

**Amended Special Counsel Report to the
Commonwealth of Virginia and the University of
Virginia
regarding
The November 13, 2022 Shooting at the
University of Virginia**

**G. Zachary Terwilliger
January 31, 2024**

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Exhibits

Exhibit 1: UVA Investigation Request Letter

Exhibit 2: V&E Appointment Letter

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

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I. Executive Summary

On November 13, 2022, a chartered bus carrying students of the University of Virginia (“UVA” or the “University”) returned to campus (“Grounds”) following a class trip to Washington, D.C. As the bus pulled to a stop near Culbreth parking garage, shots were fired at multiple students inside the bus. Five students were shot, three of whom suffered fatal injuries.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED]

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED]

[REDACTED]. On November 17, 2022, following these media reports, Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34

[REDACTED], UVA’s Board of Visitors requested that Virginia Attorney General Jason Miyares appoint special counsel to conduct an independent investigation of the University’s response to the shooting and the University’s actions prior to the shooting to

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

. On December 9, 2022, Attorney General Miyares appointed G. Zachary Terwilliger, with support from his colleagues at Vinson & Elkins (“V&E”) to investigate and review the actions of law enforcement and prosecutors prior to the shooting and

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

, as well as the immediate emergency response to the shooting by law enforcement, primarily UVA Police Department (“UPD”) as well as various additional University entities that have a role in emergency response.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED]. Due to sensitivities around the criminal case, we were unable to obtain some information within our investigative purview. These sensitivities and the inability to access certain pertinent information necessarily limited certain areas (noted where applicable) of our inquiry. As the following demonstrates, significant information was available that we could ascertain and analyze pursuant to our two investigative areas of inquiry.¹

Pre-Incident Law Enforcement Encounters

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED]

¹ This Report redacts content that has been determined by counsel to be law enforcement sensitive; sensitive and nonpublic University information, including non-public emergency response protocols and activities; not subject to public release without valid authorization or consent under the Health Insurance Portability and Accountability Act of 1996, as amended (42 U.S.C. §§ 1320d–2 note) (“HIPAA”); and not subject to release without prior consent under the Family Educational Rights and Privacy Act of 1974, as amended (20 U.S.C. § 1232g) (“FERPA”).”

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Findings. Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

- [Redacted]
- [Redacted]
- [Redacted]

Recommendations. Based on our analysis of existing policies and procedures, along with best practices, we make the following recommendations:

- The Virginia State Police should review its practices regarding the investigation of firearms background check denials to ensure the appropriate personnel promptly

investigate all such cases and timely present such cases for prosecution, where appropriate.

- The police departments for Petersburg and VCU should review their communication practices with respect to the service of warrants for those wanted individuals who ultimately are admitted to VCU hospital. We also recommend that the police department in Petersburg re-evaluate its policies and practices for tracking the status of unserved warrants.
- We recommend that CCPD review its policies and practices regarding communication with other law enforcement entities to better ensure that it shares as accurate information as possible with the requesting agency or department.
- We recommend that UPD request copies of any underlying documentation when seeking information about cases in other jurisdictions, including when UPD intends to relay such information to the University's TAT.

The University's Emergency Response to the Shooting

Our review of the University law enforcement and immediate emergency response to the shooting consisted of a detailed review of UPD and University records, including relevant UPD reports, and University policies related to emergencies generally and active shooter incidents in particular. From these records, we developed a detailed understanding of UVA's emergency response efforts on November 13 and 14, 2022, from the moment that the 911 dispatcher received the first call reporting a shooting **Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99**. We analyzed our factual findings against applicable University and UPD policies, taking into consideration best practices followed by other universities.

Findings. Following our investigation, we reached the following conclusions regarding the emergency response to the shooting:

- *UVA and law enforcement's response to the shooting generally followed applicable policies* – UVA and UPD generally followed the protocols set forth in their respective emergency and active shooter response plans while responding to the November 13, 2022 shooting.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

- *The University should have issued the initial emergency alert to the UVA community sooner* – The University issued the initial emergency alert approximately sixteen minutes after the first 911 call regarding the shooting. That elapsed period of time is too long given the timeline of most active shooting incidents and could have resulted in University community members being subject to preventable risk by unknowingly continuing to move freely around Grounds despite the presence of an active shooter. It appears that the UPD component responsible for sending the alert experienced difficulties contacting the UPD shift commander for approval, which caused the delay (at least in part).

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

- *UPD transported witnesses to safety at another building on Grounds, but in the process caused other students to fear that their lives were in danger* – at one point during the response, UPD transported witnesses from the shooting to a separate location on Grounds where they could receive counseling services and undergo witness interviews in a less traumatic location than the crime scene. However, in the process of transporting students, law enforcement officers entered the building to which the witnesses were being relocated without announcing “police.” As a consequence, law enforcement caused students sheltering in that building to fear that an active shooter had just made entry where they were hiding. Generally, it is best practice for law enforcement officers on campus to announce their presence when entering buildings in this manner where feasible and safe to do so.

Recommendations. Based on our analysis of the existing university policies and procedures along with generally accepted best practices, we recommend that:

- The relevant UPD component should have authority to issue UVA Alerts immediately upon learning of a potential active threat on Grounds.

- UPD should review its policies and practices to ensure that relevant personnel share critical information in real-time or as near-real-time as possible with the relevant University officials during emergency events.
- UVA should establish a permanent Emergency Operations Center that the CIMT can activate immediately in response to no-notice events.
- UVA should more robustly resource its camera network monitoring center and co-locate it with a permanent Emergency Operations Center.
- UVA should develop and train regional law enforcement on a grid search plan designed to expedite campus-wide searches.
- UPD officers should receive additional training regarding the establishment of an on-scene command post and its prioritization at a crime/emergency scene.
- UPD should review its policies and training practices to ensure that officers always record the identities of individuals encountered during a critical incident.
- UPD should develop and implement policies and training ensuring that officers, including partners from regional agencies, continue to study and utilize best practices during building and campus searches, such as announcing their presence before entering buildings during critical incidents where safe and feasible to do so.

II. Introduction

Four days after the November 13, 2022 shooting, the University of Virginia Board of Visitors requested that Virginia Attorney General Jason Miyares appoint outside special counsel to conduct an independent review of the University’s response to the shooting.² The Board of Visitors also requested an independent review of “the efforts the University undertook in the period before the tragedy **Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99** and “all relevant University Policies and procedures” with the aim to provide “recommendations for improvement or needs for change [that] are identified.”³ The Board of Visitors explained that the Virginia State Police were conducting a criminal investigation, with the assistance of UPD and other state and federal law enforcement agencies, but that “many valid questions about the shooting” would unlikely be answered by **Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99**.⁴

On December 9, 2022, Attorney General Miyares appointed G. Zachary Terwilliger with support from the law firm of Vinson & Elkins as special counsel to the Commonwealth of Virginia and UVA to investigate the actions of law enforcement and prosecutors relevant to the events that led to the November 13, 2022 shooting, as well as any related matters concerning firearms and

² **Exhibit 1**, UVA Investigation Request Letter.

³ *Id.*

⁴ *Id.*

ammunition.⁵ The scope of our review also includes the University’s response to the shooting. Our mandate includes gathering information necessary to assess compliance with all applicable laws, regulations, and well-established law enforcement and prosecutorial practices. As part of this engagement, the Attorney General directed us to prepare a report for the UVA Board of Visitors outlining our detailed factual findings, legal conclusions, and recommendations for policy and procedural changes to improve campus safety. Attorney General Miyares appointed Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn”) to review the events at UVA that preceded the shooting.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99
[REDACTED], there are relevant subjects within the scope of our mandate that we have been unable to fully investigate due to limitations on our ability to collect certain documents and information. In particular, we have not been permitted to obtain certain documents or information in the possession of VSP, which has been directed by the Albemarle County Commonwealth’s Attorney not to provide such information in response to our requests. We understand and are sensitive to concerns that our work could, in any way, impact or undermine the pending criminal investigation and **Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99**. However, the consequence is that there are facts and documents which we are not privy to; therefore, our analysis of the events leading up to the shooting and the University’s response may have gaps that we will not be able to close until after the criminal prosecution is resolved. Specifically, we have not been able to obtain materials relevant to the shooting response that became part of VSP’s case file, such as body camera and surveillance footage, certain witness statements, and documentation pertaining to evidence collected as part of the criminal investigation. Answering certain questions regarding events that preceded the shooting on November 13, 2022, will require access and analysis of these materials (if and when they ever are made available).

In the Sections that follow, we describe our investigative methodology (Section III); detail **Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99**
[REDACTED]
[REDACTED] (Section IV); and similarly detail relevant policies, our factual findings, analysis, conclusions, and recommendations regarding the response to the shooting by pertinent UVA entities and law enforcement (Section V).

III. Investigative Methodology

To fulfill our mandate, we developed an investigative plan consistent with the common practices and methodologies that we regularly employ in internal investigations we conduct for corporations and other large institutions. We also draw on over fourteen years of experience within the Department of Justice, with several of those years spent investigating and prosecuting complex shooting incidents.

Specifically, we: (1) conducted scoping interviews to establish a baseline understanding of the subjects relevant to our investigation; (2) identified, collected, and reviewed relevant documents to develop an understanding of the facts; (3) used what we learned from those

⁵ **Exhibit 2**, V&E Appointment Letter.

communications to further formulate and refine our investigative strategy, identify potential witnesses, and prepare for and conduct interviews with those witnesses; (4) visited and observed key locations relevant to the investigation, including the crime scene, [REDACTED]

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED]. Given the subject matter within the scope of this review, we accessed law enforcement sensitive materials with permission of the relevant authorities and consulted with sworn law enforcement and prosecutors.

This Section details the specific steps we took throughout the course of our investigation.

A. Define the Scope of the Investigation

The first step of our investigation was to clearly define the scope of our review. We did this by identifying a series of questions that were critical to understanding the issues defined in our mandate from the Office of the Attorney General. These questions became the focus of our investigation, and included:

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



- o Are there any recommendations we could propose to improve the policies, procedures, and practices of the relevant law enforcement agencies and prosecutor's offices?
- Law Enforcement Incident Response
 - o Did UPD and other law enforcement agencies respond appropriately to the shooting and in accordance with all applicable policies, procedures, and well-established practices for responding to an active shooter event? If not, what was the cause of the breakdown?

- o What recommendations might we have following the review of University emergency policies and procedures as well as law enforcement’s response to the November 13, 2022 shooting?

B. Coordinate with Law Enforcement and Other Stakeholders

We first discussed the scope of our investigation with the Virginia Office of the Attorney General (“OAG”) and legal counsel for the University. Next, we met and conferred with the Albemarle County Commonwealth’s Attorney’s Office, [redacted], to explain the nature and scope of our investigation and to make clear our intention to avoid any impact on the criminal investigation or prosecution. [redacted]. Further, we conducted several preliminary interviews with key personnel at UVA to further refine the scope of the shooting response aspect of our investigation. Finally, we coordinated with Quinn, specifically, Special Counsel William “Bill” Burck, regarding our respective investigative mandates and plans to ensure seamless navigation of overlapping areas of inquiry.

C. Collect, Review, and Analyze Documents

Once we defined the scope of our inquiry, we set out to identify all relevant documents. We collected public records relating to: [redacted]; [redacted]; police records relating to the University’s response to the shooting; [redacted]; [redacted]; UVA’s policies and protocols relating to critical incident response; documents relating to the University’s threat assessment process; [redacted]; University records relating to the emergency response to the shooting on November 13, 2022; [redacted].⁶

As we gathered the documents and other records described above, we conducted a comprehensive review and analysis. Through this review, we developed a detailed factual understanding of [redacted], and the events of November 13 and 14, 2022, from the moment of the first 911 call reporting the shooting to the time that law enforcement [redacted]. We then assessed the facts for each instance against applicable laws, well-established prosecutorial and law enforcement practices, and relevant University policies.

⁶ SafeGrounds documents and certain other University records [redacted] have been identified as education records not subject to public release without prior consent under FERPA. *See* 20 U.S.C. § 1232g.

D. Conduct Witness Interviews

Witness interviews were a key aspect of our investigation. During our investigation, we interviewed fourteen individuals in person or virtually. This number included eight law enforcement officials, three prosecutors, one risk safety employee, and two UVA employees. In addition, we also consulted with multiple law enforcement officials across the Commonwealth to ensure a deeper understanding of certain law enforcement and prosecutorial best practices and discretionary decision-making.

E. Analyze Information Obtained and Conduct Additional Interviews and Follow-up

Upon completing the initial round of analysis, we identified the outstanding gaps in the information required for a comprehensive understanding of the incident. To bridge these gaps, we conducted supplemental interviews and collected additional documents.

F. Generate a Written Report and Present Findings

As we completed the investigative process described above, we drafted this report compiling our detailed understanding of the facts relevant to our mandate, explaining our analysis of those facts, reaching conclusions based on the facts as developed to date, and making recommendations for key areas of improvement.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



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Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



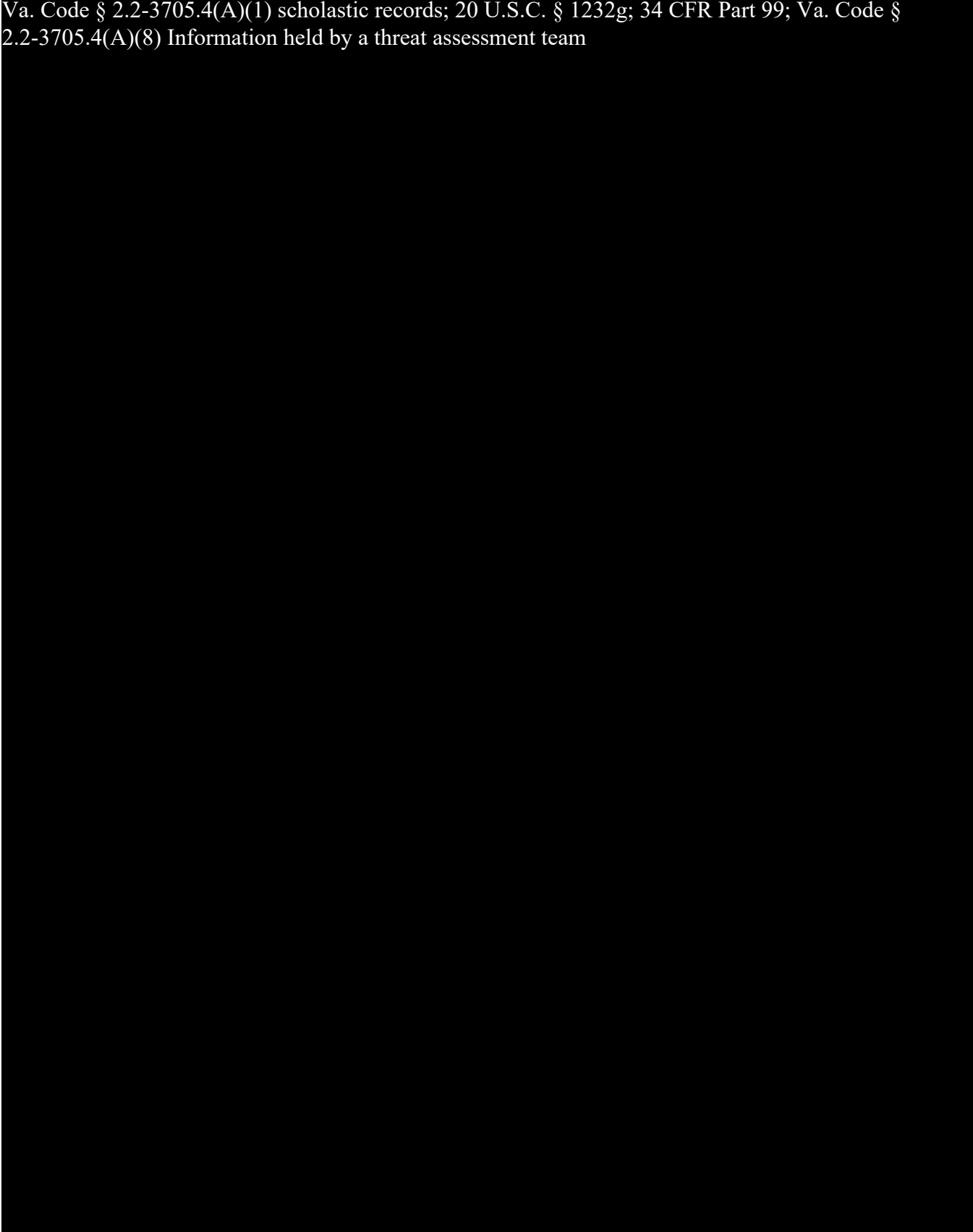
Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



