



*COMMONWEALTH OF VIRGINIA*  
*Office of the State Inspector General*

Michael C. Westfall, CPA  
State Inspector General

P.O. Box 1151  
Richmond, VA 23218

Telephone 804-625-3255  
Fax 804-786-2341  
[www.osig.virginia.gov](http://www.osig.virginia.gov)

September 28, 2023

The Honorable Glenn Youngkin  
Governor of Virginia  
P.O. Box 1475  
Richmond, VA 23219

Members of the Virginia General Assembly  
Pocahontas Building  
900 E. Main St.  
Richmond, VA 23219

Re: Commission on the May 31, 2019, Virginia Beach Mass Shooting Report

Dear Governor Youngkin and Members of the Virginia General Assembly,

Pursuant to the 2021 Budget Bill, HB 1800, Chapter 552, item 27.20, the Commission on the May 31, 2019, Virginia Beach Mass Shooting submits its third and final report below.

The Office of the State Inspector General sends you this report on behalf of and written by the Commission as OSIG serves as staff support to the Commission. Please contact Commission Chair Ryant Washington via OSIG at [communications@osig.virginia.gov](mailto:communications@osig.virginia.gov) with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Westfall", written over a horizontal line.

Michael C. Westfall, CPA  
State Inspector General

cc: The Honorable Jeff Goettman, Chief of Staff for Governor Youngkin  
Division of Legislative Automated Systems [§ 30-34.15](#)

Dear Governor Youngkin and Members of the Virginia General Assembly,

On May 31, 2019, a mass shooting occurred in a municipal building in Virginia Beach. A city employee fatally shot 12 people and wounded four others before he was fatally shot by responding police officers. Tragically, this was one of many mass shootings in the Commonwealth of Virginia.

In the 2021 Budget Bill, HB 1800, Chapter 552, item 27.20, the General Assembly established, authorized and resourced the Commission on the May 31, 2019, Virginia Beach Mass Shooting. The Commission began meeting on June 9, 2021.

The work accomplished by the Commission to date as indicated in the October 2021 and June 2022 reports includes:

- Review of various prior investigation reports: Virginia Beach Police Department report, the Hillard Heintze report, the Virginia Beach response to the Hillard Heintze report, the FBI's Behavioral Analysis Unit report, the report of the Review Panel that investigated the 2007 Virginia Tech mass shooting, and various other documents submitted by citizens and surviving family members.
- Briefings from the FBI's Behavioral Analysis Unit.
- Public hearing in Virginia Beach wherein the Commission received public comments.
- Initial question and answer session with the Virginia Beach City Manager, Chief of Police and support staff.
- Testimony from survivors of May 31, 2019.

The Commission has continued to meet; analyze interviews and testimonies; review letters and other information submitted by victims, family members and other sources; refine its tasks; and synthesize all available information into a final report. After thorough review, the Commission has finalized the following recommendations:

## **I. Lessons Learned from Obstacles the Commission Faced**

1. Future commissions involving an investigation of mass shootings at schools, universities, or any state or local government facility should consist of no more than 10 commissioners with a consideration of subject matter expertise and diversity of backgrounds. While experience and contributions to the commission are paramount, due to the potential of actual or perceived bias, or lack of objectivity, serious consideration should be given to prior work history or business contacts with the assigned entity prior to the appointment of members to the commission.

The membership model for the Virginia Tech Mass Shooting Commission had eight members. A lesson learned from the Virginia Beach Mass Shooting Commission is 20 voting members and one non-voting member is far too large and cumbersome, hindering the Commission's work. The Virginia Beach Mass Shooting Commission was forced to cancel numerous meetings. Some meetings were held without a quorum; matters could not be voted on.

