



City of Virginia Beach

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April 24, 2020

The Honorable Robert M. Dyer, Mayor
and Members of City Council

Subject: VBPD Interim Investigative Executive Summary – May 31, 2019

Dear Mayor and Members of City Council:

Attached for your review are the Police Department's Interim Investigative Executive Summary of the May 31, 2019, Building 2 tragedy and the transmittal memorandum from Chief of Police Jim Cervera. The purpose of this report is to provide an update on the investigation and progress made to date by the Police Department and its cooperating agencies.

Our detectives have dedicated countless hours identifying the who, what, where, when and how of this senseless tragedy. Unfortunately, the answer to "why" may be something we will never know.

Please contact me or Deputy City Manager Steve Cover should you have any questions.

Sincerely,

Thomas M. Leahy
Acting City Manager

Attachment (1)



City of Virginia Beach

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INTER-OFFICE MEMORANDUM

DATE: April 24, 2020
TO: Thomas M. Leahy, City Manager *TML*
Via: Steven R. Cover, Deputy City Manager *SR*
FROM: Chief James A. Cervera *JAC*
SUBJECT: May 31, 2019 Mass Homicide Updated Executive Summary

Attached is an updated summary of the status of the investigation into the mass shooting in building 2 on May 31, 2019. As we approach the anniversary of that tragic day, our entire agency, and no doubt our community, have reflected on that day and individually or collectively sought to understand why this tragedy took place. It should go without saying, the suspect had a reason for why he decided to bring two weapons to work on that day and waited until 4 pm to engage in a shooting spree, killing 12 innocent people and injuring 5 others. His actions were not an accident. For 329 days, members of the Virginia Beach Police Department's Detective Bureau, along with others, have sought to discover what that reason might have been.

The contents of this updated executive summary are an attempt to provide context into the many days invested in pursuit of answers. We have sought to clarify open source information that has already been reported by others, address some commonly held inaccuracies and theories as well as provide the reader with a clearer understanding on how the investigative team operated and drew conclusions.

Although we have yet to determine a motive for this senseless crime, we continue to seek answers.

On the eve of my last week as the leader of the finest police department in the country, I want to take this opportunity to brief you and City Council on the dedicated work performed by the men and women of the Virginia Beach Police Department's Investigative Division. We will never forget May 31, 2019. We will never forget how we felt that first hour, day, week or month. A year later, we will never, and should never, take for granted how precious life is and how important each member of our workforce is to the fabric of our community.

May 31, 2019 Mass Homicide Updated Executive Summary



Chief James A. Cervera
Virginia Beach Police Department
April 24, 2020





**Those we love don't go away,
They walk beside us every day,
Unseen, unheard, but always near,
Still loved, still missed, and very dear.**

-Author Unknown

This summary report is provided to City leadership and contains an overview of the status of the investigation into the May 31, 2019 mass shooting. From the very early stages of the incident to the date of this report, the investigative decisions made, and actions taken, were predominately planned, organized and methodically rendered based on information known at the time. From the inception of this investigation to its conclusion, the core strategy was to establish and maintain a strong team approach by developing a collaborative relationship with other law enforcement agencies, none more relevant than the Federal Bureau of Investigations. The bulk of this investigative information and evidence gathering has been completed along with the review of all the electronic data seized. The current state of the investigation is now focused on the analytical evaluation of all the known information collected. The final criminal investigative report is anticipated to be completed and approved by the Chief of Police by the Fall of 2020. The disposition of that report is likely to be Exceptionally Cleared (see appendix B) based on the shooter's death and no possibility of any future prosecution. That final investigative report is confidential and will not be released to the public. It should be noted that 100% of the Virginia Beach Police Department's investigative work-product and evidence was made available to the Independent Investigation conducted by the Hillard Heintze Company.