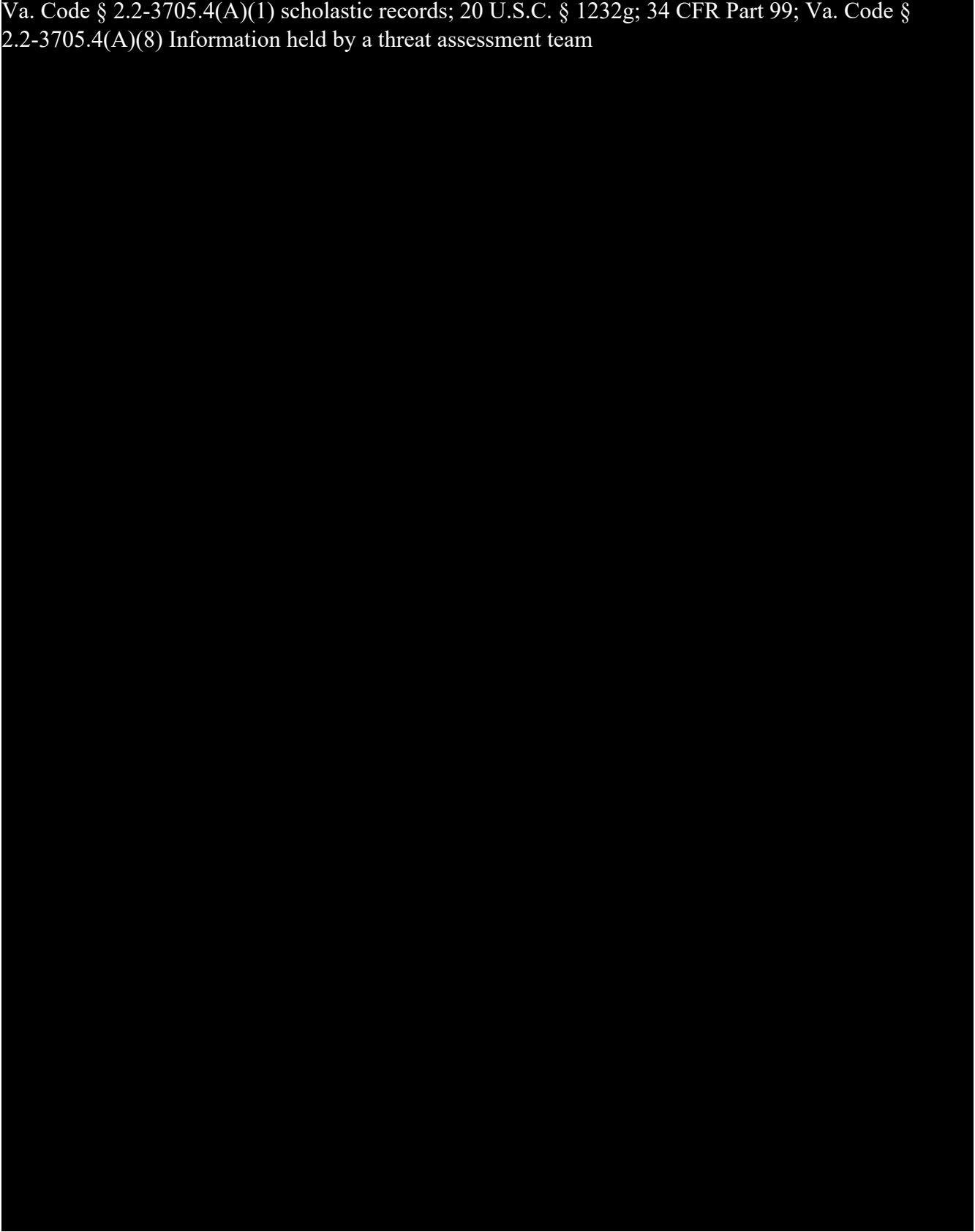
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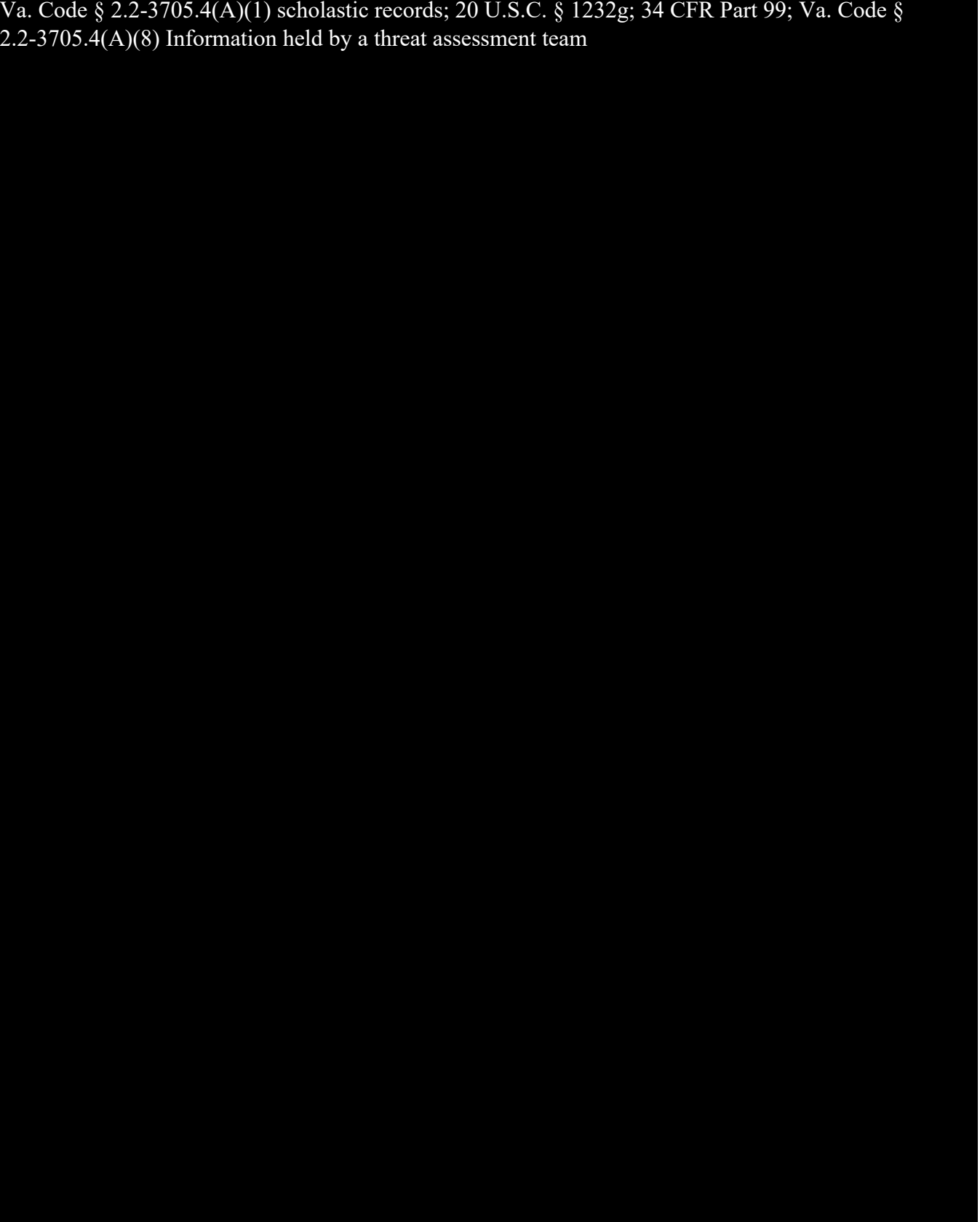
Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.4(A)(8) Information held by a threat assessment team



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.4(A)(8) Information held by a threat assessment team



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.4(A)(8) Information held by a threat assessment team



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.4(A)(8) Information held by a threat assessment team

M. Findings and Recommendations

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99
[REDACTED], we have not identified any breakdown in Virginia’s criminal justice system or the legal process governing firearms transactions bearing directly or indirectly on the November 13, 2022 shooting at UVA.²¹⁸

We do not find, and therefore do not intend for anything in our report to suggest, that any law enforcement agency failed to satisfy applicable duties or standards of care. Our review has, however, identified areas where law enforcement agencies across the Commonwealth could enhance their operations and processes. We, accordingly, make recommendations defining where we see the potential for improvement.


1. Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED]
[REDACTED]
[REDACTED]

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99


Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



2. *We recommend that VSP review its practices regarding the investigation of NICS denials to ensure that the agency investigates all such cases promptly and timely presents appropriate cases for prosecution.* 

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



 The delay in VSP's investigation appears to be primarily driven by resource constraints and staffing shortages, although VSP reported that it is working to alleviate some constraints by re-allocating its investigative resources. However, we nonetheless recommend that VSP review its practices and policies regarding the investigation of NICS denials to ensure that it investigates such denials promptly during its transition of such cases from BFO to FSOIU and, where appropriate, presents them for prosecution in a timely manner.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



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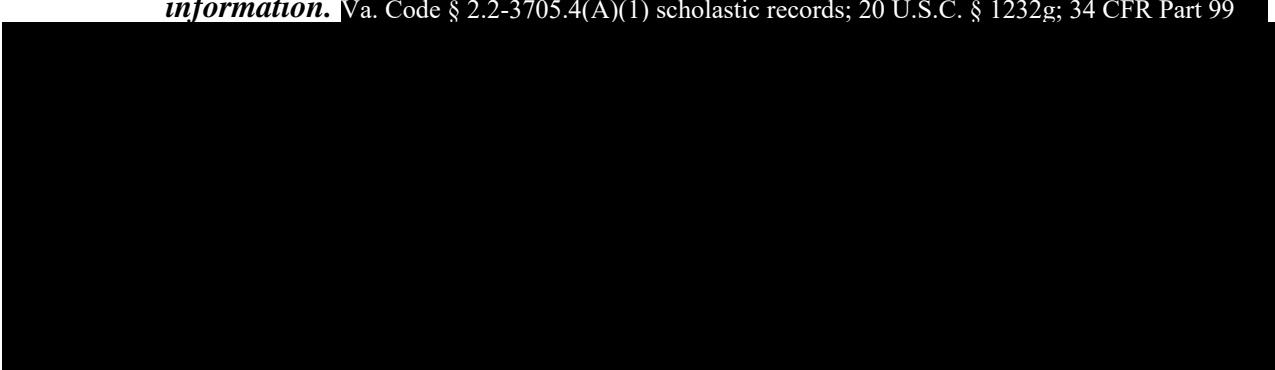
- 5. VCU Police and PBP should review their communication practices with respect to the service of warrants. We also recommend that PBP re-evaluate its policies and practices for tracking the status of the unserved warrants.*

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



- 6. We recommend that CCPD review its policies and practices regarding communication with outside departments to ensure that its personnel share accurate information.*** Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99
- 

or loss of life after the initial incident. While this is a positive outcome, and the emergency responders and officials involved in the response performed admirably, there are noted areas where the response fell short of established policies and best practices. During the emergency, defined here as the time of the initial 911 call through Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99 there could have been quicker information flow and sharing between law enforcement and University officials, as well as the public, Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.1(2) At Further, UPD may benefit from additional training and preparation with regard to certain aspects of its response plan, which would be buttressed by permanent infrastructure upgrades and co-location to ensure more rapid execution of certain operational objectives and better utilization of existing tools.

We did not find anything to suggest, and therefore nothing in this report is intended to suggest, that UVA, UPD, or any other agency involved in the response to the shooting violated any applicable duty or standard of care. During emergency responses, especially active shooter events, things will inevitably not go according to plan, and responders may understandably miss opportunities and exercise judgment differently than would be the case in retrospect. Perfection is not the standard by which authorities and the public should judge emergency responders. However, UVA and other institutions of higher learning across the Commonwealth and the nation may learn from the issues we identified and the recommendations for improvement that we describe below.

In this Section, we first detail the applicable University and UPD policies governing emergency response to active shooter incidents. We then provide a detailed overview of the key events from November 13, 2022, from the moment the first responders received the first 911 call about the shooting Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99. We next analyze the actions of law enforcement and University officials against the relevant policies. Afterwards, we summarize then analyze the University's own self-assessment of its response. Finally, we provide our recommendations for improvements based on our analysis and review.

A. The Critical Incident Management Plan

UVA's Critical Incident Management Plan ("CIMP") governs the University's response to emergencies and critical incidents.²⁴⁸ There are a variety of situation-specific policies included in the CIMP, including the Active Threat Annex, which provides specific direction for how the University should respond to situations such as active shooters. The CIMP also includes other policies specific to the operations of components within the University's Critical Incident Management Team ("CIMT"), which is responsible for implementing the CIMP during emergency events. UPD is subject to its own policies that govern the police response to particular situations, including a policy specific to active shooter incidents. UPD's policy aligns and operates in conjunction with the CIMP, but focuses on law enforcement's tactical role in responding to the threat.

²⁴⁸ **Exhibit 46**, Critical Incident Management Plan. There are two versions of the CIMP; a public version and a non-public version. Our citations are to the non-public version.

1. Overview

The University originally adopted the CIMP (following a complete revision to base the plan on an emergency support function model) on May 21, 2012, and has revised it numerous times, pursuant to Virginia Code § 23.1-804, which requires a comprehensive review every four years to ensure that the plan remains current.²⁴⁹ The version applicable to the November 13, 2022 shooting is dated November 2021 and is marked as version 3.1.²⁵⁰ The CIMP consists of a Base Plan; six appendices containing information such as a glossary, definitions for key acronyms, legal authorities, and contact lists; six hazard-specific annexes detailing particularized protocols for events such as active threats, winter storms, hurricanes, major demonstrations, potentially violent protests, and public health emergencies; and two support annexes detailing protocols for call center operations and a subset of the CIMT responsible for determining the initial scope of an incident.²⁵¹ As required by Virginia law,²⁵² UVA maintains the CIMP, reviews the CIMP annually to identify any updates or revisions that it may need, and conducts a comprehensive review and revision of the CIMP every four years, concluding with the Board of Visitors formally adopting the revised CIMP.²⁵³

The CIMT is made up of three components, including: the Incident Assessment Group (“IAG”), the Senior Management Group (“SMG”), and the Emergency Operations Group (“EOG”).²⁵⁴

- *The Incident Assessment Group.* The IAG is responsible for identifying the scope of an incident at the beginning of the event, and, in general, must consist of, at a minimum, the Executive Vice President and Chief Operating Officer (“EVP/COO”), the Associate Vice President for Safety and Security, the Director of Emergency Management, the Director of Medical Center Emergency Management, the Assistant Vice President for Clery Act Compliance, the Associate Vice President and Chief Facilities Officer, the Assistant Vice President and Chief of Police, the Assistant Vice President for Student Affairs, and the Vice President for Communications and Chief Marketing Officer.²⁵⁵

²⁴⁹ *Id.* at iii.

²⁵⁰ *Id.* at i.

²⁵¹ *Id.* at v-vii.

²⁵² *See generally* VA Code § 23.1-804.

²⁵³ **Exhibit 46** at iii.

²⁵⁴ *Id.* at 17.