2. Adequate funding and pro bono lawyers should have been considered to assist this Commission to complete its task. The Virginia Tech Commission had a budget of \$460,000 and access to eight pro bono lawyers. The Virginia Beach Commission had a budget of \$38,504 and did not have access to designated, pro bono lawyers. The Virginia Beach Commission, therefore, did not have the resources to bring in specialists for consultations in the fields of psychology, security, Human Resources, or lawyers who specialize in handling mass shootings.
3. Consideration should be granted to afford commissions, such as the Virginia Beach Commission, to have subpoena power. Subpoena power affords those talking to the Commission protection against retaliation. Subpoena power is a powerful tool that helps a Commission break down obstacles as well as overcome managers' and employees' lack of willingness to cooperate in an investigation. For example, one man refused to talk to the Commission because he did not have subpoena protection. He indicated if he did talk to the Commission he might be fired. Another would only talk to the Commission after he had left city employment and found a new job. And still another, said she overcame her concern about retaliation and decided to talk with the Commission.

## **II. Eight Charges Given the Commission**

### ***(i) Investigate the underlying motive for the May 31, 2019, Virginia Beach mass shooting.***

4. The legislature should ensure all municipalities, schools, and counties employ trained Human Resources (HR) personnel. HR Liaison Officers functions should be strictly limited to handling routine administrative work – HR Liaison Officers should be prohibited from dealing with complaints, fitness for duty reports or any personal and confidential matters, including reprimands. This latter point appears to be an HR industry standard based on interviews with HR professions in education, private business and city government.
5. All new managers should be required to go through a course on best management practices. This training should include how to recognize the signals that an employee is troubled and where to go to get him or her help.

***(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.***

6. The legislature should adopt laws guaranteeing anonymity to individuals who want and should speak to investigative commissions. Some employees would not talk to the Commission for fear of retaliation. One employee would not talk to the Commission until he found a new job (again, for fear of retaliation.)
7. If a local or state government intentionally or unintentionally prohibits people not to talk to investigating bodies, or threatens people to keep them silent, the legislature should have in place laws with penalties to hold organizations and people accountable for obstruction; thus, subpoena power would eliminate such actions.

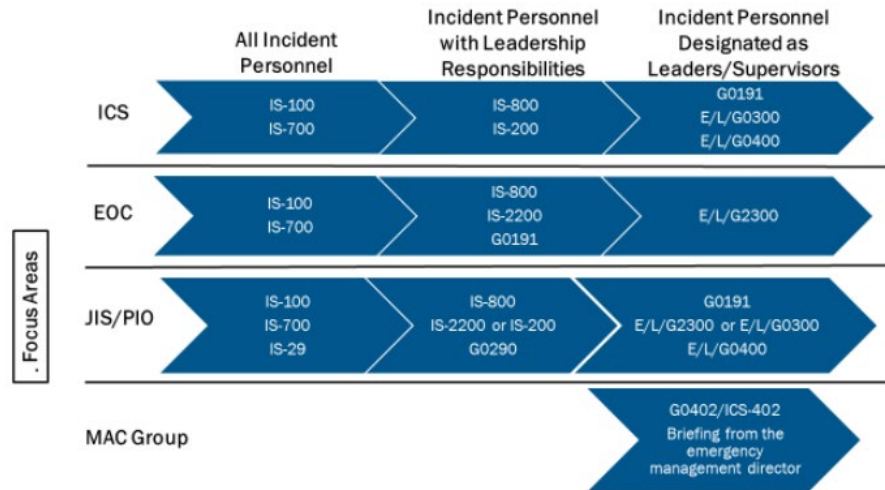
***(iii) Determine how the gunman was able to carry out his actions.***

8. The legislature should lay out standards of safety in all public buildings, at all levels of state and municipal buildings. This lack of standardization was a problem at Virginia Beach for first responders.
9. The legislature should ensure that emergency and fire drills exercises (including active shooter drills) should be conducted in all state, city, and county buildings. These drills should test communications, so that if a crisis occurs, lines of communications will have been practiced and known to first responders. This training should be mandatory for all employees. Integration of best practice critical incident mapping will significantly increase capability of incident command during these drills.
10. The legislature should require all incorporated municipalities as well as counties have an up-to-date security plan ensuring annual training is incorporated.
11. The legislature should require all state-funded entities or municipalities have an up-to-date Emergency Action Plan (EAP) within the Emergency Operations Plan and that all EAPs be reviewed annually. This was identified through the work of the Commission when reviewing EAPs. Components of an EAP should include updated blueprints and Gridded Reference Graphics (GRGs), all of which should be readily accessible to first responders. A best practice requirement for an EAP is that it contains a detailed accurate critical incident mapping solution that is available in a both physical (printed map) and digital format. Additionally, localities should ensure that a Continuity of Operations Plan (COOP) is written and exercised for the organization.

