

VIRGINIA STATE CRIME COMMISSION

Report on Mass Killings and Gun Violence



NOVEMBER 12, 2019



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Senator Mark D. Obenshain, *Chairman*

Delegate Robert B. Bell, *Vice-Chairman*

Executive Director
Kristen J. Howard

November 12, 2019

TO: The Honorable Members of the General Assembly of Virginia

Pursuant to the letter submitted to the Crime Commission by Senate Majority Leader Thomas K. Norment, Jr., and Speaker M. Kirkland Cox following the Special Session called by the Governor on July 9, 2019, enclosed is the Commission's Report on Mass Killings and Gun Violence.

Respectfully yours,

A handwritten signature in blue ink, appearing to be "M. D. Obenshain", written in a cursive style.

Mark D. Obenshain
Chairman

A handwritten signature in blue ink, appearing to be "R. B. Bell", written in a cursive style.

Robert B. Bell
Vice Chairman

VIRGINIA STATE CRIME COMMISSION
REPORT ON MASS KILLINGS AND GUN VIOLENCE
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Study Summary

Following the Special Session called by the Governor, Senate Majority Leader Thomas K. Norment, Jr., and Speaker M. Kirkland Cox sent a letter to the Crime Commission on July 9, 2019, requesting "a systematic review of the events that occurred in Virginia Beach and proposed legislative changes to Virginia's laws concerning firearms and public safety."¹ As a result of this letter request, Crime Commission staff was asked to examine these matters and provide a report to the General Assembly.

Staff determined that inconclusive evidence exists to develop recommendations. While staff researched a wide variety of policies and many other matters related to gun violence, the overall findings from the research were often insufficient, mixed, contradictory, or based on limited methodology. The absence of recommendations should not be interpreted as a finding that no changes to Virginia's laws are necessary. Any changes to these laws are policy decisions which can only be made by the General Assembly.

A large amount of information was collected and numerous policy considerations were identified in relation to gun violence and the proposed changes to Virginia's laws. As such, staff is available to provide technical assistance to members of the General Assembly.

Systematic Review of the Events that Occurred in Virginia Beach

A systematic review of the events that occurred in Virginia Beach on May 31, 2019, was not able to be completed. On September 24, 2019, staff attended a public meeting where the Virginia Beach City Council was updated on the status of the investigations.² However, two separate law enforcement investigations by the Virginia Beach Police Department and the Federal Bureau of Investigation will likely take several more months to complete. Additionally, the security risk management firm (Hillard Heintze) retained by the City of Virginia Beach to conduct an independent investigation is planning to present its report to the Virginia Beach City Council on November 13, 2019.

¹ See Appendix 1 for a copy of the July 9, 2019, letter to the Crime Commission.

² Miller, M.E., Jamison, P., & Cox, J.W. (2019, September 24). Motive of shooter in Virginia Beach rampage remains a mystery, investigators say. *The Washington Post*. Retrieved from https://www.washingtonpost.com/local/virginia-beach-mass-shooting-details-to-be-made-public-in-interim-police-account/2019/09/23/1aa73266-de3b-11e9-b199-f638bf2c340f_story.html.

Written Comments

The Crime Commission accepted a total of 4,145 written comments relating to gun violence between July 19, 2019 and September 30, 2019, which consisted of 3,297 emails and 848 letters or post cards. All of these written comments were reviewed by staff and emailed to Crime Commission members.

Study Methodology

Gun violence occurs in many different forms, such as suicide, community-based violence, domestic/intimate partner violence, mass shootings, and accidental shootings. Staff completed the following activities during this study:

- Examined relevant literature and reports;
- Reviewed the laws of Virginia, numerous other states, and the federal government;
- Requested and analyzed relevant data;
- Consulted with subject-matter experts;
- Attended the Virginia Department of Criminal Justice Services' Applied Threat Assessment for K-12 School Teams and Practitioners Training;³ and
- Attended a Congressional briefing on mass shootings by leading academic researchers in Washington, D.C.⁴

During the first month, staff focused efforts on reviewing legislation introduced during the Special Session and planning for the August Crime Commission meetings. Staff conducted a cursory review of 78 bills and grouped the legislation into categories based upon their subject matter. Additionally, staff began a literature review of gun violence in an effort to identify specific topics for discussion at the August meetings. Staff spent an extraordinary amount of time coordinating the logistics of these meetings. On August 19, 2019, Crime Commission members heard detailed presentations from federal and state agencies and reports from leading academic researchers.⁵ On August 20, 2019, members heard testimony from bill patrons, organizations, interest groups, and comments from members of the general public.⁶

After the August meetings, staff examined the following policies, as well as many other matters related to gun violence, based upon information presented at those meetings and legislation introduced during the Special Session:

³ This training was held on July 29, 2019, at the Hampton Roads Convention Center.

⁴ George Mason University Center for Evidence-Based Crime Policy. (2019, September 17). Countering mass shootings in the U.S. Retrieved from <https://cebcp.org/outreach-symposia-and-briefings/mass-violence/>.

⁵ Crime Commission meeting agenda for August 19, 2019. Available at <http://vscc.virginia.gov/2019/VSCC%20August%2019%20Draft%20Agenda%20FINAL-2.pdf>. Presentations from the August 19, 2019, meeting are available at <http://vscc.virginia.gov/meetings.asp>.

⁶ Crime Commission meeting agenda for August 20, 2019. Available at <http://vscc.virginia.gov/2019/VSCC%20August%2020%20Draft%20Agenda%20FINAL.pdf>.

1. Assault Rifle / Firearm Accessory Restrictions (e.g., magazine capacity, suppressors)
2. Background Checks for Private Firearm Sales and Transfers
3. Child Access Prevention / Safe Storage of Firearms
4. Crisis Response Plans for Victim Services
5. Domestic and Intimate Partner Violence
6. Enhanced Penalties / Mandatory Minimum Sentences
7. Local Authority to Regulate Firearms
8. Restoration of One Handgun Per Month Purchase Limit
9. Reporting of Lost and Stolen Firearms
10. Substantial Risk Orders (“Red Flag” Laws)
11. Suicide Prevention

Staff sought to ascertain the intended outcome of any proposed changes, determine the effectiveness of such changes, and identify any unintended consequences if such changes were implemented. It was determined that inconclusive evidence exists to develop recommendations due to the following factors:

- Limited availability of studies on particular policies;
- Difficulty isolating the impact of individual policies;
- Nature of the evidence from research findings being insufficient, mixed, or contradictory;
- Methodologies of studies being limited;
- Bias associated with particular studies; and,
- Unavailable or limited data.

The absence of recommendations should not be interpreted as meaning that no changes to Virginia’s laws are necessary, but rather that any changes are policy decisions which can only be made by the General Assembly.

Virginia General Assembly



July 9, 2019

Senator Mark Obenshain
Chairman, Virginia Crime Commission
1111 E Broad St Rm B036
Richmond, VA 23219

Delegate Rob Bell
Vice Chairman, Virginia Crime Commission
1111 E Broad St Rm B036
Richmond, VA 23219

VIA EMAIL

Dear Senator Obenshain and Delegate Bell:

As you know, the General Assembly convened today for a Special Session called by Governor Northam in response to the tragedy that occurred in Virginia Beach earlier this year. We continue to pray for the victims, their families, and the Virginia Beach community.

Like you, we are committed to keeping our streets, neighborhoods, counties, and cities free from all forms of violence – including gun violence. The General Assembly has consistently taken steps to make the Commonwealth safer, and the results speak for themselves.

Our Commonwealth is one of the safest states in the nation. Our firearm mortality rate is below the national average. We have the fourth lowest violent crime rate in the country. And as Governor Northam proudly pointed out in a January press release, Virginia also has the lowest recidivism rate in the country.

We have achieved this because of our brave men and women in law enforcement, a strong criminal justice system, and by enacting sound, evidenced-based public policy through thoughtful legislative dialogue.

Following the 2007 murders at Virginia Tech, then-Governor Tim Kaine convened a blue-ribbon commission that produced dozens of recommendations on mental and behavioral health. We took similar action after the tragedy in Parkland, Florida. The bipartisan Select Committee on School Safety produced meaningful legislation to address systemic weaknesses and keep our kids safer.

We believe we should once again take a thoughtful and deliberative approach. To that end, we respectfully direct the Virginia State Crime Commission undertake a systematic review of the

events that occurred in Virginia Beach and proposed legislative changes to Virginia's laws concerning firearms and public safety.

The investigation into these events is ongoing. The Virginia Beach City Council recently authorized an independent investigation into the tragedy that hopefully will provide much-needed insight. The Crime Commission should carefully review any findings that are available because of the independent investigation as part of its effort.

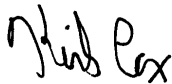
We have asked the committees of the House and Senate to refer all legislation introduced during the Special Session to the Crime Commission for review. Any additional legislation filed by members of the General Assembly before July 19 should also be included.

We ask the Chairman of the Crime Commission, in consultation with the Executive Committee, to schedule a meeting no later than August 23, 2019, to begin its work, and to make its final report to the General Assembly after November 12, 2019.


The Crime Commission is a widely-respected, bipartisan panel known for its substantive work on matters of public policy. We are confident that, under your leadership, the Crime Commission will be able to better understand what steps Virginia might take to keep our communities safe without the distraction of partisan politics.

We thank you for your service to the Commonwealth and your work on this important issue.

Respectfully yours,



M. Kirkland "Kirk" Cox
Speaker



Thomas K. Norment, Jr.
Majority Leader, Senate of Virginia