²⁵⁵ *Id.* As of November 13, 2022, these roles were filled by the following people:

Title	Name
EVP/COO	Jennifer (J.J.) Wagner Davis
Associate Vice President for Safety and Security	Tim Longo
Director of Emergency Management	John DeSilva
Director of Medical Center Emergency Management	Dr. Bill Brady
Assistant Vice President for Clery Act Compliance	Meghan Rapp
Associate Vice President and Chief Facilities Officer	Donald Sundgren
Assistant Vice President and Chief of Police	Tim Longo
Assistant Vice President for Student Affairs	Marsh Pattie

- *The Senior Management Group.* The SMG consists of senior level University personnel, including the President, EVP/COO, University Counsel, the Director of Emergency Management, the Assistant Vice President and Chief of Police, and other officials.²⁵⁶ The Senior Management Group is responsible for providing high-level direction during an incident and making relevant policy decisions.²⁵⁷
- *The Emergency Operations Group.* The EOG is responsible for executing the CIMP during an event and is made up of representatives from a variety of University departments and functions.²⁵⁸

The CIMP Base Plan provides that relevant personnel receive training.²⁵⁹ To that end, on June 17, 2022, the CIMT conducted a tabletop exercise to simulate the emergency response to an active shooter on campus.²⁶⁰ We describe the University’s self-assessment of this exercise in detail in Appendix A. We analyze the results of UVA’s self-assessment of the exercise against its response to the active shooter incident below.

2. Activation of the CIMT and Emergency Operations

Authority to activate the CIMP rests with either the University’s President, the University’s Director of Emergency Services (who is also the EVP/COO), or their designee.²⁶¹ The Director of Emergency Services “assumes overall responsibility” for UVA’s incident management operations pursuant to the roles outlined in the CIMP.²⁶² The CIMP provides for three levels of CIMT activation during a critical incident: escalating from one (least severe) to three (most severe).²⁶³ The CIMP states that a Level 3 incident requires “the full activation of the CIMT to address immediate emergency response,” and identifies an active shooter incident as one of several examples of a Level 3 event.²⁶⁴

Vice President for Communications and Chief Marketing Officer	David Martel
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²⁵⁶ *Id.* at 18.

²⁵⁷ *Id.* at 17.

²⁵⁸ *Id.* at 19. These departments and functions include Athletics, the Audit Department, Business Operations & Dining Services, the Chief Information Security Officer, the Division of Student Affairs, Environmental Health & Safety (includes Research), Facilities Management, Financial Operations, Housing & Residence Life (represented by Student Affairs), Human Resources, Information Technology Services, Intramural-Recreational Sports, the UVA Medical Center, UVA Emergency Management, Parking and Transportation, Property & Liability Risk Management, the Provost, Student Health and Wellness, Threat Assessment, University Communications, UPD, and the University Registrar.

²⁵⁹ **Exhibit 46** at 31.

²⁶⁰ Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

²⁶¹ **Exhibit 46** at 15.

²⁶² *Id.* at 16.

²⁶³ *Id.* at 13-14.

²⁶⁴ *Id.* at 14.

The CIMP provides that the CIMT will physically convene at an Emergency Operations Center (“EOC”) during a Level 2 or Level 3 event.²⁶⁵ [REDACTED]

[REDACTED] Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures [REDACTED]

When activated, the EOG operates under a unified command structure comprised of five basic sections: Command, Operations, Planning, Logistics, and Administration and Finance.²⁶⁷ This structure is based on the Incident Command System (“ICS”),²⁶⁸ which is a standardized command and control hierarchy that is part of the federal government’s National Incident Management System (“NIMS”).²⁶⁹ NIMS is an incident response plan framework published by the Federal Emergency Management Agency (“FEMA”) that is intended for use by government agencies, nongovernmental organizations, and the private sector.²⁷⁰

Under the ICS, the Command section, which the EVP/COO leads, is responsible for overall incident management, including incident assessment, prioritization, assessing resource needs, and coordinating with relevant agencies.²⁷¹ The Operations section oversees tactical operations and can be comprised of police, fire services, medical services, hazardous materials response, mental health support, cultural and historical properties protection, and critical infrastructure sustainment, among other groups, as the situation requires.²⁷² The Planning section handles collecting and sharing information about the incident and is primarily responsible for the incident planning process, with input from the entire CIMT.²⁷³ The Logistics section is responsible for providing facilities, transportation, supplies, food service, communications, and medical services for CIMT and other incident personnel, among other necessities.²⁷⁴ Finally, the Administration and Finance section manages all financial and cost aspects of the incident response.²⁷⁵

When a critical incident begins, the “priorities shift from prevention, preparedness, and mitigation, to immediate and short-term response activities to preserve life, property, and the environment.”²⁷⁶ The CIMT then implements response activities under the unified command structure outlined above.²⁷⁷ The CIMT members in relevant support functions are responsible for coordinating and supporting any relevant emergency response activities.²⁷⁸ Once the “immediate

²⁶⁵ *Id.* at 14.

²⁶⁶ *Id.* at 30-31.

²⁶⁷ *Id.* at 21.

²⁶⁸ *Id.*

²⁶⁹ See FEMA, *National Incident Management System* 24 (3d ed. 2017), https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf.

²⁷⁰ *Id.* at 1.

²⁷¹ **Exhibit 46** at 21, 23.

²⁷² *Id.* at 21.

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ *Id.* at 32.

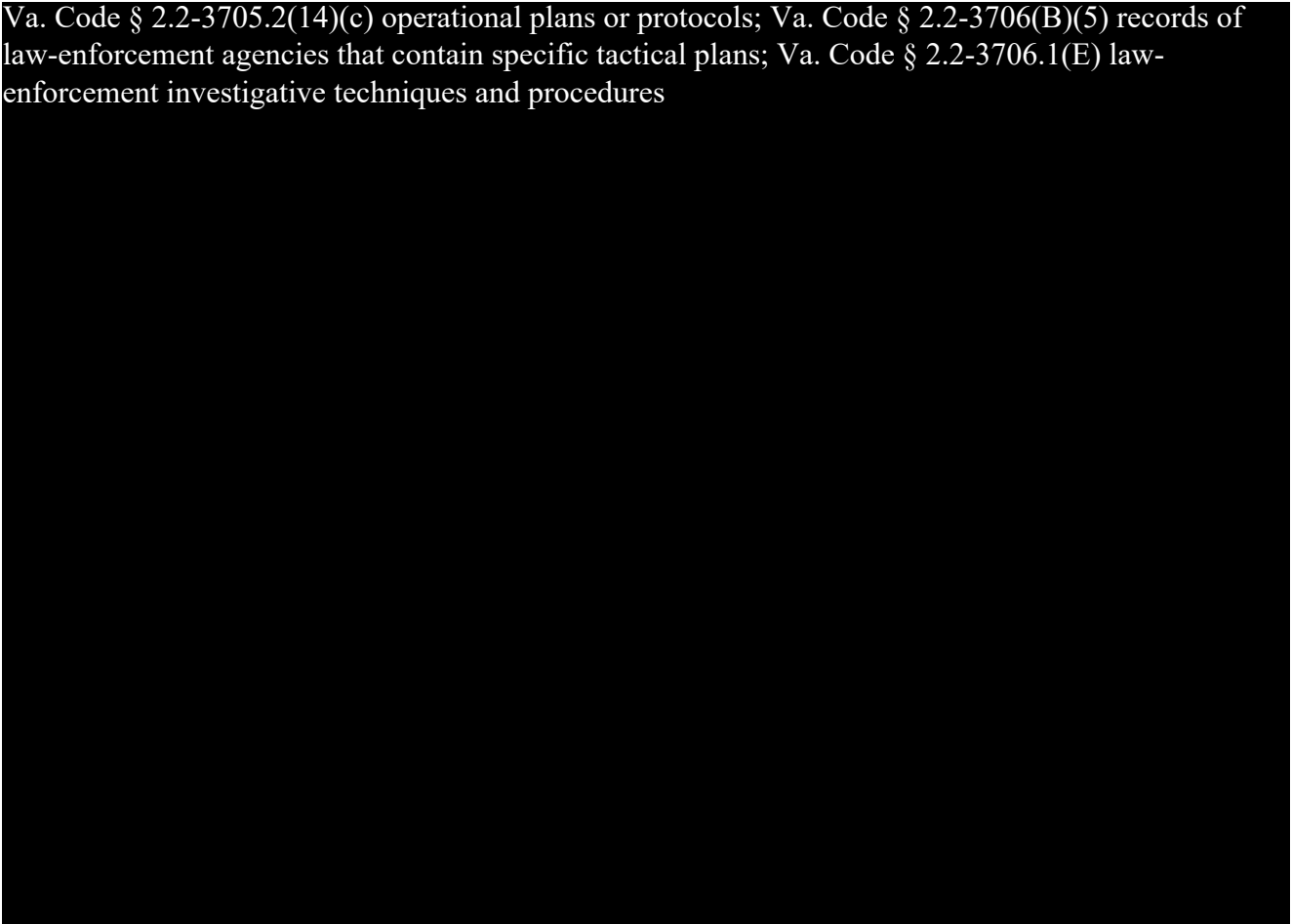
²⁷⁷ *Id.*

²⁷⁸ *Id.*

response missions and life-saving activities” are complete, the CIMP’s focus shifts to recovery and mitigation efforts.²⁷⁹

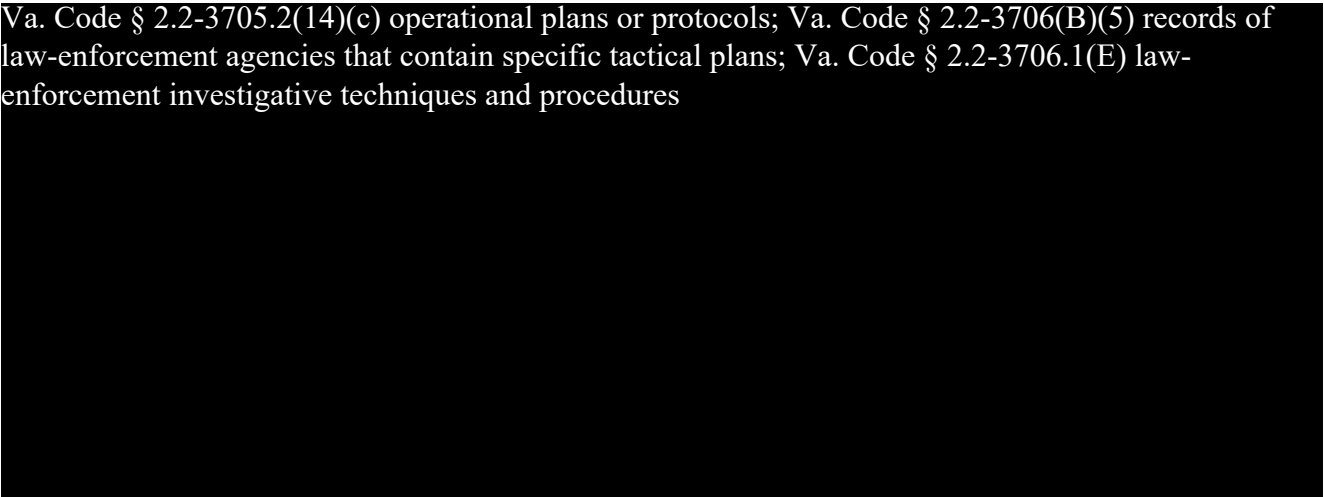
3. The Active Threat Annex and UPD’s Active Shooter Policy

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706(B)(5) records of law-enforcement agencies that contain specific tactical plans; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



²⁷⁹ *Id.* at 32-33.

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706(B)(5) records of law-enforcement agencies that contain specific tactical plans; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706(B)(5) records of law-enforcement agencies that contain specific tactical plans; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

4. The Incident Assessment Group (“IAG”)

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

B. Law Enforcement and CIMT Response

On November 13, 2022, at 10:16 p.m., the ECC received a 911 call reporting a shooting on a bus on Culbreth Road, near the University’s drama building.³¹³ At 10:19 p.m., within three minutes of the initial 911 call, UPD officers arrived at the scene of the shooting.³¹⁴ Other officers from UPD and CPD arrived on-scene shortly thereafter.³¹⁵ From this point forward, law enforcement from these and other agencies, as well as UVA’s CIMT and many others, worked through the night and into the next morning

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99
Given the ongoing criminal investigation related to the shooting, this report will address only the aspects of the emergency response to the shooting that relate to

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

public safety or Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

1. UPD responded to 911 calls about a shooting.

a. 10:19 p.m. – UPD officers arrived at the scene of the shooting

At 10:19 p.m., UPD officers arrived at the scene of the shooting, within three minutes of the initial 911 call.³¹⁶ According to the primary UPD report from that evening,³¹⁷ immediately

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

³¹⁷ Generally, one police officer writes the primary report following an encounter, and other officers may write supplements to that report explaining their role and observations.

³¹⁸ *Id.* at 39 (identifying that another UPD officer arrived a matter of seconds before the officer who drafted the primary report). The first-arriving officer's report, if one was drafted, was not provided to us.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

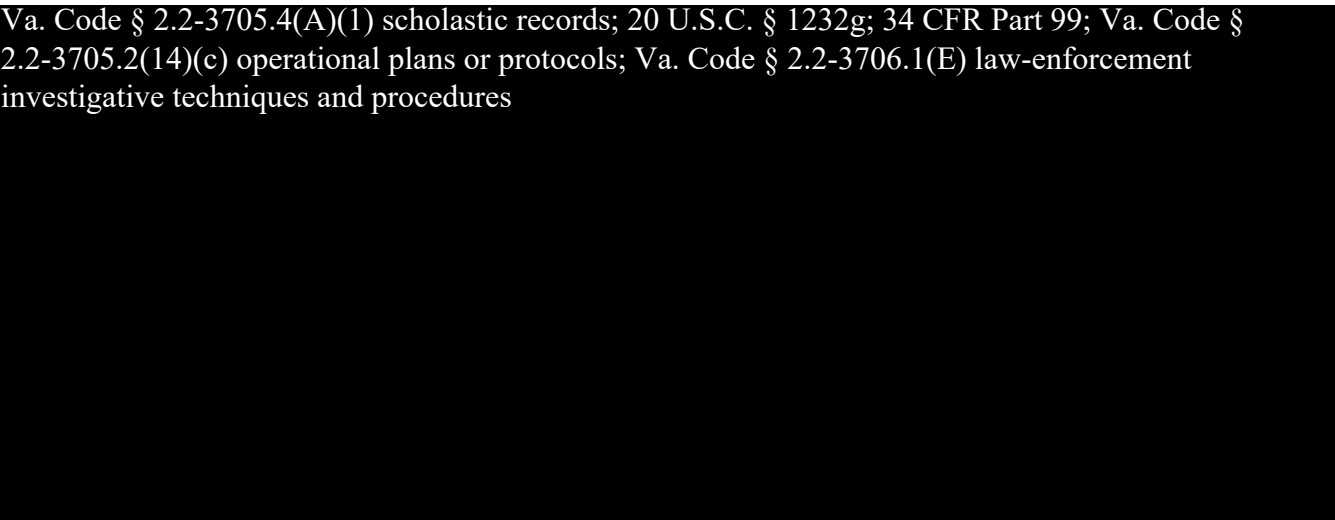
³²⁴ We requested a copy of the body camera footage for review, but our request was denied per the Albemarle County Commonwealth's Attorney's instructions to VSP not to provide information relevant to this matter. On July 13, 2023, Albemarle County Commonwealth's Attorney James Hingeley, in response to a request for such records, wrote that "[w]e decline to disclose this information at this time, as it is part of an ongoing criminal investigation."