***(iv) Identify any obstacles confronted by first responders.***

12. The legislature should consider adopting a bill requiring minimum security measures on all state and local government buildings to ensure first responders can get access to all parts of any building. These minimum standards should be provided by subject matter experts in public and private service.
13. Unified command and control is essential to successfully handling an active shooter situation and other crises. Following the National Incident Management System (NIMS) for all hazard threats has been determined to be the most effective process.
14. A statewide approach should be applied to locality active threat planning, training, and combination of regular discussion-based or tabletop training and drills as thorough as Fire Safety legislation requirements and state code for educational facilities (*Code of Virginia* § 23.1-804 part D and Fire Prevention Code 403.10.2.1).
15. Section 406.3 of the 2018 Virginia Statewide Fire Prevention Code (Employee Training and Response Procedures) should be updated to specifically include a requirement for Active Threat training. Currently it states, “Employees shall be trained in fire prevention, evacuation and fire safety in accordance with Sections 406.3.1 through 406.3.4.”
  - 406.3.1 Fire Prevention Training.
  - 406.3.2 Evacuation Training.
  - 406.3.3 Fire Safety Training.
  - 406.3.4 Emergency Lockdown Training.
  - 406.3.4.1 Emergency Supplemental Hardware Training (active shooter barricades, etc. for those who have them installed).
16. Localities should conduct regular Active Threat Response training. Run Hide Fight is the current industry standard of active threat training. There are many valuable tools available to use; however, the training should be ongoing, verifiable, and documented.
17. Localities should invest in the knowledge and abilities to slow/prevent the loss of blood resulting from these types of incidents. Fire/Rescue staff should build and enhance Rescue Task Force capabilities so emergency medical services can be offered at the earliest opportunity. For general staff who could find themselves in the position to save a co-worker, there is Stop the Bleed training, and the Federal Emergency Management Agency (FEMA) also promotes a program called “You Are the Help Until Help Arrives.” Of course, everyone should receive training and stay current in Cardiopulmonary Resuscitation (CPR).

18. Localities should ensure all personnel with roles in incident response complete and maintain the appropriate level of NIMS and Incident Command System (ICS) training. It was around 2005 when localities nationwide formally adopted NIMS, and specifically ICS as their Command and then-Control (now Coordination) approach to various incidents. This was done in order to be eligible for Homeland Security grant dollars. Training requirements have evolved to the following (see FEMA’s 2020 National Incident Management System Training Program Guide, p. 12+):



The importance of utilizing ICS cannot be overemphasized, as it has been identified time and again in the 9/11 Commission Report, the Federal Response to Hurricane Katrina: Lessons Learned, the Post-Katrina Reform Act, Multiple Government Accountability Office (GAO) Reports, the 2013 Joint Legislative Audit & Review Commission (JLARC) Review of Disaster Preparedness in Virginia, the 2017 Governor’s Task Force on Public Safety Preparedness and Response to Civil Unrest, and the Hillard Heintze report. There should be oversight to ensure all responders complete the appropriate level of training and maintain the skills associated with their respective level. Training records should be submitted to the Virginia Department of Emergency Management (VDEM) Training Division as part of the annual Local Capability Assessment Report (LCAR) per *Code of Virginia* § 44-146.19, Paragraph F) or when a locality’s Emergency Operations Plan is formally updated and submitted every four years (*Code of Virginia* § 44-146.19, Paragraph E).

19. The skills learned through NIMS and ICS training can be perishable if not used and must be refreshed at least every three years. The 2020 NIMS Training document states, “Refresher training is important since skills, abilities, and knowledge lapse when individuals do not apply them directly and frequently...FEMA recommends as a best

practice that incident personnel refresh their NIMS training every three years or when new course versions come out.” (p. 26).

