidance was good.

Jeff: Summarized some of the changes to the 2018 codes to address previously raised concerns. Existing provisions for schools were discussed at great length last time. Rather than reinventing the wheel, the group should build off of the existing code language. For example, there was a concern about consultation with all stakeholders (fire and law officials), so language was added to ensure consultation with law enforcement and fire prior to approving barricades in schools and notify them once installed. There were no minimum requirements in the codes prior to the 2018 editions, so devices for some schools were being approved through the building code modification process. In the last cycle, minimum requirements went into the code, providing some consistency throughout the state, whenever the devices are being considered. The 2018 code changes outlined 7 minimum requirements for devices:

1. Able to open from the outside
2. Can't violate listing on fire door or any other hardware.
3. For door operation to egress, there can be one additional movement.
4. Can't be used on other doors (permanently installed component).
5. Can only be one type in the building.
6. Requires training for employees and be included in the lockdown plan
7. Must be properly maintained (can be revoked if not used properly, according to the approval)

There were also some other exceptions and details in the building code to correlate with the allowance of devices:

- Can require key or special knowledge to egress
- Can require tight grasping or pinching
- Can be lower than 34"
- Locks & Latches: ESH Added to List (Restraint/Detention)
 - Signage Required (Authorized Personnel Only)
- Unlatching can require 2 operations (vs 1)
- Accessibility exception (only when deployed during hostile event or drill)

Even if a device is approved and installed, it is only allowed to be used during an active shooter event or during drills or training. Otherwise, only regular hardware is in place. Changes that were made in the SFPC:

- Lockdown plan contents
- ESH training records available
- Only authorized use (training, drill, or event)
- ESH Signage "Authorized Personnel Only"
- Maintenance

Between now and the next meeting, DHCD will put together a draft proposal to see what it would look like to take the 2018 changes and modify them to include “public buildings”. It could go into code as a separate section or be incorporated in the existing school provisions. That would be a good starting point for our next meeting and further discussions.

SB333/HB670

Jeff: DHCD was directed to convene the study group to develop proposals to address active shooter and hostile threats in public buildings. A couple of key items included in the legislation:

- 1 Public buildings
- 2 Other devices and measures
3. Ensure compliance with the Americans with Disabilities Act (ADA)

Last meeting, this group discussed the idea that ‘public building’ would be governmental (not all buildings open to public anywhere).

Rob: Once a ‘public building’ provision is approved, the public in general should have the same rights and opportunities.

Jeff: Please clarify.

Rob: If there’s a deemed need for the government to have a barrier device to protect employees, why would corporations not have the same privilege? What is special about a public servant that is different from a corporate servant? While a school is a different environment, a public building is so general. What’s the difference between a government office building and a corporate office building?

Jeff: doesn’t disagree, but he thinks the intent of the legislation was government buildings. It came from government and was meant to address government. If a proposal goes in for a public government building, there can always be someone who says why not other buildings? Anyone can submit a proposal. So, even if this group addresses government public buildings, someone could submit an alternative proposal for all types of buildings. The summary from this group could address what was directed – a proposal for government buildings, and someone else might also submit another proposal through cdpVA, addressing all buildings open to the public.

Mark: He works in the public sector, and is not in favor of barricades. He thinks this is an incremental approach, adding public buildings to schools, then it may ‘bleed’ out into all buildings. He does agree with Jeff that the intent is to cover governmental buildings this cycle. He also agrees with Rob that there’s no difference between someone working in a governmental or corporate office building.

Chris Barry: He researched online for what is defined as a public building. Sometimes it is considered a government-owned building for public assembly, but that is not always true. He found 7 sites that all define it differently. There needs to be a straight forward definition

Jim Garrett: Put a definition in the chat box from existing Virginia code for ‘public building’

§ 2.2-1159. Facilities for persons with physical disabilities in certain buildings; definitions; construction standards; waiver; temporary buildings. A. For the purposes of this section and § 2.2-1160: "Building" means any building or facility, used by the public, which is constructed in whole or in part or altered by the use of state, county or municipal funds, or the funds of any political subdivision of this Commonwealth. "Building" shall not include public school buildings and facilities, which shall be governed by standards established by the Board of Education pursuant to § 22.1-138.

Jeff: He agrees that there are different definitions and doesn’t think the group will get any additional clarification. However, he is pretty confident that the intent is for governmental (municipal) buildings. He asked everyone to look at what Jim put in the chat box, and he put another possible definition in the chat box:

Possible Definition: "Public Building" - a structure or building that is owned, leased, or otherwise occupied by a municipality or the state and used for any municipal or public purposes by the municipality or the state.

Mark: The first definition is based on funding source. In the second definition, the building could have been purchased by a governmental body, so even though it wasn’t originally publicly funded, it could become a public building by a later purchase.

Jeff: Asked everyone to keep thinking about a public building definition and submit any thoughts. They should keep in mind that they don't want to leave any loopholes.

Mark: He thinks it is important for the discussion to reiterate that this proposal would be something that would allow owners to install barricades, but it would not mandate that they be installed anywhere.

Jeff: Good point. It's similar to schools, where it doesn't mean that every school has to have barricades. If this is directed to public buildings, it would only lay out minimum requirements for approval and installation, if someone desires to install them. They would still have to first apply for a permit to install, the local building official would be required to consult with fire and law enforcement, and then all minimum requirements would be required to be met, etc.

{7 minute break: 9:58am - 10:05am}

Jeff: Chris Kuyper put another possible definition in the chat box. The group should continue to consider these definitions and circle back to this discussion later. They do need to pick a direction. He still believes that the proposal should only address municipal/government buildings, but he does want everyone to voice their opinion.