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



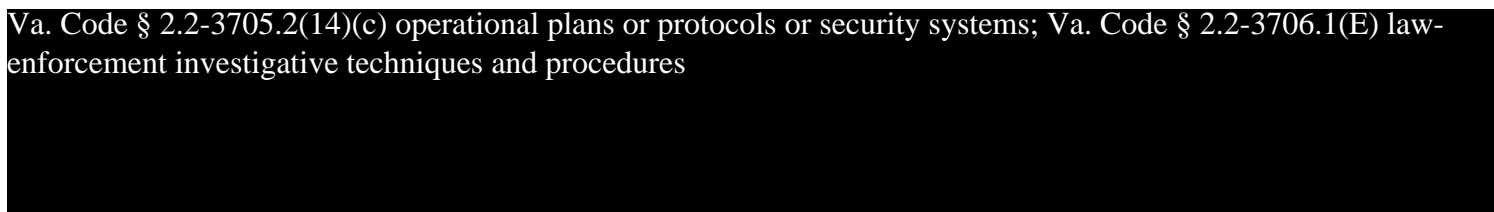
Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



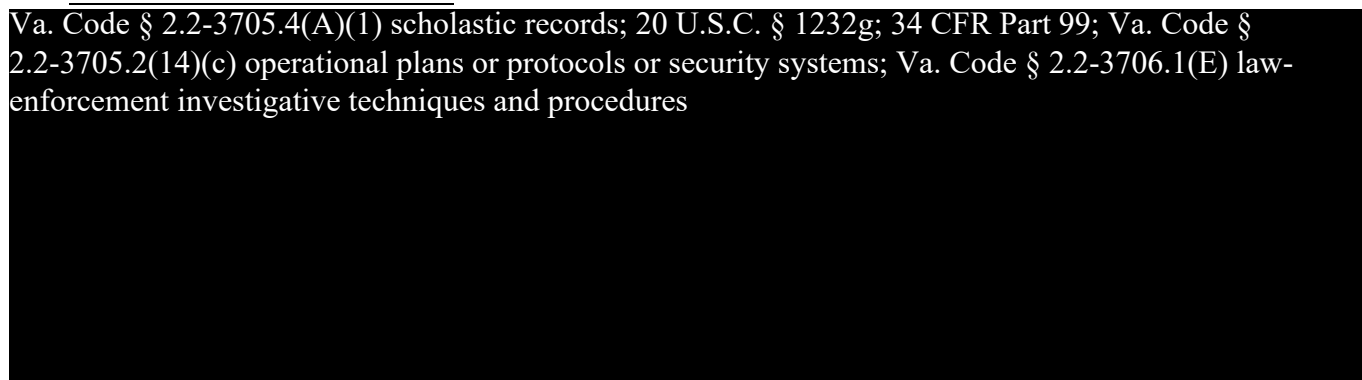
Va. Code § 2.2-3705.2(14)(c) operational plans or protocols or security systems; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



f. 10:32 p.m. – The University issued the first UVA Alert and set the IAG call

At 10:32 p.m., on November 13, 2022, UPD Services issued the initial UVA Alert related to the shooting.³⁵¹ The UVA Alert read: “*UVA Alert: Shots fired reported at Culbreth Garage.*”

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols or security systems; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



*Follow fire/police direction. If possible, avoid the area.*³⁵² At that same time, UPD Services circulated a conference call alert to the IAG setting a conference call to begin in three minutes.³⁵³

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

2. The IAG convened while law enforcement continued the initial response

a. 10:35 p.m. – The IAG met via conference call

At 10:35 p.m., the IAG call began.³⁵⁶ IAG members continued to join the call over the next several minutes.³⁵⁷ At the commencement of the substantive portion of the call, a member of UVA's Emergency Management group provided an update from the UPD shift commander that

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

■⁹ According to the log of the Veoci Room set up in connection with the IAG call, there was a discussion at approximately 10:38 p.m. about whether to update the prior UVA Alert with a shelter in place order.³⁶⁰

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols or security systems; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

d. 10:41 p.m. – The University instructed the community to shelter in place

At 10:41 p.m., the University issued a second UVA Alert that stated: “*Update: Shooting reported on Culbreth Road.* Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99 *shelter in place.*”³⁶² This shelter in place order would remain in effect until the following morning.³⁶³

e. 10:43 p.m. – A UPD sergeant provided a situational update to the IAG

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

3. The University initiated a full-scale emergency response to the critical incident

a. 10:59 p.m. – UVA activated the CIMP

At approximately 10:59 p.m., the EVP/COO confirmed activation of UVA’s emergency response plan.³⁷¹ Activation of the CIMP means that the CIMT mobilized to respond to the

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

incident.³⁷² By this time, UPD had established an on-scene command post at the loading dock behind the drama building.³⁷³

b. 11:10 p.m. – The IAG oversaw further UVA Alerts and media staging

Over the course of the response, the IAG oversaw the circulation of critical information through UVA Alerts by UVAEM.³⁷⁴ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

”³⁷⁵ This alert recirculated multiple times thereafter.³⁷⁶ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Meanwhile, the IAG oversaw the establishment of a media staging area. At approximately 11:19 p.m., the University Communications group was in the process of setting up a media tent and having a media officer on site at the Snyder tennis courts.³⁷⁹

c. 11:15 p.m. – UVA stood up the EOC at Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

At approximately 11:15 p.m., a message circulated to the broader CIMT that read “*For CIMT: Va. Code § 2.2-3705.2(14)(c) operational plans or protocols is being stood up. Please log into Veoci room and monitor information. Please hold in place, do NOT report to Va. Code § 2.2-3705.2(14)(c) operational plans or protocols at this time.*”³⁸⁰ At approximately 11:36 p.m., the EOC was operational.³⁸¹ Members of the CIMT arrived at the EOC at Va. Code § 2.2-3705.2(14)(c) operational plans or protocols in the following minutes and hours. As of midnight, the IAG minutes reflect that the EVP/COO, two members of UVAEM, Chief Longo, three UPD officials, among others, were on-site at the EOC at Va. Code § 2.2-3705.2(14)(c) operational plans or protocols.³⁸² Multiple other officials arrived and were present at the EOC later in the night.³⁸³

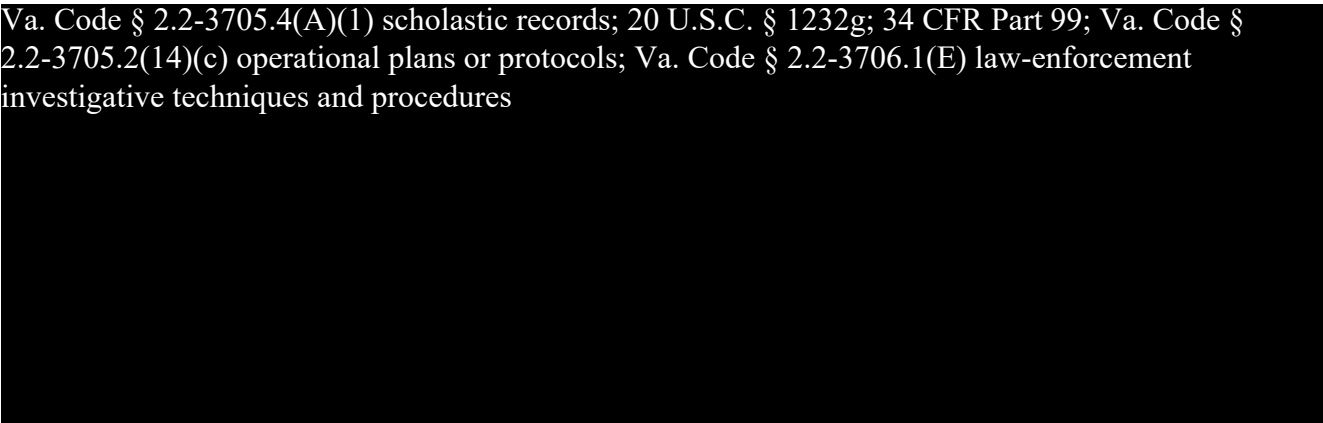
³⁷² Exhibit 46 at 15.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

b. 12:13 a.m. – UPD moved the witnesses to safety in coordination with the IAG

The IAG also contemplated whether to transport eye-witnesses to a safe location while it received reports of other groups of students sheltering in place. Around 12:13 a.m., the IAG discussed how to transport the eleven students who were possible witnesses and still in the drama building to another location.³⁹⁶ Someone suggested that a police transport be used.³⁹⁷

As of 1:10 a.m., the IAG received confirmation that law enforcement had relocated the student-witnesses to the North Grounds Recreation Center (“NGRC”).³⁹⁸ By 1:21 a.m., the IAG learned that UPD was in the process of transporting UVA Counseling & Psychological Services (“CAPS”) counselors to the NGRC.³⁹⁹ UVA’s Emergency Management group also got in contact with a representative of UVA’s Ambassador Program around 1:28 a.m. and requested that the Program send five Ambassadors to the NGRC under UPD escort.⁴⁰⁰ Around 1:53 a.m., CAPS clinicians received a briefing at NGRC.⁴⁰¹ Four deans went to NGRC to assist, and two other deans were at the emergency room family reunification center.⁴⁰²

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

5. The coordination of emergency response resources continued at the EOC

a. 3:10 a.m. – The IAG call demobilized

The IAG call demobilized at the request of the EVP/COO at 3:10 a.m.⁴⁰⁷

b. 3:45 a.m. – Regular command post briefings occurred at the EOC

Later in the night, components of the CIMT, including law enforcement, participated in periodic command post briefings that summarized the activities of various emergency response components for the CIMT.⁴⁰⁸ Written summaries of these briefings circulated to the CIMT via the open Veoci Room.⁴⁰⁹

The first such briefing took place at approximately 3:45 a.m.⁴¹⁰ UPD personnel explained that notifications had been made to the victims' families, relevant law enforcement agencies were processing the crime scene, and additional VSP officers were in route to assist with a sweep of Grounds, with the objective of lifting the shelter-in-place order by daybreak.⁴¹¹ VSP, ACP, and CPD provided updates regarding their operations in support as well, generally noting when shift rotations would occur.⁴¹² In addition to various topics relating to family reunification, operational disruption (*e.g.*, class cancellation), and communications matters, including an upcoming communication from the UVA President regarding the shooting, participants in the briefing discussed restoring food services to feed students should the lockdown continue past daybreak.⁴¹³

c. 4:35 a.m. – Law enforcement planned to search Grounds before lifting lockdown

A second command post briefing occurred at 4:35 a.m.⁴¹⁴ This briefing noted the immediate objectives were to begin a grid search by 5:30 a.m. Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § and to lift the shelter-in-place order following the search by 7:00 a.m.⁴¹⁵ After the UVA President received a debriefing, there would be a press conference between 9:00 a.m. and 10:00 a.m.⁴¹⁶ The subsequent

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

objectives identified in the briefing were family reunification, grief management, and restoration of essential services.⁴¹⁷

d. 6:20 a.m. – Police searched Grounds, but took much longer than estimated

A third command post briefing took place at approximately 6:20 a.m.⁴¹⁸ This briefing noted that the search of UVA Grounds was underway and that communications regarding the ongoing search had been made to the public and the community.⁴¹⁹ The EVP/COO reported that the next decision point was whether it would be safe enough to lift the shelter-in-place order following law enforcement’s sweep of the Grounds.⁴²⁰ Officials discussed other matters relating to recovery as well.⁴²¹

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures
[REDACTED]² While the search was ongoing, UVAEM attempted to obtain counts of students sheltering in place in various academic buildings.⁴²³ At approximately 7:30 a.m., a fourth command post briefing occurred.⁴²⁴ According to this briefing, as of 7:30 a.m., law enforcement was Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

[REDACTED]
The EVP/COO reported that the shelter-in-place order would stay in effect, and if the order could not be lifted within a few hours, consideration would need to be given to the availability of food and water in buildings where students were sheltering.⁴²⁷ There was also discussion of how to address non-emergency medical issues (for example, students with diabetes).⁴²⁸ Suggestions included contacting each location or having buses with police officers on board pick up those sheltering in place.⁴²⁹ Other matters relating to recovery received consideration.⁴³⁰

Another command post briefing took place at approximately 8:05 a.m.⁴³¹ According to this briefing, the search of Grounds was halfway complete and additional law enforcement resources were “pouring in.”⁴³² Chief Longo noted that VSP assisted in securing arrest warrants Va. Code § 2.2-3705

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

██████████ Va. Code § 2.2-3705.4(A)(1) and the U.S. Marshals were on-scene.⁴³³ Other matters relating to the potential transportation of students sheltering in place and other recovery matters received consideration.⁴³⁴

The sixth command post briefing occurred at approximately 9:00 a.m.⁴³⁵ The briefing noted that law enforcement's grid search of the Grounds was almost complete.⁴³⁶ The briefing primarily focused on the finalization of plans to transport students under police escort and other preparations for the lifting of the shelter-in-place order.⁴³⁷ The seventh briefing was held at approximately 10:00 a.m.⁴³⁸ The briefing stated that the process of transporting students under police escort had started.⁴³⁹ The law enforcement search remained ongoing, and it was not clear when the shelter-in-place order would be lifted.⁴⁴⁰

At approximately 10:34 a.m., the University issued a UVA Alert announcing that the shelter-in-place order was lifted following law enforcement's search of Grounds, but that a heavy police presence would remain.⁴⁴¹ An eighth command post briefing occurred at approximately 10:45 a.m.⁴⁴² The briefing confirmed that the shelter-in-place order ended because law enforcement's search of the Grounds was complete.⁴⁴³ The briefing noted that law enforcement

██████████ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

██████████ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

██████████ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

██████████.⁴⁴⁵ At 11:24 a.m., the University issued the final UVA Alert for the shooting: ██████████ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99⁴⁴⁶ During the recovery period, which lasted approximately one week after the shooting, there continued to be command post briefings providing updates on a variety of topics, including the police investigation, matters relating to memorials for the victims, and the restoration of University operations. However, following the end of the lockdown and ██████████ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99 ██████████, the emergency response to the shooting itself concluded.

██████████ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

7. Police discover key evidence near the crime scene

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

a. Police recovered a handgun the night of the shooting

Officers found a handgun with the serial number BXLW243 near the Fine Arts Library.⁴⁴⁸ According to the investigating UPD detective's report, the detective identified an entry in CAD timestamped at 1:22 a.m. that stated that

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Immediately following this conversation, two UPD detectives searched the area around the Fine Arts Library and found the handgun, which had no magazine inserted.⁴⁵⁴ The serial number on the firearm that the UPD detectives recovered matches the serial number on the handgun

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

b. Police found a sweatshirt nearby two days later

Officers found the sweatshirt on November 16, 2022, in the bushes behind Leake Cottage.⁴⁵⁶ According to the detective's report, the sweatshirt was consistent with clothing

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

to the detective.⁴⁵⁷ In addition to the sweatshirt, UPD found a cell phone,⁴⁵⁸ a vape, and a 9mm

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁴⁵⁸ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

bullet.⁴⁵⁹ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

c. Facilities later recovered two magazines

Approximately one month after the shooting, two Glock 17 magazines were recovered from the area around Old Cabell Hall after facilities management personnel found them while using metal detectors to locate storm drains.⁴⁶⁰ We asked UPD whether these magazines had a Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g or the recovered firearm, but UPD did not provide any more information about the magazines due to the standing orders from VSP, via the Albemarle County Commonwealth's Attorney not to share information with our investigation. On July 13, 2023, Albemarle County Commonwealth's Attorney James Hingeley wrote: "We will check to confirm that the magazines recovered from the storm drains match the firearm used in this homicide and will determine whether the ammunition in the magazines was produced by the same manufacturer as the ammunition in the murder weapon. These similarities would, however, not conclusively establish Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g or the murder weapon. We do not have other information at this time that establishes the connection, aside from inferences that might be drawn from the location of the storm drains along a route Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99 We note that Glock 17 magazines are compatible with the Glock 45 handgun.⁴⁶¹

C. Analysis of the Law Enforcement and University Response to the Shooting

UVA's extensive critical incident policies and training enabled a quick response to a dynamic and multifaceted traumatic event by UPD and other University officials. The initial emergency response in the aftermath of the shooting appropriately prioritized the preservation of life and the prevention of further injury by Va. Code § 2.2-3705.4(A)(1) scholastic records. Measured against that critical metric, the response was a success. The bravery and affirmative actions taken by the law enforcement officials involved in the response should be commended. The officers deserve credit for swiftly containing the violence of November 13, 2022. Law enforcement's efforts made to prevent further violence, keep the UVA community safe and informed, and apprehend Va. Code § 2.2-3705.4(A)(1) scholastic records were commendable.⁴⁶²

We do have some high-level observations regarding UVA's emergency policies as compared to publicly available information regarding other comparable institutions' emergency response plans. First, like many other institutions of higher education, UVA's emergency response

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁴⁶¹ See, e.g., *Glock Gen 5 Glock 17, 9mm 17-Round Factory Magazine*, GUNMAG WAREHOUSE, <https://gunmagwarehouse.com/glock-gen-5-glock-17-9mm-17-round-factory-magazine.html> (selling a Glock 17 factory magazine and noting that the product fits, among other models, the Glock 45).