20. Localities should gauge their response capabilities and address gaps by leveraging FEMA’s Mission Areas and Core Capabilities. FEMA’s Core Capability Development Sheets provide tools that organizations can use to build or sustain their capabilities and close identified gaps. It is also worth mentioning that when local agencies apply for Homeland Security grant dollars, the Department of Homeland Security (DHS) wants to know specifically which one (or more of) the core capabilities will be addressed with funding. The Core Capability associated with this topic, encompassing both Incident Command and Emergency Operations Center (EOC) Support, is “Operational Coordination” located in all five of the Mission Areas.

COURSE	DELIVERY	DURATION
ISOP-100: Incident Support Operations	Webinar, Webinar 8, On-demand	30 mins
ISOP-101: Understanding the Emergency Management Assistance Compact	Webinar 8	24 hours
ISOP-102: Emergency Operations Center Incident Command System Interface	On-demand Learning Module, Webinar 8, Webinar 8, Webinar 8	1.5 hrs
ISOP-103: ICS AOC: Advanced Incident Command System for Command and General Staff/Operations Incidents	Webinar, Webinar 8, Webinar 8, Webinar 8	22 hours
ISOP-104: Incident Command: Capabilities, Planning and Response Delivery for All Hazards	Webinar, Webinar 8, Webinar 8	74 hours

21. Grant funding should be provided to municipalities to implement NIMS and ICS training.
22. Consult with critical incident mapping industry leads on available grants and directives for technologies and best practice capability/solution providers for continued review. Example: Virginia Association of Chiefs of Police Foundation official partnership with a critical response company on GRGs and the subsequent Governor Youngkin funding for K-12 School Digital Mapping. The Virginia Department of Criminal Justice Services (DCJS) has released a Memorandum of Understanding (MOU) for reimbursement to cover the cost of critical incident mapping for all K-12 public schools in the state and to date 90% of school districts are participating – creating a standardized uniform map for all districts that participate – regardless of location or jurisdiction.
23. Consult with critical incident mapping industry leads on federal, state, and local government current best practices in this area. Implement training for the Geographic Information System (GIS) team on GRGs and seek solutions to rapidly disseminate to all first responders for time sensitive events. Create a policy for baseline production of local government GRGs as well as other deemed areas of critical interest such as entertainment venues and the oceanfront area. Mapping resources should be standardized and uniform:
- North facing imagery (north is always up).
  - The map should contain current, overhead, high-resolution imagery.
  - Critical data points inside and outside of the structure should be captured.
  - Gridded overlay for quick reference and ease of communication. The gridded overlay is a foundational standard that public safety should look to establish throughout the

state. Without the gridded overlay, primary communication is removed during an incident and the mapping data will be far less functional.

- Any critical incident maps should be accessible to both local and regional first responders.
- The maps should be capable of being digitized and accessed across the broad spectrum of systems that first responders are already utilizing (i.e., 911 call centers, Computer Aided Dispatch (CAD) platforms, EOCs, Mobile command post, Mobile mapping applications, etc.). Public safety agencies throughout the state rely upon several different non interoperable software systems. To ensure accuracy of responders the mapping data must go directly into the systems already in place. The intent is to ensure that everyone is on the same map despite showing up with different technology.

24. Computer vision on closed-circuit television (CCTV) should be used for weapon detection, tipping, cueing, tracking, suspect identification, gunshot detection, auto lock down. Alert to cell (location-based Run Hide Fight). This is already widely in use in state and local governments, as well as private businesses, and funding exists for implementation. Technology solutions have the capability to ingest a map, and any critical incident mapping solution should be capable of integrating into that technology.

***(v) Identify and examine the security procedures and protocols in place immediately prior to the mass shooting.***

25. The legislature should recommend minimum standards that should be included in security plans – ranging from establishing a single emergency command, to standardized locks and access procedures, ensuring uniform communication systems that are familiar to all first responders, and having immediate and long-term post-crisis counseling for victims’ families as well as those traumatized by the incident.

