

**Commission on the May 31, 2019, Virginia Beach Mass Shooting**  
**Meeting Minutes for May 10, 2023**  
**Patrick Henry East Reading Room**  
**Richmond, VA**

Commission members in attendance:

Ryant Washington

Dave Cariens

Bob Geis

John Bell

Gary Settle

*Butch Bracknell (by phone)*

*Staff support in attendance:*

Mike Westfall – OSIG

Corrine Loudon – OSIG

Katrina Goodman – OSIG

Erik Smith – OAG

- Called to order at 9:01 a.m.
- Observance of 5/31/19 anniversary & moment of silence for all violent mass incident victims. Chair noted that he would prepare a statement from the Commission.
- Reviewed and approved minutes and notes from March 8, 2023, meeting.
- Chairperson comments:
  - Redick is no longer serving on the Commission.
- Update from workgroups:
  - Emergency Response Plan: Geis noted that the Committee had added a paragraph about the capacity of the FBI and training of agents; and talked to charities of Eastern Virginia about actions that night and following. Cariens had concerns that the FBI Behavioral Analysis Unit did not factor in certain signals, although they are an extremely professional organization. Geis noted the importance of separating allegations and fact. Chair noted that it is the Commission's duty to provide recommendations based on what has been heard, read, and seen. Discussion.
  - Safety and Technology: The Chair spoke to Chester, who will probably get recommendations to the Chair by next week.

Gary Settle joined the meeting.

- Legal: No report.
- Report Writing Team: Chair will meet with Bracknell and Cariens to start the discussion on report writing.
- Human Resources: Cariens provided handouts to Commission members (see attachments). Cariens noted that the Committee is verifying accusations made against the city; clarifying notes from interviews; waiting on contact information from former city official Thomas Leahy; and developing a methodology for categorizing interview notes and comments (killer's behavior, work environment, and killer's background). Cariens also noted that Delegate Fowler had provided

Cariens with a copy of the laptop hard drive. Discussion regarding how the copy was obtained, validation and integrity of the information, chain of custody, and concern about the hard drive being evidence in a criminal investigation. Geis noted that it would be improper to use hard drive information and that the laptop should go to proper authorities with law enforcement authority. Cariens suggested issuing a press release to notify public of next meeting; Chair stated he would get something out. Cariens noted agreement with Redick's resignation letter regarding the establishment of a Virginia Mass Violence Care Fund. Chair indicated that the Commission could include this as a recommendation. Cariens noted the importance of including a timeline in the final report.

- Discuss and identify recommendations:
  - Chair is waiting on recommendations from the full Commission and will incorporate recommendations from those who left, submit for review, then finalize. Chair requested that all recommendations be submitted to him by 6/2/23.
- Commission comments:
  - None.
- Public comments:
  - Jason Nixon, husband of Kate Nixon.
  - Justin Fairfax, attorney representing 8 of 12 families.
- Next meeting date:
  - Would like to hold the next meeting in Virginia Beach [6/14/23].
- Adjourned at 10:54 a.m.

Attachments provided (and updated on 5/16/23) by Dave Cariens:

## COMMISSION—FOR MAY 10<sup>TH</sup> MEETING:

### HUMAN RESOURCES REPORT:

1. WE CONTINUE TO VERIFY ACCUSATIONS AGAINST THE CITY MADE IN SOME OF THE INTERVIEWS. FOR EXAMPLE, ONE INTERVIEWEE ASSERTED THE CITY WAS IN VIOLATION OF FEDERAL LAW BECAUSE IT DID NOT HAVE AN UP-TO-DATE *EMERGENCY ACTION PLAN (EAP)*.

WE FOIAed OSHA AND FOUND THERE IS NO LAW REQUIRING AN *EAP*, THEREFORE THE ACCUSATION IS NO TRUE. WE WILL MAKE NOTATION OF THAT FACT IN THE INTERVIEW TRANSCRIPT.