Incident

On May 31, 2019, just prior to 4:03 pm, City of Virginia Beach Public Utilities Engineer Dewayne Craddock, henceforth referenced as the Suspect, commenced the shooting of 17 people, resulting in the death of 12 and critically injuring 4 others, in and around Building 2 of the City's Municipal Center. A fifth victim, a Virginia Beach Police Officer, was shot but was not seriously injured. Law Enforcement arrived and entered Building 2 at 4:10 pm. Officers searched for and located the Suspect on the 2nd floor. The lead officer observed the Suspect pointing a handgun at him, resulting in the officer defending himself and firing and striking the Suspect. Although the Suspect was behind a locked door, the officer could clearly see him through the door's window. The Suspect, injured but still active, maneuvered through the hallway, out of the view of the officers. The officers were unable to pursue the Suspect due to the door being locked. The officers, at that time, did not have permission rights to the key entry doors (Lenel) within Building 2. The Suspect positioned himself behind a second locked door located north of and behind the officers. The Suspect ambushed the officers by rapidly firing multiple shots of 45 caliber handgun rounds through the locked door directly at the four officers who were standing in the hallway. One of the officers was shot in the torso by one round. The shot was absorbed by the officer's ballistic panel. As the injured officer was being evacuated under fire, remaining officers continued to return fire. A stand-off occurred until police SWAT executed a tactical maneuver to breach the locked door and take the Suspect into custody. Once in custody, medical care was immediately rendered and maintained through transport to the hospital. The Suspect succumbed to his injuries and was pronounced deceased at 5:32 pm.

The entire incident lasted approximately 44 minutes. The time frame from the first victim being shot, just prior to 4:03 pm, to the first 911 call at 4:06:32 pm was approximately 3 minutes and 30 seconds. Police entered the building at 4:10 pm approximately 2 minutes from call dispatch at 4:08:19 pm. The Suspect was able to move throughout three levels of Building 2 until encountered by police at approximately 4:18 pm.

With respect to the victims who were killed and injured, there were no common characteristics relating to their age, race or gender. The sequence of the shooting spree was reenacted by investigators several times based on direct evidence that included the city's electronic door entry system (Lenel), cellphone call logs, the fire alarm activation, 911 calls to ECCS, police radio time stamps and other evidence that anchored the Suspect in certain areas of the building during the shooting spree. In addition to all the evidence collected, VBPD investigators evaluated all the testimonial evidence to help build the sequence of events and movements of the Suspect. The timeline presented to City Council on September 24, 2019 represented the movements and help create additional context. The slide presented on that date was updated days later based on new evidence. The updated slide is offered in Appendix A attached to this summary.

Upon the stabilization of the scene, the Police Department transitioned into the investigation of both the criminal incident initiated by the Suspect, and the officer involved shooting of the Suspect.

Investigative Process and Strategy

A criminal investigation seeks to obtain and review all relevant information and evidence that speaks to the prima facie elements of an offense. The scale of this tragedy was extraordinary. In addition to the number of victims, there were hundreds of witnesses and first responders to interview. Multiple federal and state agencies were responding to provide criminal investigative and victim/witness services. Our sister cities were sending or offering resources, all of which had to be methodically organized and assigned. The Federal Bureau of Investigation's Norfolk Office partnered with the VBPD within an hour of the offense, with the FBI taking the lead for evidence recovery out of Building 2 and the VBPD retaining primary lead for the criminal investigation and evidence recovery from the Suspect's home.

In structure and practice, the Homicide Sergeant would have supervised the investigation of the criminal mass homicide, and the Robbery Sergeant would have assumed the Officer Involved Shooting investigative lead. Both of those supervisors were part of the four-officer contact team that was engaged in the firefight with the Suspect, with the Homicide supervisor being shot by the Suspect, and the Robbery supervisor evacuating the victim officer while under fire.

An investigation of this magnitude presented the obvious need for subject matter experts to operationalize the many tasks, which was one of the first challenges to address. After consideration, the Violent Crimes lieutenant and the Special Victims Unit sergeant assumed direct supervision of the investigation. The team/taskforce

was rounded out with three long-term homicide detectives, a sworn crime analyst from the Operations Division, the violent crimes task force detective assigned to the Federal Bureau of Investigation, and a liaison with the Special Investigations Computer Crimes Unit (CCU). The Office of the Commonwealth's Attorney provided a Chief Deputy from their department for instant collaboration to ensure all actions were in concert with best criminal court practices should any codefendants or accessories be identified. The team was supplemented with more than 60 detectives in the early weeks of the investigation. To provide consistency of review, five retired law enforcement officers were hired back as contractors with specific tasking involving the analysis of the many terabytes of digital email data from the Suspect and victims.