26. Localities should consider the inclusion of lockdown procedures (required for educational facilities per *Code of Virginia* § 22.1-137.2.) consistent with the 2018 Virginia Statewide Fire Prevention Code, Section 404.2.3 which states, “Lockdown plans shall only be permitted where such plans are approved by the fire code official and are in compliance with Sections 404.2.3.1 and 404.2.3.2.” Lockdown plans include the following:

- Identification of individuals authorized to issue a lockdown order.
- Security measures used during normal operations, when the building is occupied, that could adversely affect egress or fire department operations.
- A description of identified emergency and security threats addressed by the plan, including specific lockdown procedures to be implemented for each threat condition.
- Means and methods of initiating a lockdown plan for each threat, including:



- The means of notifying occupants of a lockdown event, which shall be distinct from the fire alarm signal.
  - Identification of each door or other access point that will be secured.
  - A description of the means or methods used to secure doors and other access points.
  - A description of how locking means and methods are in compliance with the requirements of the code and the applicable provisions of this code for egress and accessibility.
- Procedures for reporting to the fire department any lockdown condition affecting egress or fire department operations.
  - Procedures for determining and reporting the presence or absence of occupants to emergency response agencies during a lockdown.
  - Means for providing two-way communication between a central location and each area subject to being secured during a lockdown.
  - Identification of the prearranged signal for terminating the lockdown.
  - Identification of individuals authorized to issue a lockdown termination.
  - Procedures for unlocking doors and verifying that the means of egress has been returned to normal operations upon termination of the lockdown.
  - Training procedures and frequency of lockdown plan drills.

27. Localities should conduct regular mandatory Active Threat Prevention/Mitigation training. Again, staff remains the first line of defense. If the threat is internal, city staff are most likely to observe and should report concerning comments and behaviors, or “leakage.” Sometimes, individuals may be unaware of just what to look for and what must be elevated to a supervisory or Human Resources level. One resource is FEMA’s free online independent study course: Active Shooter Prevention: You Can Make a Difference. “This course focuses on the actions you can take to help reduce the likelihood of an active shooter incident in your workplace. While these incidents cannot be prevented 100% of the time, this level of training can only serve to help prevent them from occurring, thereby saving lives.” Additional resources include the Department of Homeland Security Cybersecurity and Infrastructure Security Agency’s (CISA) Employee Vigilance Security Soft Skills and De-escalation Series. Active Threat training can be delivered via computer or in-person, or a combination thereof.

28. The state should recommend that localities should conduct department walk-throughs with law enforcement to identify and remedy any potential barriers to response efforts.

29. Localities should leverage the Department of Homeland Security Protective Security Advisor (PSA) Program and Resources. Not all localities can hire a dedicated position to focus solely on physical security and protection measures. Therefore, all should be made

aware of the PSA program and who the PSAs are in their Virginia region. PSAs are able to conduct threat analysis, in partnership with local law enforcement and emergency management, of critical local facilities (Infrastructure Survey Tool, or IST) which is in line with the Hillard Heintze Full Report (p. 147); however, there must be an understanding that: (1) it is unrealistic to complete every City building (over 200 in Virginia Beach according to p. 113), (2) the ability of localities throughout the Commonwealth to invest and implement various protective measures will be based on available resources, and (3) there is not a one-size-fits all approach to physical security. To reference the 2007 Virginia Tech report, “Security requirements vary across [organizations], and each must do its own threat assessment to determine what security measures are appropriate.” Free DHS resources are available online at CISA’s Active Shooter Preparedness site which includes their Workshop, Webinar and Resources site.

30. Localities are encouraged to work through DCJS for Crime Prevention Through Environmental Design (CPTED) training and incorporate those security considerations when designing new construction or seeking improvements for current structures.
31. Localities, agencies and organizations throughout Virginia should maximize the Virginia Fusion Center’s free SHIELD program. More than physical features and processes, effective security involves access to intel and information. The Virginia Fusion Center’s SHIELD program is an information sharing tool for all sectors and provides a means of sharing information based on intelligence. It also offers retrospective details about incidents along with resources by which to better learn and plan.
32. Localities should utilize FEMA’s Core Capability Development Sheets to assess Security Procedures and Protocols which fall within the Protection and Mitigation Mission Areas and are as follows:
  - Screening, Search, and Detection.
  - Access Control and Identify Verification.
  - Physical Security Measures.
  - Risk Management for Protection Programs and Activities.
  - Long-Term Vulnerability Reduction.
  - Risk and Disaster Resilience Assessment.
  - Threats and Hazards Identification.
33. The legislature should put more emphasis on Active Threat drills and exercises. While Virginia education institutions are mandated to perform lock-down drills (*Code of Virginia* § 22.1-137.2) as well as Fire drills (*Code of Virginia* § 22.1-137), such is not the case for local governments. *Code of Virginia* § 44-146.17:2 does call for an annual statewide drill: “The Governor shall conduct an annual statewide drill on response to a