2. WE ALSO ARE GOING BACK TO INTERVIEWEES (WHERE POSSIBLE) TO CLARIFY OUR NOTES FROM THE INTERVIEWS.
3. WE STILL HAVE ONE OR TWO MORE INTERVIEWS TO CONDUCT. WE WOULD APPRECIATE THE EMPLOYEE NAMES AND CONTACT INFORMATION PROMISED BY FORMER CITY OFFICIAL THOMAS LEAHY. WHEN WE GET THAT WE WILL TRY TO TALK TO AS MANY PEOPLE WHO WANT TO BE INTERVIEWED.
4. METHODOLOGY: WE HAVE DEVELOPED 15 DIFFERENT CATAGORIES OF INFORMATION AND ARE GOING THROUGH THE INTERVIEWS NOTING WHO COMMENTED ON EACH AND WHAT THEY SAID. THESE CATEGORIES INCLUDE:
  - A. KILLER’S BEHAVIOR
  - B. WORK ENVIRONMENT
  - C. KILLER’S BACKGROUND—WE ARE MISSING ONLY ONE PIECE OF THE EMPLOYMENT PUZZLE AND THAT IS NEWPORT NEWS. CHAIRMAN WASHINGTON, WOULD YOU, ONCE AGAIN, TRY TO SET UP CONTACTS FOR COMMISSIONER CHESTER AND ME TO INTERVIEW?
5. TIMELINE: A TIMELINE IS ESSENTIAL TO ANY CRIME ANALYSIS AND INVESTIGATION. THEREFORE, WE HAVE PULLED TOGETHER A TIMELINE BY SOURCES. IT SHOWS CONTRIDICTIONS IN REPORTED TIMES—PARTICULARLY ABOUT THE KILLER’S MOVEMENTS.

COMMISSION COMMENTS:

1. DELEGATE FOWLER HAS GIVEN ME A COPY OF THE HARDDRIVE FROM LAPTOP FOUND IN THE CRADDOCK'S CONDO. I ALSO HAVE A COPY OF THE CONTENTS OF THAT LAPTOP. I RECEIVED THE CONTENT COPY AT 4:00 P.M. ON MAY 9, 2023 AND HAVE NOT HAD A CHANCE TO LOOK AT IT. I PLAN ON GIVING THE HARDDRIVE TO COMMISSIONER CHESTER, OUR IT EXPERT, FOR EXAMINATION. I WILL SHARE THIS WITH COMMISSION ALL COMMISSION MEMBERS.
2. WE STILL NEED CLARIFICATION ON WHAT WE ARE WRITING, A REPORT OR INVESTIGATIVE FINDINGS.
3. HAS THERE BEEN ANY MOVEMENT IN GETTING MIKE FREEMAN TO TALK TO THE COMMISSION?
4. WE WOULD LIKE TO SEE A PRESS RELEASE FOR ALL MEMBERS OF THE MEDIA INDICATING THE COMMISSION IS CLOSE TO FINISHING ITS WORK AND MAKE ONE MORE APPEAL FOR PEOPLE WHO HAVE INFORMATION TO TALK TO US—WE WILL NEED TO PROVIDE SOME SORT OF CONTACT INFORMATION.
5. I AGREE WITH FORMER-COMMISSIONER JIM REDICK WHEN HE WROTE IN HIS REGISNATION LETTER: “Finally, it is my sincere hope any and all long-term support services and victim benefits which the survivors desperately need and deserve are provided. While the General Assembly neglected to provide this during its February 2022 session ([Source](#)), despite unanimous Commission support, I hope the Virginia Mass Violence Care Fund is approved and funded in order to not only help the survivors of the Virginia Beach tragedy, but all future incidents as well.” I believe, before the Commission ends, we should reiterate to the Governor and the legislature the importance of the establishment of this fund.

PERSONAL NOTE: I AM HAVING A CARDIAC/HEART PROCEDURE ON MAY 17<sup>TH</sup>. DEPENDING ON WHAT THE DOCTOR FINDS I WILL HAVE EITHER A STENT OR BYPASS SURGERY. IF I HAVE THE LATTER, I WILL BE SIDELINED FOR THE RECOVERY PERIOD.

Attachments provided (and updated on 5/16/23) by Dave Cariens:

## STATE BUDGET

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2020 Special Session I

### Budget Bill - SB5015 (Introduced)

[Bill Order](#) » [Legislative Department](#) » Item 27.20

#### Options

- Item
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Commission on the May 31, 2019 Virginia Beach Mass Shooting

#### Item 27.20 (Not set out)

First Year - FY2021    Second Year - FY2022

|                                              |          |          |
|----------------------------------------------|----------|----------|
| Research, Planning, and Coordination (78800) | \$38,504 | \$38,504 |
| Policy Research and Planning (78801)         | \$38,504 | \$38,504 |
| Fund Sources:                                |          |          |
| General                                      | \$38,504 | \$38,504 |

Authority: Discretionary Inclusion

A. The Commission to Investigate the May 31, 2019, Virginia Beach Mass Shooting is established as an independent commission. The purpose of the Commission is to conduct an independent, thorough, objective incident review of the May 31, 2019, tragedy and make recommendations regarding improvements that can be made in the Commonwealth's laws, policies, procedures, systems, and institutions, as well as those of other governmental agencies and private providers.

B.1. The Commission shall consist of 21 members appointed as follows: five nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; five nonlegislative citizen members to be appointed by the Senate Committee on Rules; and 10 nonlegislative citizen members to be appointed by the Governor. The Superintendent of State Police shall serve ex officio as a nonvoting member of the Commission. Each nonlegislative citizen member of the Commission shall have significant experience as either a (i) law-enforcement officer, (ii) jurist, (iii) local government administrator, (iv) qualified, licensed forensic psychologist, (v) first responder, (vi) security expert, or (vii) IT specialist, and no nonlegislative citizen member of the Commission shall be currently serving in an elected capacity. The Governor shall appoint at least one person from each of the occupations and professions described in clauses (i) through (vii). Every effort shall be made to ensure that appointees do not have a conflict of interest yet can provide the best insight into their specialization. The Commission shall elect a chairman and vice-chairman from among its membership.

2. Unless otherwise approved in writing by the chairman of the Commission, Commission members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

C.1. The Commission shall: (i) investigate the underlying motive for the May 31, 2019, Virginia Beach mass shooting; (ii) investigate the gunman's personal background and entire prior employment history with the City of Virginia Beach and his interactions with coworkers and supervisors, including but not limited to formal documentation and informal incidents; (iii) determine how the gunman was able to carry out his actions; (iv) identify any obstacles confronted by first responders; (v) identify and examine the security procedures and protocols in place immediately prior to the mass shooting; (vi) examine the post-shooting communications between law enforcement and the families of the victims; (vii) assess such other matters as it deems necessary to gain a comprehensive understanding of the tragic events of May 31, 2019, and (viii) develop recommendations regarding improvements that can be made in the Commonwealth's laws, policies, procedures, systems, and institutions, as well as those of other government agencies and private providers, to minimize the risk of a tragedy of this nature from ever occurring again in the Commonwealth.

2. To the extent required by law, the Commission shall (i) protect the confidentiality of any individual's or family member's personal or health information and (ii) make public or publish information and findings only in summary or aggregate form without identifying personal or health information related to any individual or family member unless authorization is obtained from an individual or family member that specifically permits the Commission to disclose that person's personal or health information; and (iii) ensure that its investigation does not impede any investigation into the matter being conducted by law enforcement.

D. The Office of the State Inspector General shall provide staff support to the Commission. All agencies of the Commonwealth shall provide assistance to the Office of the State Inspector General upon request. Upon the request of the Chairman, the Director of the Department of Planning and Budget may authorize a transfer of this appropriation to the Office of the State Inspector General to support the work of the Commission.

E. Beginning in 2021, the Chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than November 1 of each year. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

PLEASE NOTE: THE LEGISLATURE USED THE WORDS "INVESTIGATE AND INVESTIGATION" IN ESTABLISHING THE COMMISSION. IN PARAGRAPH "C" THE LEGISLATURE MAKES IT CLEAR WE ARE TO INVESTIGATE. IN LEGAL ENGLISH THE USE OF "SHALL" IS THE IMPERATIVE AND MEANT TO INSTRUCT OR DIRECT THAT CERTAINS SHOULD TAKE PLACE—IN OUR CASE THAT ACTION IS "TO INVESTIGATE."