The investigative team was faced with a multitude of challenges as a direct result of the sheer volume of simultaneous tasking throughout the investigation but largely during the first 100 days;

- 12 deceased victims, one deceased suspect
- 4 critically injured victims
- 100,000 square foot building and surrounding parking lot was declared a crime scene
- Crime scenes at the Suspects home and vehicle
- Energy and resources diverted to investigate potential co defendants
- Hundreds of interviews
- Global focus and public demand for information often pulled investigative resources out of the investigation to address and evaluate release information, address conspiracy theories, and evaluate Freedom of Information Act requests
- Communicating with City leadership on criminal investigative constraints, strategies and methodologies
- Navigating the path of ensuring that core critical City functions could be maintained/resumed without compromising evidence and investigative practices
- Maintaining continuity of police services for the City while supporting this investigation
- Overcoming program limitations that had never been encountered before, such as MS Word per document size limit, and the evidence management program, Bar Coded Evidence Analysis Statistical Tracking (BEAST), limiting per item property and evidence to 250 items per case
- Maintaining investigative momentum while detailing investigators to facilitate the independent review by Hilliard Heintze

The taskforce was housed in a separate office within the secured Detective Bay. The segregation of the investigators and the documents from the general atmosphere of the open Detective Bureau minimized communication barriers yet ensured additional resources were immediately available. From that central location, tasking, reviews, follow-up, and necessary court processes were managed simultaneously.

The scope of the crime meant the volume of information gathered, reviewed, contextualized, and analyzed exceeded the capacity of current equipment. The Police Department's planning and analysis unit identified the system requirements necessary for the analytical programs to be used for the digital review. Informational Technology reallocated terminals from other City departments or expedited planned purchases of these high capacity machines for the investigation. Information Technology designated segregated network server space that allowed for virtually limitless storage and central access granted on an as-needed basis managed directly by Police Department staff. Technology partners provided multiple licenses for the software used in digital evidentiary review.

This case continued to present challenges in that normal work product rhythms had to be continually adjusted. For example, the Department uses MS Word as the investigative report document. There is a size limit per document. This program limitation caused the team to section out the report in a unique manner to maintain the format and continuity of our standard investigative report. Another previously unknown limitation was that our evidence and property management program, BEAST, does not accept additional evidence/property entries above 250 items. The Property and Evidence (P&E) staff created a methodology to logically section off the property/evidence instead of shutting the input process down.

The investigative team worked thousands of hours, with an additional 5,000 hours of part-time investigators reviewing email and other digital evidence. Including all the Investigative Division resources of the Detective Bureau, the Special Investigation Bureau, and the Forensics Division the number of hours dedicated to uncovering the elements of this criminal incident grew exponentially. Additionally, the FBI Evidence Recovery Team (ERT) provided 40 agents working eight days of 12-hour shifts on site, as well as the FBI Agent or Supervisor hours that were dedicated to initial response for witness interviews, follow-ups, intel workups, and digital evidence review.

Evidence

The evidence in this case is organized into three categories: (1) witness interviews, (2) physical evidence, and (3) digital evidence. There are 38 affidavits for search warrants that included City official personnel files for the all but one of the City employees killed or injured, digital items such as flash drives and cell phones found inside the building, City work computers, and assorted computer tablet devices.

(1) Interviews

As of the writing of this report, more than 1000 contacts and interviews have been conducted, with 523 citizens and family members, and there have been 103 VBPD law enforcement officer memorandums, 46 detective memorandums, three written statements from Chesapeake Police Department personnel, 30 memorandums from Virginia Beach Fire/EMS personnel, two NCIS employee statements, four Virginia State Police memorandums, and five VBSO memorandums.

It is important to note that no single witness or group of people witnessed the shooting spree incident from start to finish. Many witnesses saw a portion of the incident, and either extrapolated or compiled other employee comments that were not in concert with the Investigative Divisions conclusions based on evidence collected. This is not an uncommon occurrence and is the reason for separating witnesses until statements can be taken. The scale of this incident in combination with instant communication via text messaging and social media platforms made taking uncontaminated statements essentially impossible.