large-scale disaster, including electrical power outages. Such drill shall include the participation of local governments, affected state agencies, public utilities, law-enforcement agencies, and other entities as determined by the Governor.” The statute should be modified to include active threat in the rotation of threats associated with these drills.

The Commission encourages localities and educational institutions to practice the Homeland Security Exercise and Evaluation Program (HSEEP) methodology, which uses a capabilities-based “crawl, walk, run” building-block process. Rather than trying to accomplish everything all at once with a full-scale exercise, the process starts with a seminar – an opportunity for participants to learn and understand the plan, followed by a tabletop exercise designed to challenge the plan, next being a functional exercise which typically focuses on how well various technologies and assets might work (i.e., communications), all culminating in a full-scale exercise. [Note: exercises become more costly at the Functional and especially the Full-Scale level due to participant overtime (or backfill) costs, deployment of assets, etc.]. Of course, the process does not end there. Once an evolution is complete, an After-Action Report should be written followed by an Improvement Plan whereby deficiencies and areas of improvement are addressed.



Incidentally, the use of HSEEP would also satisfy the requirements outlined for facilities in the 2018 Virginia Statewide Fire Prevention Code, Section 405.5, “Record keeping” which states, “Records shall be maintained of required emergency evacuation drills and include the following information:

- Identity of the person conducting the drill.
- Date and time of the drill.
- Notification method used.
- Employees on duty and participating.
- Number of occupants evacuated.
- Special conditions simulated.
- Problems encountered.
- Weather conditions when occupants were evacuated.
- Time required to accomplish complete evacuation.”

Records of these drills and exercises could be submitted to the Virginia Department of Emergency Management (VDEM) as is required of Virginia colleges and universities per *Code of Virginia* § 23.1-804, Part D: Institutional crisis and emergency management plan. “Each public institution of higher education shall annually conduct a test or exercise in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such a test or exercise was conducted. The activation of its crisis and emergency management plan and completion of an after-action report by a public institution of higher education in response to an actual event or incident satisfies the requirement to conduct such a test or exercise.”

The Exercise Branch of VDEM’s Training, Education and Exercise Division is available to “assist local and state government agencies (and their private sector and not-for-profit partners) in the development, planning, conduct, evaluation, and improvement planning activities.” Incidentally, VDEM Training and Exercise Planning Workshops (TEPW) occur annually in all seven VDEM regions to ascertain which capabilities each region wants to address through which scenarios. The Active Shooter threat and corresponding capabilities (including Operational Command, Interoperable Communications, and Mass Care) should be considered in these TEPW workshop discussions.

34. The Virginia Department of Labor and Industry (DOLI) should add Active Threat information to the list of labor law materials required in the workplace. Informative posters such as CISA’s Warning Signs and What You Can Do or DHS’ How to Respond When an Active Shooter is In Your Vicinity should be listed along with all other required labor law posters for greater visibility.

***(vi) Examine the post-shooting communications between law enforcement and the families of the victims.***

35. The state should create measures ensuring a standardized communication system for dealing with active shooter and other crises. At a minimum, those measures should stipulate that police and fire employees are required to be familiar with that communication system.
36. The legislature should provide funding to ensure that first responders are trained in how to handle the emotional complexity of survivors of mass shootings (and all crises), as well as notification and counseling of next of kin. Families and survivors of the Virginia Beach mass shooting reported mishandling in dealing with families and survivors in the immediate aftermath of the May 31, 2019, shooting, as well as in the days and months that followed. This is a sacred duty and one of the hardest tasks to undertake.