⁴⁶² As noted above, neither UVA nor the Attorney General tasked us with performing a complete assessment of the totality of UVA's emergency response policies, and we agreed with our respective clients at the outset, that we would not be provided the budget to engage the outside experts necessary to conduct such an assessment. Such a wholistic analysis of UVA's total emergency response policies would require a wholistic multidisciplinary team (e.g., an emergency response policy analyst) to conduct such a comprehensive review. We therefore limit our analysis to the University and UPD's adherence to existing policies and general law enforcement best practices, as applicable.

command structure is based on NIMS.⁴⁶³ The University of Alabama (“Alabama”), the University of Georgia (“Georgia”), the University of North Carolina at Chapel Hill (“UNC”), and Virginia Polytechnic Institute and State University (“Virginia Tech”), as examples, all employ NIMS-based command structures during critical emergencies.⁴⁶⁴ And like UVA, these institutions maintain platforms and policies providing for prompt notification to the community when an emergency happens and updates while the emergency persists.⁴⁶⁵ Although we have not reviewed the non-public procedures and policies of these universities, based on the publicly available information, it appears likely that other comparable universities would, at least theoretically, respond similarly to how UVA responded to the shooting.

While UVA and law enforcement generally acted pursuant to applicable protocols or best practices under the changing circumstances, there are several areas where they could make practical improvements to increase the effectiveness of the University’s law enforcement and emergency response in the event of another critical incident. In this Section, we analyze the University’s emergency and law enforcement response, but offer no analysis or opinion regarding the subsequent criminal prosecution and the investigative activity in support of that prosecution.

In this Section, we analyze several aspects of the law enforcement and University response to the shooting. First, we assess the response’s general adherence to relevant policies, including the CIMT, the relevant annexes, and the UPD Active Shooter Policy. Next, we analyze several discrete issues we identified in the course of our review. In particular, we analyze the actions **Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99**, the factors that delayed the initial UVA Alert by several minutes, the activation of the EOC at **Va. Code § 2.2-3705.2(14)(c) open**, the grid search of Grounds, the University’s use of NGRC during the shelter-in-place order, and several other information sharing delays that may have impacted the response.

⁴⁶³ See **Exhibit 46** at 21 (adopting an ICS structure, which is a NIMS concept).

⁴⁶⁴ See, e.g., UNIV. OF ALABAMA, EMERGENCY OPERATIONS PLAN SYNOPSIS 4-5 (Feb. 2022), <https://ready.ua.edu/wp-content/uploads/2022/02/EOP-Synopsis-2.9.22.pdf>; UNIV. OF GEORGIA, CAMPUS EMERGENCY MANAGEMENT PLAN 5, 25-28 (Aug. 2022), <https://prepare.uga.edu/wp-content/uploads/2022/10/UGACEMP2022.pdf>; UNIV. OF NORTH CAROLINA, EMERGENCY MANAGEMENT POLICY (June 2023), <https://policies.unc.edu/TDClient/2833/Portal/KB/ArticleDet?ID=137639>; VIRGINIA TECH, CRISIS AND EMERGENCY MANAGEMENT PLAN 13 (Mar. 2020), https://emergency.vt.edu/content/dam/emergency_vt_edu/plans/CEMP%20Base%20Plan%2003132020.pdf (employing a hybrid command structure that combines aspects of the ICS structure and the related Emergency Support Function model, as appropriate under the circumstances).

⁴⁶⁵ See UNIV. OF ALABAMA, EMERGENCY PROCEDURES (April 2019), <https://ready.ua.edu/emergency-procedures/>; UNIV. OF GEORGIA, EMERGENCY NOTIFICATION PLAN 11 (Aug. 2021), https://prepare.uga.edu/wp-content/uploads/2021/10/UGA-ENAP-PUBLISHED-June%202021_Redacted.pdf; UNIV. OF NORTH CAROLINA, EMERGENCY ACTION PLAN 4 (Aug. 2021), <https://campussafety.unc.edu/wp-content/uploads/sites/873/2021/09/emergency-action-plan.pdf>; VIRGINIA TECH, CRISIS AND EMERGENCY MANAGEMENT PLAN 20 (Mar. 2020), https://emergency.vt.edu/content/dam/emergency_vt_edu/plans/CEMP%20Base%20Plan%2003132020.pdf.

1. UVA and law enforcement’s response to the shooting generally followed applicable policies.

From the moment the shots were fired, the University’s response generally proceeded in accordance with relevant policies, including the CIMP and the UPD Active Shooter Policy. There were some instances where the University did not comply with a relevant policy to the letter. To explain, we address law enforcement and the University’s activity during the response against the governing policy provisions for that activity in operational order. To this end, our analysis generally tracks the concept of operations outlined in the Incident Assessment Group Annex to the CIMP and the Command and Control section of the Active Threat Annex.⁴⁶⁶

a. Initial response by law enforcement

The Active Threat Annex provides that during an active threat, UPD is responsible for assessing the threat and utilizing the appropriate tactics to respond.⁴⁶⁷ The priority is the neutralization of the threat and safeguarding life and property.⁴⁶⁸ In accordance with the concept of operations contemplated in the Incident Assessment Group Annex to the CIMP,⁴⁶⁹ within seconds after the shooting was reported to the ECC, UPD was dispatched.⁴⁷⁰

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols or security systems; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

The next stage in the Incident Assessment Group Annex’s concept of operations is UPD’s arrival at the scene of the incident, confirmation of the threat, and the direction to UPD Services

⁴⁶⁶ **Exhibit 46**, Annex SA-02 at 3-4, Annex HSA-06 at 6.

⁴⁶⁷ *Id.*, Annex HSA-06 at 6.

⁴⁶⁸ *Id.*

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Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁴⁷¹ **Exhibit 46**, Annex SA-02 at 1.

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706(B)(5) records of law-enforcement agencies that contain specific tactical plans; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

to issue a UVA Alert.⁴⁷³ As noted above, UPD officers arrived at the scene of the shooting within three minutes of the initial 911 call.⁴⁷⁴ This relatively quick response time aligns with the typical law enforcement response time to an active shooter event, according to data compiled by the FBI.⁴⁷⁵

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706(B)(5) records of law enforcement agencies that contain specific tactical plans; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures; certain information within this redaction also withheld pursuant to Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

b. Alerting the community and the activation of the IAG

The Incident Assessment Group Annex’s concept of operations next contemplates UPD Services issuing a UVA Alert to all UVA and UVA Medical Center students, faculty, and staff, while simultaneously alerting the IAG and directing the IAG members to join a conference call set

⁴⁷³ Exhibit 46, Annex SA-02 at 1.

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706(B)(5) records of law-enforcement agencies that contain specific tactical plans; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁴⁷⁴ *Police Response Time to Active Shooter Attacks*, FBI, <https://leb.fbi.gov/image-repository/police-response-time-to-active-shooter-attacks.jpg/view> (last visited July 3, 2023) (noting that the median three-minute response time to active shooter incidents is “fast by law enforcement standards”).

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706(B)(5) records of law enforcement agencies that contain specific tactical plans; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

to start within three minutes.⁴⁸³ Likewise, the Active Threat Annex provides that during a typical response to an active shooter, UPD Services will issue a UVA Alert and activate the IAG call if there is not already one in progress.⁴⁸⁴ UPD Services issued the initial UVA Alert at approximately 10:32 p.m., as was the notification to the IAG to join a conference call starting in three minutes.⁴⁸⁵ While UPD Services issued the alert in accordance with policy, we address issues with the delay in issuing the initial alert separately below.

University protocol requires the emergency siren system to be activated for tornados and active threats.⁴⁸⁶ However, officials did not activate the emergency siren following the shooting.⁴⁸⁷ Outdoor sirens may alert people who are not near technology to the presence of a threat.⁴⁸⁸ Indeed, outdoor sirens are used throughout the United States to alert nearby people of impending threats, including active shooter events.⁴⁸⁹ They are therefore an appropriate channel of making the University community aware of a threat and should be utilized during active shooter emergencies, and elsewhere as appropriate. Additional training on the emergency siren system protocols is therefore needed to ensure that University officials activate the sirens when appropriate.

c. Establishment of an incident command post

The UPD Active Shooter Policy and Active Threat Annex both provide that an incident command post should be established.⁴⁹⁰ The UPD Active Shooter Policy specifically directs that the incident command post should be established by the first arriving officer in a safe location “[t]o the extent possible and practical” after UPD recognizes that there is an active shooter incident.⁴⁹¹ An incident command post had not been set up by the time Deputy Chief Hall arrived on scene, however.⁴⁹² The exact timing of when UPD established the command post is unclear, but according to records from the IAG call, the on-scene command post was established by 10:59 p.m.,⁴⁹³ forty minutes after the initial UPD officers arrived on scene. Establishing an incident command post to coordinate between law enforcement and emergency services is a recognized best practice.⁴⁹⁴

⁴⁸³ Exhibit 46, Annex SA-02 at 1-2.

⁴⁸⁴ *Id.*, Annex HSA-06 at 6.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁴⁸⁶ Exhibit 69, UVA Policy IRM-013.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁴⁸⁸ *Id.*; see also generally Jeffrey R. Young, *Outdoor Sirens, Low-Tech but Highly Effective, Bolster Colleges' Emergency Responses*, THE CHRONICLE OF HIGHER EDUCATION, Mar. 24, 2008, <https://www.chronicle.com/article/outdoor-sirens-low-tech-but-highly-effective-bolster-colleges-emergency-responses-616/>.

⁴⁸⁹ See Erica D. Kuligowski & Katrina Wakeman, *Outdoor Siren Systems: A Review of Technology, Usage, and Public Response During Emergencies*, NIST Technical Note 1950, 9 (2017), https://www.researchgate.net/profile/Erica-Kuligowski/publication/340463796_Outdoor_Siren_Systems_A_review_of_technology_usage_and_public_response_during_emergencies/links/5e8b72e8a6fdcca789fbd0c3/Outdoor-Siren-Systems-A-review-of-technology-usage-and-public-response-during-emergencies.pdf.

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁴⁹⁴ See INTERAGENCY BOARD, *Improving Active Shooter / Hostile Event Response: Best Practices and Recommendations for Integrating Law Enforcement, Fire, and EMS 13* (2015), <https://www.interagencyboard.org/sites/default/files/publications/External%20IAB%20Active%20Shooter%20Submit%20Report.pdf>.

Typically, the command post “must be established as soon as the initial first responder arrives on the scene.”⁴⁹⁵ An integrated command post is important to controlling several issues that could arise during a response where coordination is lacking, such as clear paths of transit for ambulances.⁴⁹⁶ The delay in setting up the command post risked limiting the effectiveness of first responders’ coordinated response.

d. Assistance from other jurisdictions

The Active Threat Annex provides that UPD will ordinarily request emergency resources from surrounding jurisdictions.⁴⁹⁷ This, in fact, occurred during the response as contemplated in the policy. Both CPD and ACP engaged within minutes of the shooting⁴⁹⁸ and, according to Deputy Chief Hall, provided “invaluable” assistance to UPD.⁴⁹⁹ VSP later joined the search effort, and, among other things, provided search helicopter capabilities and additional resources for the campus-wide sweep.⁵⁰⁰ According to Chief Longo, UPD regularly works with regional law enforcement partners, including CPD and ACP, to provide security for large events on Grounds, such as graduations, football games, and concerts. Therefore, not only did UPD engage with neighboring law enforcement agencies as a force multiplier during the shooting response, but UPD is also very familiar and accustomed to doing so.

e. The IAG

The Incident Assessment Group Annex provides that the IAG members are to dial into the conference call set to start within three minutes of the call’s notification, at which time a Veoci Room will be activated.⁵⁰¹ This occurred as provided in the CIMP.⁵⁰² The Incident Assessment Group Annex provides that the Director of Emergency Management will facilitate the call, which will include a briefing of the event by the appropriate official, a discussion of any questions or needs relative to the members’ respective areas of responsibility, the development of UVA Alerts to be sent every fifteen minutes following the initial UVA Alert until the termination of the event, and updates provided to the IAG every fifteen minutes prior to the issuance of the next UVA Alert.⁵⁰³ The IAG received a briefing at the beginning of the call relaying details from the UPD shift commander through other UPD officials to UVAEM.⁵⁰⁴ Eight minutes later, the shift commander, a UPD sergeant, provided another situational update.⁵⁰⁵ The Active Threat Annex also provides that UVA Medical Center Emergency Management typically will notify UVA

⁴⁹⁵ *Id.*

⁴⁹⁶ M. Hunter Martindale & J. Pete Blair, *The Evolution of Active Shooter Response Training Protocols Since Columbine: Lessons from the Advanced Law Enforcement Rapid Response Training Center*, 35(3) J. OF CONTEMP. CRIM. JUST. 342, 350 (2019).

⁴⁹⁷ **Exhibit 46**, Annex HSA-06 at 6.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵⁰¹ **Exhibit 46**, Annex SA-02 at 2.

⁵⁰² See **Exhibit 53** at 3; **Exhibit 55**.

⁵⁰³ **Exhibit 46**, Annex SA-02 at 2.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Medical Center of the incident.⁵⁰⁶ However, in this case, the UVA Medical Center had declared a multi-casualty incident based on the 911 report as of 10:28 p.m., before the IAG call began,⁵⁰⁷ so the UVA Medical Center was already on notice.

The University issued fifty-eight UVA Alerts between the initial alert and the final alert announcing [redacted].⁵⁰⁸ The UVA Alerts issued approximately every fifteen minutes, and slightly more often during the first hour after the shooting with the exception of a 59-minute gap between 2:55 a.m. and 3:54 a.m., as well as a 61 minute gap between 9:32 a.m. and 10:33 a.m. while the law enforcement was continuing its search of grounds.⁵⁰⁹ With the exception of the gaps noted above, the University issued the alerts reasonably close to fifteen minutes apart.⁵¹⁰ Frequent communications from officials are believed to reduce uncertainty and the proliferation of rumors during a crisis.⁵¹¹ While providing new information when available is preferable, even in the absence of new information, subsequent update alerts can still be tailored to reduce uncertainty.⁵¹² While the University sent out UVA Alerts roughly every fifteen minutes as required by the CIMP, it is not clear why there was an almost one-hour gap between the 2:55 a.m. and 3:54 a.m. alerts, and there is also little activity in the Veoci Room during this time.⁵¹³ According to University officials, during this time period, CIMT personnel were in physical transit to the EOC for in-person coordination, and efforts to confirm notifications to the victims' families were also taking place. It is similarly not clear why there was another gap between 9:32 a.m. and 10:33 a.m. Law enforcement was active during this time and command post briefings at the EOC were taking place. Given the ability to issue the prior alerts on a regular cadence through much of the night and early morning, it is not clear what would have caused a delay during this critical time while law enforcement was sweeping grounds and students were still sheltering in place, and had been doing so for hours. Regardless of the reason and additional context, the University failed to follow the CIMP during these particular periods because it did not issue UVA Alerts every fifteen minutes. In future emergency responses, UVA should ensure it has the appropriate staff and resources dedicated to the UVA Alert process so that competing responsibilities and physical movement of personnel does not stymie the ability to send out alerts as early as practicable and every fifteen minutes thereafter, as the CIMP requires and as is consistent with best practices to reduce uncertainty and fear for students, faculty, staff, and community members who are sheltering in place.