I like this definition of a public building from DOE: According to 10 CFR 420.2 [Title 10 – Energy; Chapter II -- Department of Energy; the term public building means “any building which is open to the public during normal business hours, including: (1) Any building which provides facilities or shelter for public assembly, or which is used for educational office or institutional purposes; (2) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment which provides services or retail merchandise; (3) Any general office space and any portion of an industrial facility used primarily as office space; (4) Any building owned by a State or political subdivision thereof, including libraries, museums, schools, hospitals, auditoriums, sport arenas, and university buildings; and (5) Any public or private non-profit school or hospital.10:05 AM

Jeff: Read off what the bill asked for regarding ingress and egress prevention. The main thing that is seen for preventing ingress and egress is what are typically called barricade devices. They looked at various devices last time, and Jeff also just performed a search looking for new types of devices or technology that might comply with some of the 7 minimum requirements in current code (permanently installed component, releasable from the exterior, only one additional motion to remove, etc.), but did not see anything new since last cycle. If anybody is familiar with other types of devices, please send to DHCD.

Jeff: The language of the bill says that proposals should be developed while maintaining compliance with the ADA. The ADA is a federal law from the DOJ and DOT (standards are available for free online). The ADA requirements aren't code or construction provisions, but it is a law that owners and regulators have to comply with. It is important to understand that the individuals that will be enforcing the building and fire codes are not authorized to interpret or enforce ADA law. He pulled an excerpt from the legislation and put it in the chat box:

DOJ's and DOT's ADA Standards are not a building code, nor are they enforced like one. They constitute design and construction requirements issued under a civil rights law. The ADA's mandates, including the accessibility standards, are enforced through investigations of complaints filed with federal agencies, or through litigation brought by private individuals or the federal government. There is no plan review or permitting process under the ADA. Nor are building departments required or authorized by the ADA to enforce the ADA Standards (some building departments even include a disclaimer on their plan checks indicating that ADA compliance is not part of their approval process). Entities covered by the law ultimately are responsible for ensuring compliance with the ADA Standards in new construction and alterations.

Jeff: The building code is the minimum, but a building owner is also responsible for complying with ADA. In recognition of this last cycle, language was put in to address compliance with ADA. The same existing language can be utilized to address ADA concerns with this new proposal:

The (owner) “should consult with their legal counsel regarding provisions of the Americans with Disabilities Act of 1990...and any other applicable requirements.

Chris K: The best way to bar someone from a room is a lock on a door. A government building owner would identify a good lock down location(s) in their space. No active shooter has penetrated a locked room in his

experience. He doesn't think there's a need for additional hardware. In VA Tech, if there was a lock on the door, the shooter wouldn't have penetrated the rooms. A lock initiated from inside a room that can easily be opened from the inside and be accessible to law enforcement, which is ADA compliant, is the best solution.

Jeff: Those same thoughts were expressed last cycle. There are some newer types of hardware that are substantial in their locking mechanism, but still only require one motion to unlatch from inside and use a key from outside. There was a lot of concern previously in schools that retrofitting typical door locks was cost prohibitive, so some were interested in installing barricade devices as an alternative.

Chris K: Some of the barricades are confusing, and people may not know how to use them, as opposed to a standard simple door lock.

Mark: In state buildings in VA today, the ADA is reviewed in the permitting process, and it stands as the accessibility guidelines for code. For example, if there was barrier today in a state building, other than in schools, it would be rejected per the ADA.

Jeff: Since the proposal will be for government buildings only, the building official will be determining code compliance if devices are proposed, and the locality as the building owner will also be responsible for ensuring ADA is complied with as well.

Documents Submitted by Members

Ernie Little - VFPA

Jeff: Ernie had to step away, so this topic was tabled to the next meeting.

Mark Dreyer:

Mark: Submitted articles with information supporting that there's been no forced entry by an active shooter when there's a locked door. Layering barricades on top of a door lock could add to confusion, lack of training, loss of device or method to unlock and other problems can occur. Retrofitting in Public Schools which don't have modern locking mechanisms made barricades popular as an easy fix. He doesn't want to keep discussing things that were already discussed, but he did want to share the articles.

Article links from Mark Dreyer:

<https://idighardware.com/2020/01/decoded-barricade-devices-and-the-ada-march-2019/>

<https://www.tsbulletproof.com/blog/school-door-barricades-could-create-safety-concerns/>

Other

Jeff: Opened the floor for anyone to discuss anything of interest. There was no further discussion.

Assignments and Next Steps

Jeff: Asked if there are any examples of implementing existing school barricades that went into effect since the 2018 code changes? DHCD will search for some. If anyone else knows of any, please share with DHCD before the next meeting.

Jeff: What are other states and jurisdictions doing regarding barricades?

Mark: volunteered to research. He knows that he hasn't seen any public universities come through the permitting process for barricade devices in VA.

Jeff: knows of some other schools in VA that put in barricades prior to the 2018 changes, so DHCD staff will reach out to them. Again, if there is any other information to share, please send to DHCD by January 18th at the latest, in order to get the agenda out a week ahead of the next meeting.

Next Meeting

DHCD will send a Doodle poll to select a date for the next meeting during the week of Jan 24-28.

It will be scheduled from 9am - 3pm with an hour lunch break.

It will be a virtual meeting through Adobe. DHCD will send the agenda before the meeting.

DHCD will have a working draft proposal for public buildings based on the 2018 school proposal.