37. Local Emergency Operations Plans should require annexes specific to active shooter, Family Reunification Center (FRC) and Family Assistance Center (FAC) operations as part of Paragraph E of *Code of Virginia* § 44-146.19 (Powers and duties of political subdivisions) which says, “Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional emergency operations plan for its area.”
38. Local active shooter plans should include contingencies for survivors who need assistance with calling loved ones and/or transportation home. This is not a first responder role; however, the accommodation to assist individuals reeling from a horrific experience should be part of an organization’s overall active threat plan. Active Threat plans should also include the need to assist individuals reach their loved ones with a safe and well message and help coordinate transportation home. Some of these responsibilities should fall to the impacted facility/organization.
39. Virginia State Police and FBI response and support capabilities should be included in local plans, cross-sector training, and exercise discussions. (Do not wait until an incident occurs to establish this critical partnership.)
40. The legislature should consider revisiting *Code of Virginia* § 32.1-309.1. The Virginia Tech Report Recommendation XI-7 stated: “Law enforcement agencies should ensure that they have a victim services section or identified individuals trained and skilled to respond directly and immediately to the needs of victims of crime from within the department.” (p. 147). Suffice it to say some law enforcement agencies are better resourced with staff and special training to perform expanded services. Therefore, the Commission believes the burden of making next-of-kin notifications should fall to licensed trauma counselors to play a direct role instead of law enforcement during mass casualty incidents (declared emergency), a change to be reflected in *Code of Virginia* § 32.1-309.1. This modification should help ensure individual(s) have the appropriate training and soft skills to complete the task with compassion, dignity, respect, and sensitivity for the recipients of the tragic news. Those mental health professionals would also be onsite to address any necessary crisis response needs.
41. The State should review the Office of the Chief Medical Examiner (OCME) Process during a Declaration of Emergency. As referenced in the Virginia Tech report: “Forensic identifications use methods such as fingerprinting, dental records, DNA matches, or other scientific means for identification. Presumptive identification includes photographs, driver’s licenses and visual recognition by family or friends.” While presumptive identification was ultimately permitted in this case, the ability should be tied to a clear and formal threshold such as a declaration of emergency. *Code of Virginia* § 44-146.21. Declaration of local emergency mentions actions the locality can take to, “...protect the

health and safety of persons and property and provide emergency assistance to the victims of such disaster...” For example, when it comes to treating patients at the scene of an incident, the care of each patient may be documented solely on the Commonwealth of Virginia Triage Tag in accordance with *Code of Virginia* § 32.1-116.1; however, “This requirement for data collection and submission shall not apply to patient care rendered during local emergencies declared by the locality’s government and states of emergency declared by the Governor.” During such an incident, an approved triage tag shall be used to document patient care provided unless a standard patient care report is completed. (2017 HR Mass Casualty Response Guide, p. 2-14).

The Commission recommends a review of current OCME investigative processes to ascertain whether, during a declaration of emergency, presumptive identification might suffice to expedite the process of notifying loved ones and otherwise be more consistent with *Code of Virginia* § 32.1-283. Investigation of deaths; obtaining consent to removal of organs, etc.; fees. which states, “...Good faith efforts shall be made by any person or institution having initial custody of the dead body to identify and to notify the next of kin of the decedent. Notification shall include informing the person presumed to be the next of kin that he has a right to have identification of the decedent confirmed without due delay and without being held financially responsible for any procedures performed for the purpose of the identification. Identity of the next of kin, if determined, shall be provided to the Office of the Chief Medical Examiner upon transfer of the dead body.”

This recommendation falls contrary to the OCME position that, “Scientific identification is required in these cases to avoid future legal issues involving inheritance, civil liability, and/or criminal prosecution. In most mass fatality incidents visual identification is prevented by the condition of the remains. In other cases, with better preservation of remains, abundant scientific studies document the unreliability of visual identification. Scientific confirmation of identification, while delaying release of remains, assures that the correct remains are released to the correct families.” But another option may be discovered through conversation on what is in the best interest of the families in distress.