The IAG call records do not expressly reflect that formal updates were “provided to the IAG by the appropriate official prior to each 15-minute mark,”⁵¹⁴ although one statement in the Veoci log where the EVP/COO requests information regarding [redacted] “faster than the 15 minute cycle” suggests that regular updates might have actually been provided every fifteen

⁵⁰⁶ Exhibit 46, Annex HSA-06 at 6.

[redacted] Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵¹¹ Nickolas M. Jones et al., *Distress and rumor exposure on social media during a campus lockdown*, 114 PNAS 11663, 11665-66 (Oct. 31, 2017), <https://www.pnas.org/doi/epdf/10.1073/pnas.1708518114>.

⁵¹² See *id.* at 11666.

[redacted] Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵¹⁴ Exhibit 46, Annex SA-02 at 2.

minutes.⁵¹⁵ The IAG call records also suggest that there was some degree of continuous information sharing throughout the response.⁵¹⁶ Therefore, it appears that the IAG received informational updates regularly as contemplated in the CIMP, although, as explained below in Section V.C.5, law enforcement in some instances did not provide the IAG with information as promptly as it could have.

The Incident Assessment Group Annex provides that the IAG remains involved until either the event terminates or the CIMT activates, in whole or in part.⁵¹⁷ Here, the CIMT was added to the Veoci Room at approximately 11:07 p.m., several hours before the IAG call ended.⁵¹⁸ Then the CIMT was partially activated at approximately 11:59 p.m.⁵¹⁹ Although the exact time is not clear from the records we reviewed, records indicate that the CIMT fully activated ultimately.⁵²⁰ However, the IAG call did not deactivate until approximately 3:10 a.m.⁵²¹ Given that the CIMP states that the IAG only remains active until the activation of the full CIMT,⁵²² UVA should ensure there is a sharper demarcation in the transition from the IAG to the larger CIMT, or, to the extent that a slightly more gradual transition is more effective in practice, revise the CIMP to expressly contemplate a transition process between the IAG and the larger CIMT. In multifaceted emergencies such as this incident, it is important to know when one group stands down and another takes control to avoid slippage during a changeover. Here, it does not appear that there was a problematic handoff between the IAG and the full CIMT, but, pursuant to policy, it could have been made more clear (at least in the documentation) and is something that merits further exploration during the next training event.

f. University Communications

Under the Active Threat Annex, University Communications is responsible for several media-related functions during a critical incident.⁵²³ During the response, the University Communications group took responsibility for setting up a media tent and having a media officer on site at Snyder Court.⁵²⁴ This location was less than 300 yards from the crime scene. There were some instances where members of the media encroached on the crime scene.⁵²⁵ This posed obvious risks to the media members' safety and to the integrity of the crime scene. To mitigate these risks in future emergency responses, UVA should take more aggressive and proactive steps to ensure that members of the media stay confined to designated staging areas during critical incidents.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵¹⁷ **Exhibit 46**, Annex SA-02 at 2.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵²² **Exhibit 46**, Annex SA-02 at 2.

⁵²³ *Id.*, Annex HSA-06 at 7.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

g. The EOC and the University's Emergency Operations

At 11:15 p.m., the CIMT received notification that [redacted] was being set up, but that CIMT members should join the Veoci Room, monitor the incoming information, and not report to [redacted] at that time.⁵²⁶

[redacted] Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

As a result, when an EOC activates under the CIMP, one of the functions UVAEM must perform is setting up the physical EOC, which can include “transporting equipment and supplies . . . , setting up workspaces, computers and telephones, and associated technology support.”⁵²⁹ The consequence of using a non-dedicated space is that, when responding to an unplanned event, such as an active shooter, “there may be extended delays in set-up and response due to the auditorium hosting” an unrelated event. Here, despite the EOC being in a “warm state,”⁵³⁰ it appears that some degree of setup was still required before the EOC could activate.⁵³¹ The EOC became operational around twenty minutes after the CIMT received notification that [redacted] was being stood up, at approximately 11:36 p.m.⁵³² To reduce the time needed to stand up a functional EOC, as well as to ensure that UVA is always prepared to implement an immediate response for a no-notice event, such as an active shooter, the University should establish a permanent EOC. Maintaining an always-ready EOC would enable faster activation of the EOC during a no-notice event and would facilitate more effective resource allocation during an emergency. Further, there are also multiple scenarios from weather to a continuous active shooter event whereby equipment and supplies might not be able to be safely secured and transported to a non-permanent EOC. Several other universities have dedicated EOCs. For example, Oklahoma State University maintains a dedicated suite in a hardened location that hosts all equipment and resources needed to manage an emergency response, including operations centers for police and firefighters, campus security cameras, and communications equipment.⁵³³ Illinois State University likewise maintains a dedicated EOC with a video wall that can display feeds from multiple sources, including campus security cameras, as well as a 911 dispatch station.⁵³⁴ Permanent EOCs can be used to manage regular planned events, such as football games, as well as severe weather events, active threats, or other unplanned emergencies. In all cases, maintaining a standing EOC will save critical time that would otherwise be needed for setup.

[redacted] Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵³³ *OSU Emergency Operations Center the key to crisis response*, OKLA. STATE UNIV. (Apr. 27, 2022), https://news.okstate.edu/magazines/state-magazine/articles/2022/spring/osu_emergency_operations_center_the_key_to_crisis_response.html.

⁵³⁴ Kate Arthur, *ISU's Emergency Operations Center creates intelligence hub*, ILL. STATE UNIV. (Jan. 29, 2015), <https://news.illinoisstate.edu/2015/01/isus-emergency-operations-center-creates-intelligence-hub/>.

The CIMP provides that during a Level 3 event, which includes an active shooter incident, the full CIMT should be activated and physically present in an EOC.⁵³⁵ The CIMT follows a unified incident command structure comprised of Command, Operations, Planning, Logistics, and Administration and Finance sections.⁵³⁶ According to a picture of UVA's Command Board posted in the Veoci Room at approximately 4:48 a.m.,⁵³⁷ University personnel received assignments in the Command, Operations, Planning, and Logistics sections.⁵³⁸ At that time, the Finance function did not have anyone assigned, per the Command Board.⁵³⁹ Although the functions of the Finance role generally pertain to issues more relevant to recovery, extended events, and planned events,⁵⁴⁰ the relevant personnel assigned to the Finance function in the command structure should have been physically present at the EOC by this time to comply with the CIMP's requirement that the full CIMT be activated during a Level 3 event.⁵⁴¹

The role of the CIMT during an incident response is to coordinate and support response activities in line with the objectives of preserving life, property, and the environment.⁵⁴² The CIMT's actions in line with these priorities, which followed the deactivation of the IAG call and continued into the morning, are documented in the command post briefings discussed above.⁵⁴³ As the command post briefings reflect, the personnel staffing the EOC considered a number of diverse objectives across disciplines and developed plans to meet those objectives. This is one of the core functions of an EOC.⁵⁴⁴ Based on our review, it appears that UVA's EOC functioned appropriately and as intended.

h. Law enforcement's grid search of Grounds

One of the operational activities conducted during this period was law enforcement's grid search of Grounds Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR P. Law enforcement anticipated that the search would begin at 5:30 a.m. and only take an hour and a half to complete,⁵⁴⁵ but ultimately the search took over four hours.⁵⁴⁶ One approach we have identified to help facilitate faster campus-wide grid searches in the future is for UPD to develop a campus-wide grid search plan and train UPD and other regional law enforcement agencies on that plan. [REDACTED]

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵³⁵ **Exhibit 46** at 14.

⁵³⁶ *Id.* at 21-22.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵⁴⁰ **Exhibit 46** at 21.

⁵⁴¹ *Id.* at 14.

⁵⁴² *Id.* at 32.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵⁴⁴ *See generally* FEMA, NIMS EMERGENCY OPERATIONS CENTER HOW-TO QUICK REFERENCE GUIDE at 3 (2022), https://www.fema.gov/sites/default/files/documents/fema_eoc-quick-reference-guide.pdf.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

4. The initial UVA Alert should have been coordinated sooner.

Although UPD Services issued the initial UVA Alert according to policy, the alert could have, and should have, occurred sooner.

The ECC received the initial 911 call at approximately 10:16 p.m.⁵⁶² At approximately, 10:28 p.m., after being apprised about the shooting by a UPD captain, Deputy Chief Hall sent a text message to the captain and a UPD sergeant directing that they “Activate an emergency alert.”⁵⁶³ According to the CAD records, at approximately 10:29 p.m., UPD Services, which had been seeking permission from the UPD shift commander to issue the initial alert, contacted the ECC supervisor and received a direction to issue the alert because the shooting had been confirmed.⁵⁶⁴ The records indicate that UPD Services was having difficulty connecting with the UPD shift supervisor due to busy radio traffic.⁵⁶⁵ While the UPD shift commander is responsible for notifying UPD Services of an ongoing threat so that a UVA Alert can be sent out, the UPD shift supervisor is also responsible for managing the response at the scene of the incident among other important tasks during a critical incident.⁵⁶⁶ As a result, UPD Services did not issue the initial UVA Alert until 10:32 p.m., sixteen minutes following the initial 911 call.⁵⁶⁷

The prompt dissemination of critical information during an active shooter incident is paramount.⁵⁶⁸ It can take as little as a few minutes for a shooter to move between target areas. For example, in the February 13, 2023 shooting at Michigan State University, following the initial shooting, the suspect traveled to a secondary location and began shooting again approximately seven minutes after the initial “shots fired” call and approximately five minutes after police arrived at the scene of the first shooting.⁵⁶⁹ However, in that case, as in the case of this shooting, the alert went out over fifteen minutes after the initial “shots fired” call.⁵⁷⁰ The consequence was that students and other university community members did not receive notice of the active threat prior to the shooting at the secondary location. Thus, if there is a delay of even fifteen minutes in the issuance of an emergency alert, a shooter could have ample time to move to a secondary location and conduct another attack without warning on another group of unsuspecting victims.⁵⁷¹

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵⁶⁸ See generally THE INTERAGENCY BOARD, *supra* note 494 (“In the active shooter context, it is essential to promptly and effectively communicate critical incident information and clear instructions on the proper public response.”).

⁵⁶⁹ See *News Release: Investigative updates on Feb. 13 shooting*, MICH. STATE UNIV. (Apr. 27, 2023), <https://police.msu.edu/2023/04/27/news-release-investigative-updates-on-feb-13-shooting/>.

⁵⁷⁰ *Id.*

⁵⁷¹ See generally *id.*

Any delay in the issuance of the initial UVA Alert therefore places students, faculty, staff, and community members at risk. Here, the delay in issuing the initial alert appears attributable to difficulties UPD Services had getting in contact with the UPD shift commander to receive authorization to issue the alert. The shift commander, understandably, has a number of high-priority responsibilities during critical incidents, including responding to the scene, taking command on-site, securing the area, responding to any active threats, and confirming the situation is what it was initially reported to be, in addition to directing that UVA Alerts be disseminated. Delegating decision-making authority regarding the issuance of an initial alert, especially in the limited case of active threat incidents, could speed up the process of getting the initial UVA Alert issued as soon as possible. We therefore recommend below that UVA and UPD examine and potentially revise their policies to empower UPD Services to issue an emergency alert where they receive a report of an active shooter.

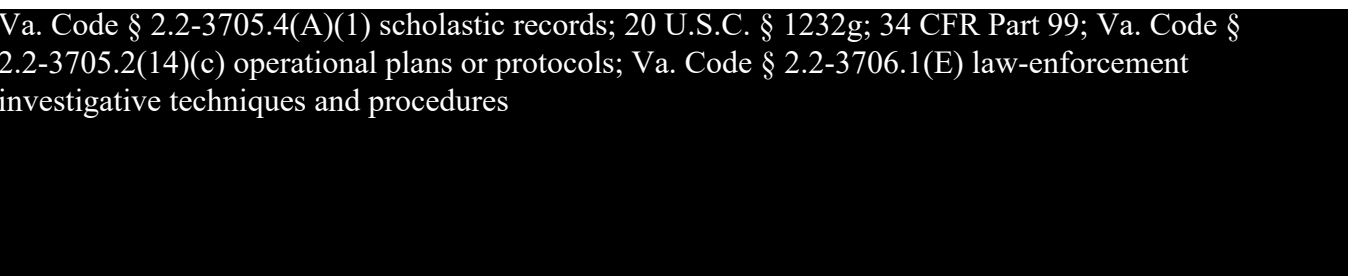
5. There were delays in sharing critical information during the incident response.

We identified delays in critical information being shared between law enforcement and the CIMT, as well as between law enforcement agencies and with the public, that unnecessarily delayed potential responsive actions.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



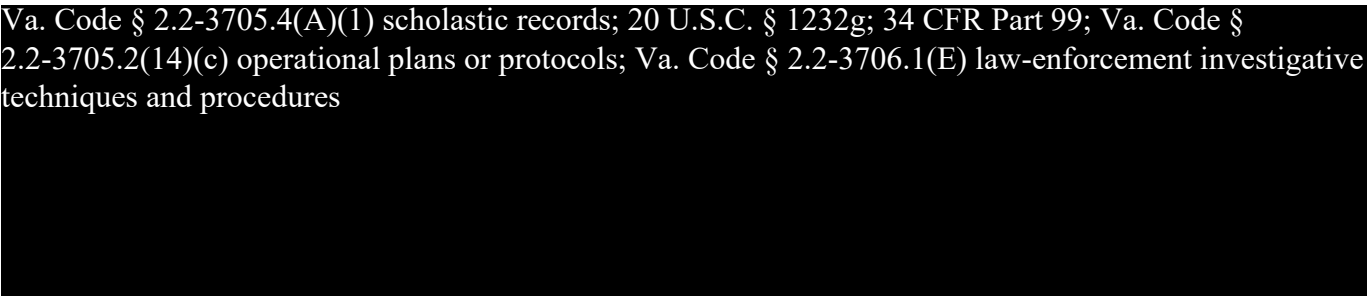
Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Sharing information in a timely manner is essential to the situational awareness and coordination of all parties involved in an emergency response.⁵⁹² Delays in sharing important, time-critical information can lead to delayed responsive action, which has the potential to put lives at risk.⁵⁹³ To avoid such delays in the dissemination of critical information in the future, we recommend that UPD revise its policies, practices, and training to ensure officers elevate critical information and share such information as close to near-real-time as possible with the IAG during emergency events.

6. UPD transported witnesses to safety at the NGRC, but in the process caused other students to feel that their lives were in danger.

One of the priorities identified in the UPD Active Shooter Policy is the assembly and deployment of Rescue Teams, which are responsible for, among other things, extracting victims to a safe area.⁵⁹⁴ Under the Active Threat Annex, one of the priorities for continued management

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁵⁹² See generally Sara Waring et al., *The Role of Information Sharing on Decision Delay during Multiteam Disaster Response*, 22 COGNITION, TECH. & WORK 263, 264 (2020), <https://link.springer.com/article/10.1007/s10111-019-00570-7>.