Eyewitness statements of the Suspect's actions were evaluated against additional evidence such as Lenel Card Reader time stamps and Emergency Communications and Citizen Services (ECCS) call logs, and cross referenced between city staff and law enforcement responders. All conflicting Suspect movement statements were physically re-enacted numerous times to gauge adherence to the time stamps, including the activation of the fire alarm. Non-eyewitnesses are often swayed by hearsay and rumor. For example, a former employee terminated the day before the incident was identified as the shooter multiple times by people calling ECCS, but who were not eyewitnesses to the murders. The former employee was ultimately completely cleared of any knowledge or association with this crime.

The Suspect's family was interviewed by VBPD detectives, with out of state contacts initially being made in person by FBI Agents.

Recognizing the potential for witnesses remaining unknown, the taskforce took the initiative to utilize a "SurveyMonkey" to ensure all staff in the units assigned to Building 2 were provided an opportunity to offer information on the incident.

On July 1, 2019, the email distribution lists for Public Works, Public Utilities, Information Technology and Planning were sent an email communication that provided a survey link. The survey included a One Page Reference for Employee Support Services, and 5 questions. Based upon the responses, detectives made new or supplemental interviews.

(2) Physical Evidence-the Building

Chief Cervera accepted the FBI's offer of assistance and the resources of the FBI's Evidence Recovery Unit (ERT) were utilized. The FBI Norfolk Office team was on site in two hours, followed by the Quantico unit and their self-contained evidentiary trucks in 12 hours. The FBI ERT assumed evidence processing for the building, the two exterior homicide scenes and the Suspect's vehicle in the parking lot. There were 40-man evidence teams working 12-hour shifts for eight days continuously to fully process the building and surrounding parking lot.

The records supplied by the FBI show 504 discrete items such as bullet fragments, shell casings, jump drives, and cell phones seized. There are 31,459 digital files provided by the FBI for the crime scene and overview photographs, which currently totals 195 gigabytes. The FBI also performed the preliminary work up for a computer-generated ballistics trajectory report, which remains pending at this time.

The Virginia Beach Police Department's Forensic Services Unit worked in concert with the FBI and documented 189 items of evidence and another 258 items of property. The bulk of the seized items were evaluated and determined to be non-evidentiary and were later returned to the owners. Property and Evidence and the FBI Victim Witness Services unit worked long hours to mitigate biohazard contamination on the items prior to return. Both VBPD and the FBI continue to evaluate remaining items in custody.

(3) Digital Evidence

The digital evidence in this case is vast and grew extensively as the case unfolded.

The protection of the digital evidence began on May 31, 2019 immediately upon the building being emptied of victims and witnesses. The building was locked down and all ingress and egress was closely monitored and documented by the FBI Evidence Recovery Team. The Suspect's office was identified, and the City PC was disconnected from the network and processed in accordance with standard evidence recovery standards. The FBI immediately initiated the creation of a mirrored digital image of the hard drive, and that image was provided to Virginia Beach Police investigators within 24 hours of the incident. The City of Virginia Beach complies with Continuity of Operations best practices, and network drives are backed up and offloaded to a remote site. Content is maintained on the physical hard drive and the cloud; a forensic examination was conducted to ensure consistency of the data.

The Computer Crimes Unit assisted the Building 2 Investigation by creating forensic backups and analyzing numerous electronic and digital devices that were collected from the crime scene and the Suspect's residence. These devices included personal and City issued cell phones, tablets, iPads, desktop computers, laptop, external hard drives, USB devices, and camera memory cards.

Forensic Backups are achieved by capturing all data from a source media (computers, cell phones, tablets, etc.) in a forensically sound manner so that all the original data is in an unaltered state. This means the entire contents of the source media are being collected, including unused space, all slack data, all unallocated space, and other media.

The hard drives from all the victims City computers were imaged and files reviewed programmatically using multiple variations of key word searches and character recognition, looking for any correlation between the Suspect to the victims. This is independent of the email review of all 15 staff members, which was also programmatically reviewed for linkages between the Suspect and victims. The 5 supplemental staff hires were detailed to read all the Suspect's e-mails individually to ensure no communication from the Suspect was overlooked.

The Computer Crimes Unit conducted detailed analyses of 81 items. The results of item analysis completed in the Computer Crimes Unit office was cross referenced by the investigative team. Of the items recovered from the Suspect's home, one tablet

was password protected and as of this date cannot be accessed. The FBI and the Virginia State Police were consulted and were unable to access the data either. Despite months of programmatic and human review of the digital evidence, the investigation was unable to identify any markers, documents, files, or photographs that would identify a common denominator of why the Suspect selected specific victims and spared others. Some of the victims had no nexus at all to the Suspect.

With respect to assertions made by some that the Suspect possessed a laptop computer, neither the FBI nor the Virginia Beach Police Department located or seized a laptop computer belonging to the shooter. Neither agency is aware of the existence of a personal laptop or desktop computer belonging to the shooter.

Multi Agency Support

Many agencies who responded to the incident itself and contributed to the investigation. The agencies below are noted for their investigative support and are not all inclusive of the full scope of agencies who responded to the scene.

➤ **Federal Bureau of Investigation**

The FBI Norfolk Field office was heavily involved in supporting this investigation. While the investigation remained within the Virginia Beach Police Department's control, the FBI provided a level of cooperation and interoperability that should be the template for all future joint response. FBI agents responded and interviewed witnesses along with soliciting out-of-state FBI staff that traveled to extended family locations. Other FBI agents also helped in the recovery of digital evidence. Information gathered was provided in real time to the investigative team, and the information was shared, verified, and validated across both agencies.

The FBI is continuing to review and refine information for a ballistics trajectory workup and a Behavioral Analysis profile. These work products have not been provided to the VBPD as of the date of this report, although a preliminary date of Fall 2020 has been proposed.

➤ **Office of the Commonwealth's Attorney**

The Office of the Commonwealth's Attorney (OCA) provided hotline access to a Chief Deputy within their office to ensure all aspects of this investigation were criminal process and prosecution compliant. OCA provided invaluable support during legal document filing. The Officer Involved Shooting (OIS) criminal investigation is a companion to, yet separate from, this criminal investigation. One component of an OIS is a comprehensive independent investigation of the officers' use of force that resulted in the Suspect's death. On July 20, 2019, the OCA released a preliminary report that the officers' actions on May 31, 2019 were justified. The OCA intends to release the final report upon receipt of all outstanding forensic documents.

➤ **Office of the Chief Medical Examiner (OCME)**

The Office of the Chief Medical Examiner worked closely with detectives, Forensics and the FBI to expedite identification of the victims within the proper evidentiary mandates. The OCME conducted 13 autopsies in 72 hours. The autopsy reports confirmed the cause of death in each of the 12 murders as consistent with the findings of this investigation that each death was caused by gunfire. In the officer involved shooting/homicide investigation, the cause of death was also found to be the result of gunfire.

➤ **Alcohol, Tobacco, Firearms, and Explosives**

ATF was instrumental in running weapon purchase reports on the Suspect, and Electronic Trace reports for located weapons.

➤ **Virginia National Guard**

The Virginia National Guard provided direction, contacts, and information on the Suspect's military service.

Suspect

The investigation of the Suspect did not identify any childhood trauma, or troubling incidents through adolescence or early adulthood. He had been law abiding, and generally well regarded by some of his peers and supervisors right up to the incident, despite some work performance issues. Not all held the same positive assessment as there were times the Suspect engaged in some form of nonviolent disagreements with others.

In 2005 the Suspect surprised a burglar in his home, and four months later he purchased his first handgun. He married in 2008 and was hired by the City in February of 2010. He was hired at 13% above entry level due to his previous experience, and in 2012 he and his wife purchased a townhome in Virginia Beach. In 2014 he was the victim of a car larceny at his home and purchased two video cameras which were directed at his parking spaces. Through interviews with the Suspect's family it was relayed to investigators that he became isolated from his relatives. They described him as introverted, paranoid and uncomfortable around people. In 2016, he began to legally purchase several firearms and obtained a concealed weapon permit. It was later that year that he and his wife separated. In 2017, he applied for a firearms suppressor permit. In August of 2018 he received "improvement required" on his performance appraisal. He successfully completed the performance improvement plan in the months following that evaluation.

Although being denied a promotion was proffered as a motive for his shooting spree, City records indicate that the Suspect never applied for a promotional process. He was never in competition with any of his victims for either lateral or promotional positions. He was financially secure, had no violent encounters at work, and the investigation indicated he had no consistent contact with others at home. In April

2019, electronic data suggests an interest in body armor and ballistic plates. These Internet searches were not conducted at work. The only personal email account that was identified was located on his cell phone. A search warrant to the provider showed he had fewer than 400 emails, and a routinely assigned email from his internet provider was not used. None of the emails were relevant to this incident.

It has also been suggested that the Suspect's work performance relating to vendors not being paid for work he authorized that did not comply with appropriate processes may have been the event that sparked his actions. The investigation showed that his two direct supervisors confidently asserted two days before the incident that it was not necessary for the Suspect to pay out of pocket, even though he offered to do so to get the situation resolved. On the day of the event, after his unexpected but politely worded resignation, the Suspect spent the rest of the afternoon conducting a pass down of his projects. Before he left the building, he brushed his teeth as per his daily work routine, then walked outside to his car, retrieved two handguns, and committed his first known criminal act with the commencement of this murder spree.

Conclusion

The Virginia Beach Investigative team continues to work towards finalizing the criminal investigation of this case. The current investigative report is almost 36 gigabytes of data and is exclusive of the related Officer Involved Shooting case file. For contextual purposes, the following example may help in comparing this investigation with a typical homicide. In an earlier investigation involving a murder and subsequent suicide of the Suspect, the comprehensive report was contained in a file of 46 kilobytes, or 23 pages.

We anticipate the first draft of the investigative report to be submitted for supervisor review by June 1, 2020.

To ensure no investigative option has been left unexplored, the FBI Behavioral Analysis Unit (BAU) was invited to conduct a workup of the Suspect and has been provided with the information and evidence that would enable their analysis. The group study of the digital evidence did not result in any dramatic revelations. The work product is pending as the initial tentative date of return was set for Spring of 2020. Subsequent mass casualty incidents and the onset of COVID-19 makes that submission date uncertain. The FBI has also obtained necessary foundational data to create a ballistics trajectory model of the criminal incident. The delivery of this work product is also in a tentative state for the same reasons the BAU product is.

The Investigative Division has conducted an exhaustive review of information and evidence available to us, and have identified the who, what, where, when, and how of this mass homicide but unfortunately, not the "why". We continue to vet information that is presented.

To date, there is no evidence to support what the Suspect's motive was.

Appendix A

 <p>Approximate Time Sequence</p>	4:03:00	Approx. time - 1 deceased in car
	4:03:30	Approx. time - 1 deceased on sidewalk (4:03:41) 1 deceased in stairwell
	4:04:18	Approx. time - Enters 3rd floor (5 deceased, 2 injured)
	4:05:56 (Key Card)	Walks to the 2nd floor/east side (2 deceased)
	4:06:49	Ms. Nixon calls her husband. Call lasts 21 seconds
	4:07:10+	Ms. Nixon is killed sometime after
	4:06:32	first 911 call is received
	4:08:13 (Key Card)	Suspect enters west side of 2nd floor (1 deceased)
	4:10	Approx. time - Walks to 3rd floor, 1 injured
	4:10:39	VBPD officers and detectives enter building
	4:11 +/-	Approx. time - Walks back to the 2nd floor – 4:11:26 citizen pulls fire alarm
	4:12:40 (Key Card)	Enters west side of 2nd floor
	4:15:07 (Key Card)	Walks into east side of 2nd floor -1 deceased, 1 injured
	4:18	Officer shoots suspect
	4:19	“Officer down” radio broadcast
	4:26	SWAT on scene
4:44	Suspect in custody – First Aid rendered	
5:32	Suspect pronounced deceased at VBGH	

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Appendix B

Cleared by exceptional means

In certain situations, elements beyond law enforcement's control prevent the agency from arresting and formally charging the offender. When this occurs, the agency can clear the offense exceptionally. Law enforcement agencies must meet the following four conditions in order to clear an offense by exceptional means. The agency must have:

- Identified the offender.
- Gathered enough evidence to support an arrest, make a charge, and turn over the offender to the court for prosecution.
- Identified the offender's exact location so that the Suspect could be taken into custody immediately.
- Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the offender.

Examples of exceptional clearances include, but are not limited to, the death of the offender (e.g., suicide or justifiably killed by police or citizen); the victim's refusal to cooperate with the prosecution after the offender has been identified; or the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense. In the UCR Program, the recovery of property alone does not clear an offense.