***(vii) Assess such other matters as it deems necessary to gain a comprehensive understanding of the tragic events of May 31, 2019.***

42. The legislature should adopt a law specifying that any commission established to investigate a mass shooting (or any tragedy), should be appointed and convene as soon as possible after the mass shooting (or any tragedy).

43. All localities should complete the necessary training and earn the proper credentials to make maximum use of the Federal government's free and effective Wireless Emergency Alert System (WEA) to augment their local systems.
44. Localities should utilize FEMA's Core Capability Development Sheets to measure their capabilities related to Public Information and Warning which is located in all five mission areas.
45. The legislature should modify the *Code of Virginia* regarding emergency alerts to mirror the level capability and specificity of higher education institutions. By law, Virginia Beach did have an alert/notification system and were thus in compliance; however, the system in use at the time was outward- (public-) facing only, or as stated in *Code of Virginia*, "adequate and timely warning to the public." In other words, it lacked the level of capability to incorporate internal notification rosters. *Code of Virginia* § 23.1-803 calls higher education institutions to a greater standard requiring the ability to notify "students, faculty, and staff, both on and off campus." Moreover, Part B mandates, "Each public institution of higher education shall designate individuals authorized to activate the first warning notification and emergency broadcast system and provide such individuals with appropriate training for its use."

***(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.***

46. The state should utilize a state-level Virginia State Police response to localities during large scale/mass casualty incidents. Every jurisdiction in the Commonwealth houses highly trained criminal investigators and sworn crime scene technicians assigned as special agents that are immediately available for quick response in collecting and processing evidence. VSP is the only agency with Rapid DNA technology which is accepted by the Office of Chief Medical Examiner for quick identification of human remains and provides for the quick analysis of known DNA. Uniformed troopers are immediately available to provide incident containment and perimeter support to local law enforcement agency personnel. VSP special agents, supervisors and command staff have pre-existing relationships with Commonwealth Attorneys, emergency managers, local law enforcement management and command staff, and other first responders in all jurisdictions within Virginia, regardless of where these incidents may occur. VSP response is scalable and broadly adaptable to the specific nature of the event evident by the successful management of similar incidents in the past.

47. The legislature should consider tapping into state universities and colleges' Criminal Justice Departments and Homeland Security Departments. For example, give graduate students the assignment of assessing security protocols in state and municipal organizations and their buildings. Students could examine security in a given building and then plan how, if they were planning an attack, they would circumvent existing security. Then have the students write an analysis of the weaknesses of the respective security protocols. This is a no-cost initiative that marshals state resources (its colleges and universities) to help curtail gun violence.
48. The legislature should consider adopting and maintaining a Virginia Mass Violence Care Fund (for Virginia Beach and all potential Virginia citizens who might become the victims of gun violence). Such a bill should guarantee medical care for victims in perpetuity. In any future mass violence incidents, the employer should ensure they provide long-term medical and psychological services for victims, to include immediate family members, relatives, friends, and co-workers. The state should ensure the process to enroll in these programs is as simple as possible. The use of a trained ombudsman is highly recommended.
49. Localities should measure the effectiveness of their FAC strategies and plans by referring to FEMA's Core Capability Development Sheets. The Core Capability for this issue is entitled Health and Social Services and is in the Recovery Mission Areas.
50. Organizations must train on their FAC plans to ensure the most effective strategy as possible to ensure the most comprehensive level of support for the families of victims of mass casualty/fatality incidents.
51. The State should develop and publish a Family Assistance Center Plan Template in collaboration among VDEM, DCJS, Victim Compensation Fund, FBI, and the American Red Cross as well as their regional and state Voluntary Organizations Active in Disaster (VOAD) programs.
52. Many organizations are engaged in regional VOAD programs. Localities should reach out to their respective VOAD, identify these organizations, build partnerships, and establish formal MOUs with them. If not at the regional level, know how to make resource requests from the Virginia VOAD who may also be able to assist. And if voluntary resources are unavailable, they should have the means already in place to procure these important services.

Respectfully submitted,  
Ryant Washington,  
Commission Chair