⁵⁹³ *Id.* at 273.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

of an active attacker event is to make counselling available to, among others, victims.⁵⁹⁵ A little less than three hours after the shooting, UPD transported eleven students who were possible witnesses of the shooting who had been sheltering in the drama building to NGRC.⁵⁹⁶ UPD later escorted CAPS counselors to that location.⁵⁹⁷ This action removed multiple critical witnesses from a traumatic crime scene and placed them in a different location across campus where it was less likely that the shooter would re-emerge. Further, the deployment of counseling services to the witnesses achieves one of the objectives of post-incident management identified in the Active Shooter Annex.⁵⁹⁸

However, law enforcement's entry into the NGRC, apparently without announcement, had the unintended effect of causing other students who were sheltering in place to fear for their lives. On December 30, 2022, several weeks after the shooting, Chief Longo received an email with the subject line "Active Shooter-Parents Safety Concerns" that described a concern that arose during the shooting response.⁵⁹⁹ According to the email, while a group of students was sheltering in place in the NGRC, an unknown person entered the building.⁶⁰⁰ The person did not announce their identity, so the students did not know whether the person was an active shooter or a police officer.⁶⁰¹ The students, fearing for their lives, attempted to exit the building but were stopped by a door that was on a 30-second delay.⁶⁰² As the email notes, this is an "excessive" amount of time to be stuck during a critical incident such as an active shooting.⁶⁰³ Once the door unlocked and the students left the building, they identified through a window that the person who had entered the building was a police officer, as well as other civilians.⁶⁰⁴ The email expressed confusion as to why a police officer who was clearing buildings at the point where a shooter is no longer active would not announce their presence, and that the officer's failure to announce his presence unnecessarily struck fear in the students.⁶⁰⁵

When we discussed the incident reflected in the December 30, 2022 email with Chief Longo, he confirmed that generally UPD officers should announce "police" on entry into an academic building where safe and feasible. In response to our questions about the failure of police to announce their entry into the NGRC, Chief Longo added that UPD would prioritize regional response training to ensure that officers from assisting agencies would be operating under the same protocol. We therefore agree with the sender of the email that the officer should have announced his or her presence if he or she believed it were safe to do so. There is an obvious safety concern with University officials occupying a building that law enforcement has not cleared during a manhunt for a potentially armed fugitive. There is also the risk, as happened here, that by failing

⁵⁹⁵ **Exhibit 46**, Annex HSA-06 at 6.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

to announce law enforcement presence, occupants of buildings may mistake police officers making entry for threats.

We accordingly recommend that UPD ensure through policies and training that officers, including partners from regional agencies, announce their police affiliation upon entry into buildings that are being cleared or otherwise occupied for use; provided that the officer determines that it is safe to announce his or her presence.

The response by law enforcement and the University to the initial 911 call about the shooting resulted in [redacted] without further direct injury. By that metric, the University's emergency response achieved its objective. As identified above, there are areas where UPD and the University could have performed better and potentially shortened the manhunt and lockdown that followed the shooting, particularly with regard to timely dissemination of critical information. To help the University and UPD prepare for the unfortunate possibility of a future active threat incident at UVA, we make several recommendations below at Section V.F.

D. UVA Hotwash and After-Action Report

Following the shooting, UVAEM led two after-action reviews of the University's response to the shooting, as required by the CIMP.⁶⁰⁶ The first review, which occurred approximately one week after the shooting, resulted in the drafting of a short assessment of the University's response to the shooting called the "November 13 Incident Hotwash" (the "Hotwash").⁶⁰⁷ The second review occurred on February 2, 2023, and resulted in a more comprehensive and forward-looking "November 13 Active Attacker After-Action Report" (the "AAR").⁶⁰⁸ Per the AAR, the Hotwash addressed the key takeaways from the first twenty-four hours of the response to the shooting.⁶⁰⁹ The AAR, however, considered both the initial twenty-four-hour response addressed by the Hotwash, as well as the recovery period that extended to November 21, 2022.⁶¹⁰ As noted above, the recovery period [redacted] is outside the scope of our mandate.

In this Section, we summarize the findings and recommendations contained in both the Hotwash and the AAR. Later, in Section V.E below, we analyze the portions of these documents encompassed by our mandate, namely the items relevant to critical incident response and emergency operations up until [redacted], and explain our position on the various recommendations proposed in the AAR.

⁶⁰⁶ Exhibit 46 at 34.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

1. UVA Shooting Hotwash

The Hotwash document identified a list of multiple “areas to sustain” and “areas to improve.”⁶¹¹ In the “areas to sustain” section, the Hotwash credited UVA for issuing a clear initial UVA Alert, and for the IAG and specific departments involved in the response acting according to plan.⁶¹² Specifically, the Hotwash stated that team members understood their roles and mobilized rapidly and that the University should continue training the University’s emergency response teams to increase their familiarity with the process.⁶¹³ The Hotwash also stated that the training and decision-making by police supervisors, particularly with respect to resource deployment and making internal and external requests, “saved lives.”⁶¹⁴ The Hotwash credited the EOC becoming quickly operational at [redacted], in part because the EOC was “in a warm state from a previous event.”⁶¹⁵ The Hotwash also identified the activation of an emergency hotline as effective and helpful.⁶¹⁶ The Hotwash lauded the University’s inclusion of University Communications in the IAG call, as well as the inclusion of points of contact for various other stakeholders, as the magnitude of the critical incident became apparent.⁶¹⁷

In the “areas to improve” section, the Hotwash identified potential future enhancements to certain areas of UVA’s emergency response system, including UPD, the UVA Alert system, the CIMT, and communications.⁶¹⁸

With respect to UPD, the Hotwash suggested amending relevant protocols to allow UPD Services to exercise “some level of informed decision making” about issuing UVA Alerts during critical incidents.⁶¹⁹ The Hotwash also recommended that UPD supervisors receive “consistent refresher trainings” with respect to on-scene command post “set-up prioritization.”⁶²⁰

The Hotwash made several recommendations for potential improvements to the UVA Alert system. Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

[redacted]

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

The Hotwash also made several procedural and operational suggestions for the CIMT and its components. The Hotwash suggested that additional annexes or language be added to the CIMP to address other “ancillary support services” operating in the EOC.⁶²⁷ The Hotwash also recommended that an automatic call function be considered once the CIMT is activated, whereby CIMT members receive an automated call to supplement the text and email notifications notifying them of the activation, as well as that a roll call process that would not tie up discussion during calls be identified.⁶²⁸ The Hotwash suggested that UVAEM pin a summary of the incident to the Veoci Room,⁶²⁹ which would assist CIMT members joining the call during rapidly evolving events to get caught up. The Hotwash recommended that a “warm, dedicated EOC” be identified to further facilitate future emergency responses.⁶³⁰ Further, the Hotwash recommended that the Director of Threat Assessment join the IAG to ensure all available University resources are in play during the University’s response to critical incidents.⁶³¹

As to communications, the Hotwash noted a need to address an active threat deployment and communication plan with the ECC.⁶³² Confusion caused by certain language in the President’s message relating to certain employees being asked to come to work during the shelter-in-place order was acknowledged.⁶³³ The Hotwash recommended that designated media staging locations be established in advance of future events or incidents.⁶³⁴ Finally, the Hotwash suggested that communications processes involving the UVA Medical Center and confirmation of victims in a “compliant manner” be developed.⁶³⁵

2. UVA Shooting After-Action Report

The AAR provided a synopsis of the University’s response to the shooting, including a summary and chronology of key events relevant to the University’s emergency response.⁶³⁶ As noted above, the AAR covers both the immediate emergency response to the shooting as well as the subsequent recovery period.

Many of the “areas to sustain” overlapped between the Hotwash and the AAR.⁶³⁷ The AAR stated that communications to the public were “clear and timely” and that quick communication

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

support was critical to the University's response.⁶³⁸ The AAR also praised the training that CIMT members and law enforcement had received.⁶³⁹ As in the Hotwash, the AAR stated that there was a "quick and seamless" transition into [redacted] due to it being "already in a warm state from a previous event."⁶⁴⁰ The AAR also praised the Veoci technology, and stated that "the University must continue to leverage [redacted] and Veoci for emergency response."⁶⁴¹ Finally, the AAR stated that keeping the EOC operational through Tuesday, November 15, 2022, was important for addressing continued needs, but that transitioning to a virtual EOC afterwards was appropriate.⁶⁴²

The AAR identified several "areas for improvement."⁶⁴³ The "areas for improvement" were broadly categorized as relating to communications, team and training, infrastructure, command post operations, and miscellaneous.

Communications. The AAR recognized that University officials did not utilize UVA's emergency siren system according to protocol during the event.⁶⁴⁴ The AAR stated that the activation of the siren provides notice to those who are not in a position to receive UVA Alerts, such as those away from their phones.⁶⁴⁵ The AAR acknowledged reports that some community members did not receive the alerts.⁶⁴⁶ According to the AAR, the reason for this was that the community members had not registered their phone numbers to receive the alerts, or that their particular affiliation (such as the JAG school) did not receive the alerts.⁶⁴⁷ The AAR recognized the need to develop a system that would "improve the timeliness of the initial" UVA Alert and on-scene coordination, explaining that the UPD shift commander, who is responsible for providing the notification for UVA Alerts to be sent, has to address conflicting priorities during a critical incident.⁶⁴⁸ The AAR also noted that there was generally positive community feedback regarding the content and frequency of the alerts, although there was confusion among Medical Center employees and off-Grounds students as to what actions they should take.⁶⁴⁹ The AAR stated that for community members who have not opted to receive UVA Alerts, other communications methods could be used to spread the content of emergency alerts.⁶⁵⁰ Finally, the AAR noted that members of the media encroached on the crime scene, despite a media staging area being identified.⁶⁵¹

Team & Training. The AAR identified value in emergency response training being provided to the entire University community on a mandatory basis.⁶⁵² The AAR further

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

recommended additional training for the CIMT on the Incident Command System to better cement their respective understandings of their roles and responsibilities during an incident response.⁶⁵³ The AAR also stated that the development of an Incident Action Plan when the EOC opened may have provided more structure to the response.⁶⁵⁴ The AAR stated that if future incidents required staffing the EOC longer than forty eight hours, staffing certain functions could become difficult.⁶⁵⁵ While the circumstances of the shooting response demanded in-person coordination and collaboration, there were safety concerns involved in recalling non-sworn CIMT members and other personnel to campus, and the ARR recognized the need to ensure there is a way for non-sworn personnel to safely return to campus in the middle of a critical incident.⁶⁵⁶ During the incident response, there were also requests for resources directed to non-CIMT components of the University which were not answered promptly.⁶⁵⁷ The AAR recognized the importance of being able to get in contact with important resources during critical incidents, regardless of whether those resources were a CIMT component.⁶⁵⁸

Infrastructure. The AAR noted that, because Va. Code § 2.2-3705.2(14)(c) operational is not solely dedicated to serving as an EOC, there are logistical delays with standing up the EOC during no-notice unplanned events.⁶⁵⁹ The AAR also reported security concerns as University officials used other buildings across campus for various functions, including instances where students were sheltering-in-place within certain buildings but did not receive notice that University officials were utilizing the building, which created safety concerns.⁶⁶⁰ The AAR reiterated the need, as recognized in the Hotwash, for the Veoci Room to have a pinned summary of the event so that when CIMT members joined the Veoci Room, they could quickly catch up rather than scrolling through all the messages that populated during the IAG call.⁶⁶¹

Command Post Operations & Logistics. The AAR acknowledged difficulties with providing supplies to the command post during extended operation, particularly noting the difficulty finding food vendors and sources of other necessary supplies for the command post.⁶⁶² The AAR also stated that certain groups that had been physically present at the EOC on November 14, 2022, were “inconsistently represented” at the EOC the following day.⁶⁶³

Miscellaneous. The AAR recognized challenges associated with identifying relevant individuals who were involved in the class trip due to the sometimes-siloed nature of the University, and specifically the lack of a centralized database identifying University-related events.⁶⁶⁴ The AAR also acknowledged that the CIMT had issues with accounting for those

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

sheltering-in-place on campus and distributing supplies (such as food and water) during the lockdown.⁶⁶⁵ During the recovery period, the AAR reported a decrease in collaboration and less-consistent efforts to provide care for faculty and staff as compared to students.⁶⁶⁶ The AAR also noted specific communications challenges with communicating death notifications that needed clearer protocols.⁶⁶⁷ The AAR stated that, in addition to any legislative proposals to make university campuses more safe, the University should consider any appropriate methods to secure campus while the legislative process plays out.⁶⁶⁸ The AAR also noted that the lack of clear protocols regarding communications by those outside of legal and hurdles for Academic Division leaders in obtaining personal information regarding the victims made the death notifications and other communications with family members even more challenging.⁶⁶⁹

The AAR included an improvement plan detailing the University’s plan for “corrective action” for each of the identified “areas for improvement.”⁶⁷⁰ The improvement plan identified the following action items, which we summarize and categorize by general topic (as organized in the AAR) for clarity and brevity:

Communications⁶⁷¹

- Provide training to UPD Services and relevant UVA Health personnel on the emergency siren system protocols.
- Identify which community members are not automatically enrolled in email alerts and conduct targeted outreach to those groups.
- Review UPD Services protocol to allow for “informed decision making” relating to sending alerts during critical incidents.
- UVA Health should evaluate procedures for supplemental alerts to hospital employees.
- UVA Health should identify how to navigate staffing shifts safely during a critical incident.
- UVA should clarify the impacts of a critical incident on whether staff must report to Grounds.
- The IAG’s Assessment Reference Sheet should include consideration of language providing direction to off-Grounds communities.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

- Update the UPD Services protocol to include coordination with the ECC to amplify alert messages through Code Red.⁶⁷²
- Pre-identify media staging locations and communicate those locations to the media prior to any incident.

Team and Training⁶⁷³

- Create a comprehensive but condensed mandatory training program for key stakeholders in the community who do not necessarily have a role in emergency management.
- Make the University’s video training program mandatory for all community members on an annual basis.
- Provide training to the CIMT on basic incident command structure concepts and apply those concepts in exercises.
- Provide continued training to UPD regarding on-scene command post set-up and incident command structure.
- All CIMT components should evaluate their “bench depth” and the impacts of an extended event of routine functions, then communicate their findings to UVAEM.
- The CIMT should have familiarity with the repository of key mutual aid agreements, and such agreements should be incorporated in future training.
- Develop a protocol to safely transport team members to locations for in-person coordination during a critical incident.
- Identify an off-Grounds EOC location for continuity and safety.
- Identify critical resources not represented on the CIMT and identify multiple points of contact for each.

Infrastructure⁶⁷⁴

- Make Va. Code § 2.2-3705.2(14)(c) operational the dedicated EOC and retrofit the space with customized emergency response equipment.

⁶⁷² According to Chief Longo, Code Red is an emergency alert vendor that the ECC used to send emergency alerts to the regional community. At the time of this writing, the ECC is in the process of transitioning to another similar platform, Rave, which is the emergency alert platform that UVA currently uses.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

- Identify other University buildings likely to be used during and after a critical incident and train relevant facility personnel on what will be needed from them.
- Plans to utilize particular buildings during emergency responses should include protocol for clearing the buildings prior to use and for providing security while in use.
- UVAEM should ensure that IAG protocols ensure that a summary of an event is pinned at the top of the Veoci platform.

Command Post Operations⁶⁷⁵

- Review and revise job action sheets to ensure that all Sections understand their roles and provide training on the same.
- Explore the concept of developing a food service plan during disasters and sustained incidents.
- Identify what additional supplies may be needed during a critical incident response and develop a procedure for how to distribute the supplies.
- Provide the CIMT with additional training on sustained responsibilities during the recovery period in the immediate aftermath of an incident.

Other Corrective Actions⁶⁷⁶

- Develop a centralized system that tracks events on Grounds and other activities, including University-related travel.
- Develop processes to maintain accounting of students, faculty, and staff, as well as their needs, during an extended incident.
- Identify technology for members of the community to self-report their location and needs.
- Spend more time during training addressing recovery matters.
- During the recovery phase, keep a physical command post staffed with key personnel.
- Develop a recovery annex to the CIMP for situations not covered by the University's Continuity of Operations Plan and identify key personnel to receive community recovery training.

- Review University policies to ensure safety and security on Grounds with respect to weapons.
- Scripts should be developed regarding death notifications for personnel who do not have “legal purview” over such notifications, and a protocol should be developed regarding who is to be provided with these scripts during critical incidents.
- Develop a legally compliant communication process between the Medical Center and the University regarding the confirmation of victims, and consider developing a written policy formalizing the process.

3. UPD Deputy Chief Hall Memorandum

Also appended to the AAR was a memorandum prepared by Deputy Chief Bryant Hall summarizing his thoughts as Incident Commander on the response to the shooting.⁶⁷⁷ The memorandum acknowledged that there was a delay in issuing the emergency alert, notwithstanding the requirement that UPD Services issue the alert “without delay.”⁶⁷⁸ The memorandum also noted that, during the event, UPD had four officers and one supervisor working, and as such it was not “realistic” for the officers working that night to secure the crime scene perimeter, [REDACTED]

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99 [REDACTED] Assistance from other law enforcement agencies was therefore critical.⁶⁸⁰ Deputy Chief Hall noted that officers had not established a command post by the time he arrived on-scene, and, while this was an area for improvement, the focus on other priorities given the limited resources available were “understandable.”⁶⁸¹ Deputy Chief Hall also wrote that, during the initial stages of the response, he activated all units and began releasing units once the situation stabilized.⁶⁸² In retrospect, Deputy Chief Hall wrote, the decision to start releasing units could have been made earlier.⁶⁸³ The memorandum also noted that civilian personnel were operating in an unsecured environment to deliver food and water without the Incident Commander’s knowledge, and that as Incident Commander, Deputy Chief Hall should have known about the civilian personnel and had law enforcement establish a safe route for them.⁶⁸⁴ The memorandum also noted that members of the media were closer to the command post than they should have been, and that a media staging area should have been established sooner.⁶⁸⁵

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99 [REDACTED]

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures [REDACTED]

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Deputy Chief Hall’s memorandum reported that many things went well during UPD’s response to the incident, including how officers secured the crime scene with limited resources, how the transition to the EOC was “seamless” due to training and readiness drills, and how promptly UPD resources deployed in response to the shooting.⁶⁸⁹ Deputy Chief Hall wrote that the IAG call facilitated the statewide BOLO, Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99, activating resources, and communicating with the Medical Center.⁶⁹⁰ The memorandum concluded by commending the courage and honor of the officers who served during the response.⁶⁹¹

E. Analysis of UVA’s After-Action Reviews

As explained above, the CIMP requires UVAEM to coordinate after-action reviews following incidents covered by the CIMP.⁶⁹² A corrective action plan addressing any deficiencies identified through such reviews must be developed as well.⁶⁹³ Following the shooting, UVA conducted two self-assessments, which are documented in the Hotwash and the AAR of the shooting response. The University similarly conducted a review and produced an AAR of the tabletop active shooter response exercise that the University conducted on June 17, 2022. We summarize details of the review in Appendix A.

In this Section, we analyze how certain key findings from the tabletop exercise were, or should have been, factored into the University’s response to the shooting. We then review critical elements of UVA’s self-assessment of the University’s emergency response to the shooting, as documented in the Hotwash and AAR.

1. Analysis of the Tabletop Exercise After-Action Report

Although CIMT members reported feeling well prepared during the emergency response to the shooting due to the tabletop training exercise the University conducted five months prior, we identified a few areas relevant to the response stage of the University’s emergency operations

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁶⁹² Exhibit 46 at 34.

⁶⁹³ *Id.*

where the CIMT did not perform as well during the shooting response as it should have, given the strengths identified in the tabletop AAR.

As a preliminary matter, the AAR for the tabletop exercise⁶⁹⁴ should have been completed sooner. As a general rule, AARs should be completed and circulated in a timely manner in order to serve the intended purpose.⁶⁹⁵ The CIMT participated in an active shooter and mass casualty exercise on June 17, 2022,⁶⁹⁶ but the University did not finalize the report analyzing the CIMT's performance and identifying areas for improvement until January 2, 2023.⁶⁹⁷ The six-and-a-half month delay between the tabletop exercise and the completion of the AAR for the exercise missed a critical opportunity for UVA to implement lessons learned from the exercise prior to the shooting on November 13, 2022.

The AAR assessed the CIMT's performance in some areas as a strength, though the real-world experience of the shooting response highlighted a need to improve some of those areas. For example, the tabletop AAR stated that relevant components of the CIMT "successfully discussed processes and challenges for acquiring and deploying equipment, supplies, and facilities to support incident operations."⁶⁹⁸ During the shooting response, however, the CIMT experienced difficulty acquiring food and other supplies to support the sustained operations of the EOC during an unplanned event, and did not appropriately assign responsibility for obtaining food and supplies to the Logistics Section of the EOG.⁶⁹⁹ The tabletop AAR also lauded the exercise participants' understanding of communications content and channels, as well as the importance of disseminating information to students and other key constituencies.⁷⁰⁰ However, the actual response revealed gaps in the University's communications channels. For example, certain groups within the University community did not receive UVA Alerts.⁷⁰¹ These discrepancies underscore the limitations of tabletop training and the need for actual practice exercises and systems tests.

We also note that the tabletop AAR accurately identified media encroachment on the crime scene would be an issue, but overemphasized the location of the media staging area as a contributing factor to the encroachment issue. During the exercise, participants identified Fontaine Research Park as a media staging location.⁷⁰² This staging area is approximately one mile from the crime scene in the training scenario, Rice Hall. The tabletop AAR determined that the distance from the incident location may "inadvertently encourage media to scatter closer to the scene

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁶⁹⁵ See G.W. Parker, *Best practices for after-action review: turning lessons observed into lessons learned for preparedness policy* 39(2) REV. SCI. TECH. OFF. INT. EPIZ. 579, 583 (2020), <https://doc.woah.org/dyn/portal/digidoc.xhtml?statelessToken=r2wmdmVtfl5UxU1Q0Gdn6u-6U12z3MqsZYsMnIx7gQ=&actionMethod=dyn%2Fportal%2Fdigidoc.xhtml%3AdownloadAttachment.openStal ess>.

⁶⁹⁶ **Exhibit 46** at 2.

⁶⁹⁷ *Id.* at cover page.

⁶⁹⁸ *Id.* at 5.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

...⁷⁰³ Despite UVA having previously identified media encroachment as an issue, members of the media encroached on the scene during the response to the November 13 shooting.⁷⁰⁴ In this instance, however, the media staging area during the response was relatively near the crime scene (approximately 300 yards away), rather than nearly a mile away as was the case during the tabletop exercise. It is therefore not clear that staging location is the most determinative factor for ensuring that members of the media do not encroach on active crime scenes.

2. Analysis of the Active Shooter Event Hotwash and After-Action Report

We agree with many of the University's self-assessments regarding important "areas to improve" and associated proposed corrective actions to improve its response capabilities.

In Section V.C above, we identified and analyzed the University's failure to utilize the emergency siren system, the lack of timeliness of the initial UVA Alert, the need to reinforce on-scene command post prioritization, the importance of protecting the crime scene from encroachment by the media, the advisability of developing a dedicated EOC, and the need to develop protocols for law enforcement clearing academic buildings for use during a critical incident. Our recommendations for these issues generally align with those identified in the AAR. In addition to these items, we think it important to offer our opinion on some of the key corrective actions identified in the AAR.

The AAR identifies several issues and corrective actions geared towards expanding the reach of UVA's emergency messaging during an emergency.⁷⁰⁵ We agree that improvements in this area are appropriate to ensure that the University disseminates emergency alerts to the entire University community. Specifically, the AAR identified that some members of the University did not receive the UVA Alerts, but that the ultimate reason was that these individuals had not opted into Rave, UVA's emergency notification system.⁷⁰⁶ In line with the Hotwash's recommendation that the University prioritize an opt-out system for UVA Alerts, UVA transitioned from an opt-in system to an opt-out system following the shooting. According to Chief Longo, the percentage of students registered to receive UVA Alerts by text message increased from around 30-40% to approximately 85% following the transition. The AAR also recommended that UPD Services leverage the ECC's region-wide community alert platform to further expand the reach of initial emergency notifications. We note that, according to Chief Longo, the ECC is transitioning its emergency notification platform to Rave, the same vendor currently used by UVA, which may serve to facilitate easier dissemination of future UVA Alerts to the entire region. Both of these actions improve UVA's emergency response capabilities by extending the reach of the University's emergency notification system.

The AAR also makes several proposals to implement additional trainings, which we agree would help prepare the University for future critical incidents. One such proposal would

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

implement mandatory training across the entire University community.⁷⁰⁷ The training would consist of the University’s active threat video,⁷⁰⁸ which all students, faculty, and staff would be required to review annually.⁷⁰⁹ Another proposal would have the CIMT undergo basic ICS⁷¹⁰ training, as well as position-specific training for certain personnel.⁷¹¹ According to the CIMP, the EOG operates under a unified management philosophy based on the ICS.⁷¹² The AAR suggests that additional training on ICS would help CIMT members better understand their roles.⁷¹³ The AAR proposes several other preparations for future emergency responses, such as developing a comprehensive training program for key stakeholders, integrating mutual aid agreements such as the National Intercollegiate Mutual Aid Agreement into future training, and evaluating bench depth and how a prolonged emergency response could affect routine operations.⁷¹⁴ Identifying lessons learned and developing a plan to implement those lessons is key to preparing for future emergencies.⁷¹⁵ Even in the absence of particular deficiencies or failures, it is appropriate for UVA to identify improvements to its training and preparedness processes.

F. Recommendations

As noted at the outset, the active shooter incident on November 13, 2022, ended without further loss of life following the initial shooting. By that all-important metric, the response following the initial shooting was positive. However, based on the above analysis, we have identified the following recommendations for improvements to the University and UPD’s active shooting response protocols to ensure continued adherence to best practices, the closing of perceived gaps, which thankfully did not result in additional loss of life, and further areas of improvement based upon the response to this active shooting event.

- 1. *The University should empower UPD Services to issue UVA Alerts immediately upon learning of an active threat on Grounds and train personnel to issue such alerts without delay.*** UPD Services did not issue the initial UVA Alert until approximately sixteen minutes after the first 911 call reporting the shooting.⁷¹⁶ It appears that UPD Services, the division of UPD responsible for issuing such alerts, was having trouble getting in touch with the shift supervisor to get permission to issue the alert.⁷¹⁷ However, timeliness is critical when communicating with the public about an active shooter.⁷¹⁸ A shooter may only need a few minutes to travel to a secondary location and commit further acts of

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁷⁰⁸ *Active Attacker Training and Response Video*, UNIV. OF VA., <https://vimeo.com/786727692/b42c8bde25>.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁷¹⁰ ICS is a standardized command hierarchy used by both organizations and the private sector. *See* FEMA, *National Incident Management System* 24 (3d ed. 2017), https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁷¹² **Exhibit 46** at 21.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁷¹⁵ *See generally* Parker, *supra* note 695, at 584.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁷¹⁸ *See, e.g.*, THE INTERAGENCY BOARD, *supra* note 494 (“In the active shooter context, it is essential to promptly and effectively communicate critical incident information and clear instructions on the proper public response.”).

violence after an initial shooting.⁷¹⁹ Therefore, delay in alerting the public to such threats unnecessarily places people at risk. In accordance with the corrective action on this point identified in the AAR, we agree and recommend that UPD and UVA revise relevant policies to delegate “informed decision making” authority to UPD Services to empower this division to immediately issue a UVA Alert upon learning of an active threat without needing to seek shift supervisor approval.

- 2. UPD should review its policies and practices to ensure that the department shares critical information in real-time or near-real-time with the IAG during emergency events.** As explained above, there were several delays in the sharing of information during the response where, if critical information were shared earlier, [REDACTED]

[REDACTED] and the entire lockdown of Grounds resolved faster.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



[REDACTED] To prevent such delays in the future, we recommend that UPD revise its policies and practices and provide appropriate training to its personnel to ensure that UPD personnel elevate critical information internally to be shared in real-time or near-real-time with the IAG during critical incidents.

⁷¹⁹ See, e.g., Mich. State Univ., *supra* note 569.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

3. *UVA should establish a permanent EOC that can activate immediately in response to no-notice events.* Despite being in a “warm state” from a previous event at the time of the shooting,⁷²⁷ [redacted], UVA’s primary EOC, still appears to have required some amount of setup before being ready for activation.

[redacted] Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

[redacted] One solution to this problem is to maintain a permanent, dedicated EOC so that immediate activation in response to a no-notice event is possible and resources that would otherwise be needed for EOC setup can be deployed elsewhere. As noted above, other universities including Oklahoma State University⁷³⁰ and Illinois State University⁷³¹ maintain permanent EOCs outfitted with the equipment necessary to manage an emergency response. We therefore agree with and endorse the AAR’s suggestion to designate [redacted], or a similarly suitable space, as a permanent EOC and to retrofit the space with emergency response equipment,⁷³² including operations centers for emergency response personnel, communications equipment, and, as discussed below, the Camera Control Monitoring Center.

4. Va. Code § 2.2-3705.2(14)(c) operational plans or protocols or security systems; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

[redacted]

[redacted] Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁷³⁰ Okla. State Univ., *supra* note 533.

⁷³¹ Kate Arthur, *ISU’s Emergency Operations Center creates intelligence hub*, ILL. STATE UNIV. (Jan. 29, 2015), <https://news.illinoisstate.edu/2015/01/isus-emergency-operations-center-creates-intelligence-hub/>.

[redacted] Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁷³³ Okla. State Univ., *supra* note 533.

⁷³⁴ Arthur, *supra* note 722.

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols or security systems; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures; Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

5. ***UVA should develop and train regional law enforcement on a designated grid search plan designed to expedite campus-wide searches.*** In the early morning hours of November 14, 2022, law enforcement conducted a grid search of Grounds.⁷³⁵ Despite law enforcement only anticipating that the search would take an hour and a half, the search ended up taking closer to four hours.⁷³⁶ One approach we have identified with the potential to facilitate faster campus-wide grid searches in the future is for UPD to develop, or outsource to one of multiple commercial companies that have this specialization, a designated and frequently updated campus-wide grid search plan and train with regional law enforcement agencies on that plan. Although resource constraints will factor into how quickly law enforcement can complete grid searches, even with an advance plan, pre-determined search grids and protocols, which are updated as buildings are renovated, removed or constructed, coupled with associated training would put law enforcement in the best position to both accurately estimate the time needed to sweep Grounds and to actually clear Grounds following the implementation of a campus-wide search.
6. ***UPD officers should receive additional training regarding on-scene command post set-up.*** Despite multiple policies directing the first responding UPD officer to establish an on-scene command post in the event of an active shooter,⁷³⁷ it took substantially longer to establish a command post in response to the shooting. It is a recognized best practice that law enforcement establish a command post to coordinate the response to an active shooter, and this typically happens immediately upon the arrival of the first units to respond.⁷³⁸ We therefore agree with the AAR's recommendation that UPD officers receive additional training regarding on-scene command post set-up.⁷³⁹

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

46, Annex HSA-06 at 6.

⁷³⁸ See generally THE INTERAGENCY BOARD, *supra* note 494.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁷⁴¹ See generally U.S. DEP'T OF JUSTICE, *supra* note 554 ("Document information obtained from the witness, including the witness' identity, in a written report.").

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

8. *UPD should develop and implement policies and training ensuring that officers, including partners from regional agencies, announce their presence before entering buildings during critical incidents where safe and feasible to do so.* During the shelter in place order, law enforcement entered in the NGRC, and possibly other buildings, without announcing their identity as police, causing students sheltering in that building, unaware of whether it was law enforcement or an active shooter who had just entered the building, to fear for their lives.⁷⁴² UPD officers are generally supposed to announce their presence when entering a building, where safe and feasible, according to Chief Longo. However, the law enforcement officers who entered the NGRC did not do so. The AAR proposed that protocols be developed for vacating buildings intended for use during critical incident responses.⁷⁴³ Given the obvious safety concerns of entering an uncleared building while an active shooter remains at large, as well as the harms caused when sheltering students are trapped in a building and hear an unknown person enter, we agree with this proposal. We accordingly recommend that UPD ensure through policies and training that officers, including partners from regional agencies, announce their police affiliation upon entry into buildings that are being cleared or otherwise occupied for use where feasible and safe to do so.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99; Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures