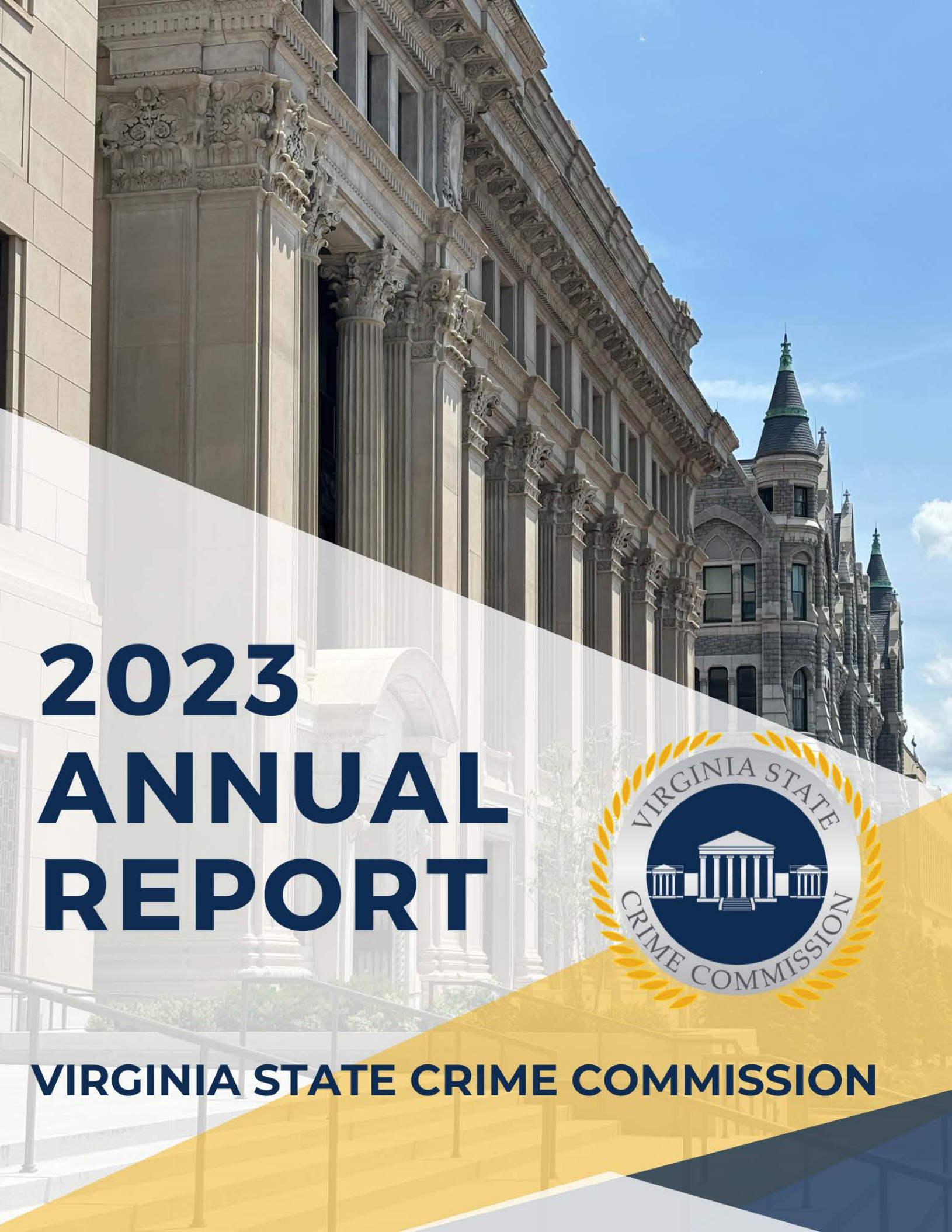


2023 ANNUAL REPORT

VIRGINIA STATE CRIME COMMISSION

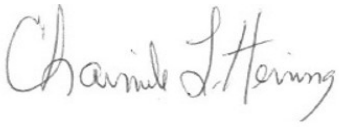
Delegate Charniele L. Herring, Chair • Senator Scott S. Surovell, Vice-Chair
Kristen J. Howard, Executive Director

June 30, 2024

TO: The Honorable Glenn Youngkin, Governor of Virginia
The Honorable Members of the General Assembly of Virginia

Pursuant to the provisions of the Code of Virginia §§ 30-156 through 30-164 establishing the Virginia State Crime Commission and setting forth its purpose, I have the honor of submitting the Commission's 2023 Annual Report.

Very truly yours,



Delegate Charniele L. Herring

Patrick Henry Building • 1111 East Broad Street, Suite B036 • Richmond, Virginia 23219
804-225-4534 • http://vscc.virginia.gov

2023 ANNUAL REPORT

Introduction

Study Reports

AUTHORITY OF THE CRIME COMMISSION

The Virginia State Crime Commission ("Crime Commission") was established as a legislative agency in 1966. The Crime Commission is a criminal justice agency in accordance with Virginia Code § 9.1-101. The purpose of the Crime Commission is to study, report, and make recommendations on all areas of public safety and protection (Virginia Code § 30-156 *et seq.*). In doing so, the Crime Commission endeavors to:

- ascertain the causes of crime and recommend ways to reduce and prevent it;
- explore and recommend methods of rehabilitating convicted individuals;
- study compensation of persons in law enforcement and related fields; and,
- study other related matters, including apprehension, trial, and punishment of criminal offenders.

The Crime Commission makes recommendations and assists other commissions, agencies, and legislators on matters related to Virginia's criminal justice system. The Crime Commission cooperates with the executive branch of state government, the Attorney General's office, and the judiciary, who are in turn encouraged to cooperate with the Crime Commission. The Crime Commission also cooperates with other state and federal governments and agencies.

The Crime Commission consists of 13 members – 6 members of the House of Delegates, 3 members of the Senate, 3 non-legislative citizen members appointed by the Governor, and the Attorney General or his designee. Delegates are appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. Senators are appointed by the Senate Committee on Rules.

MEMBERS OF THE CRIME COMMISSION

SENATE APPOINTEES

The Honorable John S. Edwards, Chair
The Honorable L. Louise Lucas
The Honorable Scott A. Surovell

HOUSE OF DELEGATES APPOINTEES

The Honorable Les R. Adams, Vice-Chair
The Honorable Robert B. Bell
The Honorable Karrie K. Delaney
The Honorable C. Todd Gilbert
The Honorable Charniele L. Herring
The Honorable Wren M. Williams

ATTORNEY GENERAL

Charles "Chuck" H. Slemp III, Chief Deputy Attorney General, Office of Attorney General,
Designee for Attorney General Jason S. Miyares

GOVERNOR'S APPOINTEES

William C. Cleveland
Robert N. Tracci
Patricia L. West

CRIME COMMISSION STAFF

Kristen J. Howard, Executive Director

Christina Barnes Arrington, Ph.D., Senior Methodologist
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Amanda M. Muncy, Attorney
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2023 Executive Summary of Activities

During 2023, the Crime Commission conducted comprehensive studies on intentional homicides and on motor vehicle, pedestrian, and bicyclist traffic crash fatalities. The Crime Commission also continued work on the sealing and expungement of criminal history records. Additionally, Crime Commission staff consulted with the Virginia Department of Criminal Justice Services (DCJS) on the Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program. Furthermore, staff participated as a member of the Virginia Pretrial Advancement Team, which was formed as part of the DCJS pilot of the Public Safety Assessment (PSA). Finally, the Crime Commission began receiving reports from DCJS on the Safer Communities and Gun Violence Intervention Programs.

The intentional homicide study focused on a variety of matters relating to the nature and circumstances of intentional homicides that occurred in Virginia between 2017 and 2022, including the demographics and relationships of victims and offenders, the dispositions of intentional homicide charges, and prior in-state criminal history records of individuals convicted of intentional homicide. As part of the study, staff manually reviewed the in-state criminal history records of 930 individuals who were convicted of intentional homicide during this time period and linked their information to a number of data sources to determine whether such individuals had any active matters in the Virginia court system at the time the homicide was committed.

Similarly, the motor vehicle, pedestrian, and bicyclist traffic crash fatalities study focused on such fatalities that occurred in Virginia between 2017 and 2022. This study included an examination of Virginia motor vehicle traffic crash data, Virginia charge and conviction data, roadway safety laws in Virginia and other states, and measures to promote roadway safety.

The Crime Commission met on November 21st and heard staff presentations on i) intentional homicide, ii) motor vehicle, pedestrian, and bicyclist traffic crash fatalities; and, iii) the sealing and expungement of criminal records. Members also heard from several guest presenters, including Thomas Abt (General Principles for Curbing Violent Crime), Chief Rick Edwards (Gun Violence), Dr. Bryan E. Porter and Dr. Nic Ward (How did COVID impact traffic safety?), and Stephen Read (Pedestrian Safety Factors & Actions).

Finally, various budget measures were adopted during the 2024 Regular Session and Special Session I of the General Assembly which related to Crime Commission studies, including:

- Recommendations from the 2022 DUI study to require that as of January 1, 2025, (i) all DUI blood samples submitted to the Virginia Department of Forensic Science (DFS) that did not receive drug testing be anonymized, screened for the presence of drugs within a drug class, and reported by judicial district to the Virginia Department of Motor Vehicles, and (ii) DFS provide for the analysis of both alcohol and drugs in all blood samples of drivers killed in motor vehicle and commercial motor vehicle accidents as submitted by the Office of the Chief Medical Examiner;[1]
- Language that explicitly grants the Crime Commission access to state and local agency records and facilities for the purpose of carrying out its studies, as well as to court case data for all adults and juveniles charged with a criminal offense, civil offense, or traffic violation;[2] and,
- Funding of $600,000 over two years for the administration of the Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program.[3]

The Executive Director of the Crime Commission serves as the designee for the Chair of the Crime Commission on the Forensic Science Board, Indigent Defense Commission, and the Advisory Committee on Sexual and Domestic Violence.

Additional information about the Crime Commission is available on the agency website at http://vscc.virginia.gov.

ENDNOTES

[1] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2024 Sp. Sess. I), Item 408(G), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/408/. *See also* Virginia State Crime Commission. (2023). *2022 annual report: Driving under the influence (DUI) laws and enforcement*, https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf.

[2] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2024 Sp. Sess. I), Item 23(B), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/23/.

[3] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2024 Sp. Sess. I), Item 392(G), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/392/. *See also* Senate Bill 1292 (2023 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=sb1292.

INTENTIONAL HOMICIDE

INTENTIONAL HOMICIDE

EXECUTIVE SUMMARY

During 2023, the Crime Commission conducted a comprehensive review of intentional homicides that occurred in Virginia between January 1, 2017, and December 31, 2022. For purposes of this study, intentional homicide was defined as a completed act punishable under the Virginia Code as aggravated murder, first or second degree murder, murder of a pregnant woman, felony homicide, voluntary manslaughter, lynching, or shooting or throwing objects at vehicles which resulted in death.

This review focused on a variety of matters relating to the nature and circumstances of intentional homicides, including the demographics and relationships of victims and offenders, the dispositions of intentional homicide charges, the prior in-state criminal history records of individuals convicted of intentional homicide, and whether individuals convicted of intentional homicide had any active matters in the court system when the homicide was committed. The key findings and themes which emerged from this review of intentional homicides that occurred between 2017 and 2022 in Virginia were as follows:

- Virginia experienced a significant increase in the number of intentional homicides between 2017 and 2022.
- Stakeholders and researchers point to a variety of possible reasons for the recent increase in intentional homicides; however, more time is needed to ascertain the main contributing factors, particularly those stemming from the COVID-19 pandemic.
- Firearms were used in the large majority of these intentional homicides, and the rate of firearm use in such homicides increased during this time period.
- The majority of these intentional homicide incidents took place in urban or metro areas.
- The known relationships between intentional homicide victims and offenders remained similar between 2017 and 2022 (acquaintance, family, intimate partner, and stranger); however, almost half of the relationships were unknown or missing.
- The majority of intentional homicide victims, as well as individuals charged with and/or convicted of intentional homicide in Virginia were male, between the ages of 18 and 35, and Black.
- Black males were disproportionally overrepresented as intentional homicide victims, as well as persons charged with and convicted of intentional homicide.
- The large majority of individuals convicted of an intentional homicide occurring in Virginia between 2017 and 2022 had a prior in-state criminal history record.

- The vast majority of individuals convicted of an intentional homicide that occurred between 2017 and 2022 did not have pending charges, were not on state probation or parole, were not on local probation, were not under pretrial services agency supervision, and were not subject to a protective order at the time of the homicide.
- Virginia is consistent with the rest of the United States in terms of the recent increase in intentional homicides, firearm use, location of homicides, clearance rates, demographics of victims and offenders, and the criminal history records of convicted offenders.

Intentional homicide is a serious criminal justice and public health concern both nationally and in Virginia. Localities across the United States have engaged in various evidence-based violent crime prevention strategies shown to be effective in suppressing violent crime and interrupting the spread of violence when properly implemented for the individual community. Virginia recently implemented *Ceasefire Virginia* and *Operation Bold Blue Line*, while also allocating tens of millions of dollars to violence intervention measures, such as the Firearm Violence Intervention and Prevention Fund, Operation Ceasefire Grant Fund, Safer Communities Program, and witness protection. The Crime Commission will continue to monitor these measures, as the budget requires the Virginia Department of Criminal Justice Services to send quarterly updates and an annual report on community-based violence intervention efforts to the Crime Commission.

Background and Methodology

The Executive Committee of the Crime Commission directed staff to examine intentional homicides that occurred in Virginia between January 1, 2017, and December 31, 2022. Based on their guidance, staff developed the following research questions:

1. What were the nature and circumstances of intentional homicides that occurred in Virginia between 2017 and 2022?
2. What were the case dispositions of individuals charged with an intentional homicide that occurred in Virginia between 2017 and 2022?
3. What were the prior in-state criminal history records of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022?
4. Did any of the individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 have other active matters in the court system at the time of the homicide (i.e., pending charges, under pretrial or post-trial supervision, or subject to a protective order)?

For purposes of this study, intentional homicide was defined as a completed act of aggravated murder (Va. Code § 18.2-31), first or second degree murder (Va. Code § 18.2-32), murder of a pregnant woman (Va. Code § 18.2-32.1), felony homicide (Va. Code § 18.2-33), voluntary manslaughter (Va. Code § 18.2-35), lynching deemed murder (§ 18.2-40), or shooting or throwing objects at vehicles which resulted in death (Va. Code § 18.2-154). The definition of intentional homicide did not include any attempt, conspiracy, or solicitation to commit one of these previously specified acts. Furthermore, the definition of intentional homicide required that the person charged with or convicted of such an act meant to cause the physical harm that resulted in the death of another person. For example, charges and convictions for felony homicide related to driving under the influence were not included in the definition of intentional homicide, as the statute requires criminally negligent conduct, but does not require one to have the intent to cause physical harm to another person. Finally, the definition of intentional homicide included acts committed by adults, but did not include acts committed by juveniles or by juveniles tried as adults.[1]

Staff performed the following activities as part of this study:

- Reviewed relevant literature and reports;
- Conducted a historical review of Virginia's homicide statutes;
- Collected and analyzed both national and Virginia-specific intentional homicide data;
- Manually reviewed, entered, and analyzed Virginia in-state criminal history records for 930 individuals convicted of intentional homicide;
- Consulted with a wide variety of practitioners; and,
- Identified recent violence prevention measures in Virginia, including programs and funding.

Data Sources

Data was collected and analyzed from both the criminal justice and public health perspectives in order to ascertain the nature of intentional homicide incidents and determine whether the overall trends from each perspective were consistent. The following criminal justice and public health data sources were examined:

- Alexandria Circuit Court;[2]
- Centers for Disease Control and Prevention (CDC);[3]
- Fairfax Circuit Court;[4]
- Federal Bureau of Investigation (FBI);[5]
- Office of the Executive Secretary of the Virginia Supreme Court;[6]

- Virginia Department of Corrections;[7]
- Virginia Department of Criminal Justice Services;[8]
- Virginia Department of Health, Office of the Chief Medical Examiner (OCME);[9]
- Virginia Department of Juvenile Justice;[10] and,
- Virginia State Police (VSP).[11]

There are a number of challenges when analyzing federal and state homicide-related data because these data sources are not precisely comparable due to variations in scope, definitions, and methodologies, not only for each data source, but within certain data sources over time.[12]

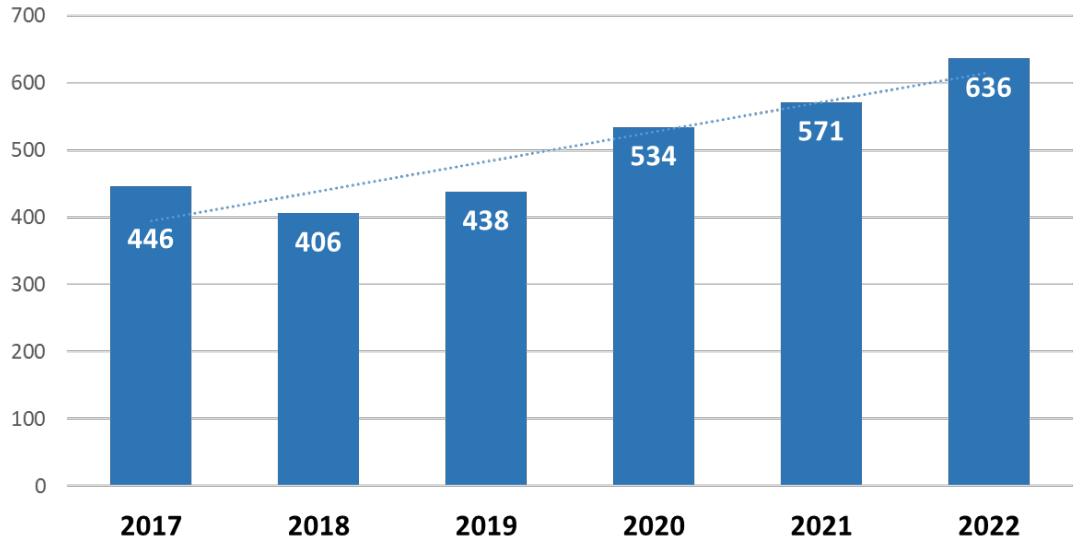
RESEARCH QUESTION #1: What were the nature and circumstances of intentional homicides that occurred in Virginia between 2017 and 2022?

Staff reviewed a wide variety of information to identify the nature and circumstances of intentional homicides that occurred in Virginia between 2017 and 2022. Additionally, staff attempted to determine whether there were any changes to the nature and circumstances of intentional homicides over this time period. Analysis of this information revealed the following key findings:

❖ *Virginia experienced a significant increase in the number of intentional homicides between 2017 and 2022.*

As seen in Chart 1, the number of intentional homicides in Virginia increased by 43% when comparing 2017 (446 intentional homicides) to 2022 (636 intentional homicides).[13] Both criminal justice and public health data indicated this increase in the number of intentional homicides in Virginia.[14] This increase was not unique to Virginia, as many other states and localities experienced similar significant increases in intentional homicides throughout this time period.[15] It should be noted, however, that preliminary 2023 UCR-IBR data suggests a marked decrease in intentional homicides in Virginia.[16]

Chart 1: Intentional Homicides in Virginia, 2017-2022



Source: Virginia State Police, UCR-IBR Program, 2017-2022 as of April 2023; N= 3,031 victims.

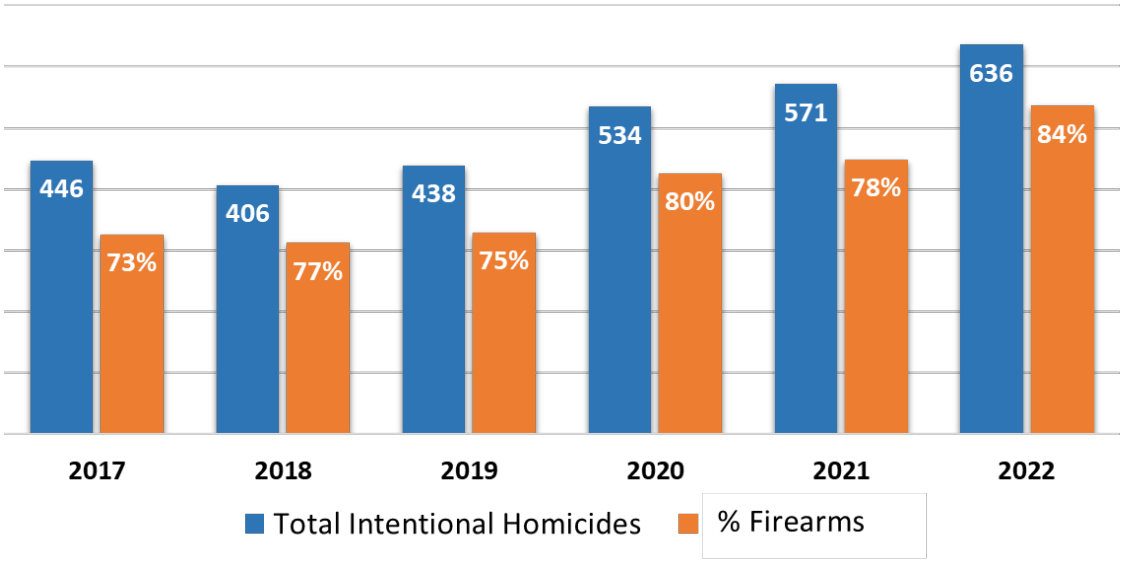
While numerous factors can impact overall intentional homicide rates, the following correlates have been suggested by leading researchers, along with stakeholders across the Commonwealth, as contributing to the recent increase in intentional homicides, such as:

- COVID-19 pandemic;[17]
- Individuals feeling "disrespected";[18]
- Gang and group disputes;[19]
- Decrease in proactive policing;[20]
- Access to firearms and firearm thefts;[21]
- Drugs, drug sales, and drug markets (in-person and online);[22]
- Mental health challenges and lack of treatment resources;[23]
- Substance abuse, with particular emphasis on the opioid epidemic;[24]
- Lack of substance use treatment resources;[25]
- Domestic violence incidents;[26]
- Lack of cooperation in investigations by the community;[27]
- Increase in police-community tensions;[28] and,
- Decrease in perceptions of police legitimacy.[29]

- *Firearms were used in the vast majority of intentional homicides that occurred in Virginia between 2017 and 2022, and the rate of firearm use in such homicides increased during this time period.*

As seen in Chart 2, the vast majority of intentional homicides each year were committed with a firearm. Furthermore, the proportion of intentional homicides committed in Virginia with a firearm increased from 73% in 2017 to 84% in 2022.

Chart 2: Firearm Use in Virginia Intentional Homicides, 2017-2022



Source: Virginia State Police, UCR-IBR Program, 2017-2022 as of April 2023; N=3,031 victims.

Firearm violence continues to remain a significant public health concern in the United States.[30] Virginia is consistent with the rest of the nation in terms of intentional homicides committed with a firearm, with FBI data from reporting law enforcement agencies showing that firearms have been used to commit the majority of intentional homicides in the United States for decades.[31] Further, this national data also reveals that the proportion of intentional homicides committed with a firearm has been increasing. For example, 67% (9,146 of 13,636) of intentional homicides in the United States in 2009 were committed with a firearm as compared to 74% (10,258 of 13,927) in 2019.[32]

❖ *The majority of intentional homicide incidents that occurred in Virginia between 2017 and 2022 took place in urban or metro areas.*

As seen in Table 1, 57% (1,588 of 2,810) of intentional homicide incidents that occurred in Virginia between 2017 and 2022 took place in ten specific Virginia urban or metro areas.[33]

Table 1: Virginia Intentional Homicides, Top 10 Localities, 2017-2022

Rank	Locality	Incidents (n)	Incidents (%)	Victims (n)	Murder Rate per 100,000
1	Richmond City	375	13%	394	28.6
2	Norfolk City	271	10%	289	20.7
3	Newport News City	156	6%	161	14.6
4	Portsmouth City	155	6%	169	29.0
5	Hampton City	115	4%	120	14.5
6	Petersburg City	115	4%	123	61.4
7	Fairfax County	110	4%	124	1.8
8	Henrico County	108	4%	115	5.7
9	Virginia Beach City	96	3%	113	4.1
10	Roanoke City	87	3%	90	15.3
	Total Across 10 Localities	***1,588***	***57%***	***1,698***	---
	Total Statewide Incidents	**2,810**		**3,031**	**5.8**

Source: Virginia State Police, UCR-IBR Program, 2017-2022, as of April 2023 and rates based on U.S. Census Bureau, 2021 ACS 5-Year Estimates Data Profiles.

In addition to total intentional homicide incidents and rates, several aggregate economic factors were examined across Virginia's localities from 2017 to 2022, including unemployment rates, median household income, and per capita income.[34] It is important to place the total number of intentional homicide incidents in context with such factors as two localities can have nearly the same number of intentional homicide incidents but vastly differing intentional homicide rates due to population size differences and other economic conditions. For example, Petersburg City experienced 115 intentional homicide incidents with an intentional homicide rate of 61.4 per 100,000 residents, an unemployment rate of 7.4%, a median household income of $44,890, and a per capita income of $26,091.[35] However, Fairfax County, which experienced nearly the same number of intentional homicide incidents (110 incidents) during the same time period had a murder rate of 1.8 per 100,000 residents, an unemployment rate of 2.9%, a median household income of $133,974, and a per capita income of $61,957.[36]

Virginia is consistent with the rest of the United States in terms of the location of intentional homicide incidents. Research consistently demonstrates that intentional homicides are disproportionately concentrated in cities throughout the United States.[37] For instance, FBI data shows that in 2020 homicides increased over 30% in cities with populations between 10,000 and 25,000 and those between 250,000 to 1 million in the United States.[38] Urban communities marked by poverty, low socioeconomic status, neighborhood disorder, high unemployment rates, low educational attainment levels, low levels of collective efficacy, and residential instability experienced even higher levels of intentional homicides.[39]

Criminological research indicates that economic factors such as poverty, unemployment, and income inequality are correlated to crime, including violent crime.[40] Economic inequality is one of the most common variables examined in studies seeking to understand homicide and homicide rates.[41] Individuals residing in low-income communities are more likely to experience intentional homicides, particularly those involving a firearm.[42] Several criminological theories have been used to explain how economic factors can lead to homicide such as strain theory, routine activities theory, and social disorganization theory.[43]

Research on the relationship between employment rates and aggregate homicide rates is mixed.[44] Research has examined the employment status of homicide offenders, with some focusing on all types of offenders and others focusing on specific types, such as repeat homicide offenders and intimate partner homicide offenders.[45] Research on the employment status of homicide victims also varies.[46] For example, one study examining overall risk factors for homicide victimization found unemployment to be a significant risk factor, even when controlling for race.[47] However, a study specifically examining stranger sexual homicide, found that the majority of these homicide victims were employed across various types of occupations.[48]

- *The known relationships between intentional homicide victims and offenders remained similar for homicides that occurred in Virginia between 2017 and 2022; however, almost half of the relationships were unknown or missing.*

As seen in Table 2, the known relationships between intentional homicide victims and offenders remained consistent for homicides that occurred in Virginia between 2017 and 2022. For intentional homicides where the relationship between the victim and offender was known, 25% were acquaintance relationships, 10% were family relationships, 10% were intimate partner relationships, and 5% were stranger relationships. However, almost half of the data on the relationship between the victim and offender was “unknown” or “missing.” This lack of information does not allow for a definitive finding of the overall nature of the relationship

between victims and offenders in any given year or across time. Virginia is consistent with national data in that much information on victim-offender relationships is not available.[49]

Table 2: Virginia Intentional Homicides, Victim-Offender Relationships, 2017-2022

	2017	2018	2019	2020	2021	2022	TOTAL n (%)
Acquaintance	107	99	123	128	163	150	770 (26%)
Family	46	49	51	52	49	61	308 (10%)
Intimate Partner	54	43	40	63	52	56	308 (10%)
Stranger	22	11	26	25	39	32	155 (5%)
Missing	22	46	70	112	133	153	536 (18%)
Unknown	142	143	124	154	133	184	880 (30%)
Total	**393**	**391**	**434**	**534**	**569**	**636**	**2,957**

Source: Virginia State Police, UCR-IBR Program, 2017-2022, as of April 2023; missing n=103.
Percentages may not equal 100% due to rounding.

- *The majority of intentional homicide victims were male, age 18 to 34, Black, and residents of the locality in which they were murdered.*

As seen in Table 3, there were 3,031 victims of intentional homicides that occurred in Virginia between 2017 and 2022. Demographic information was captured for 98% (2,957 of 3,031) of these victims. Analysis of this demographic information showed that 76% (2,234 of 2,957) of intentional homicide victims were male, 50% (1,470 of 2,957) were between the ages of 18 and 34, and 65% (1,907 of 2,957) were Black. Further, the percentage of Black individuals who were victims of intentional homicide increased from 58% (228 of 393) in 2017 to 75% (477 of 636) in 2022. Finally, 76% (2,233 of 2,957) of these victims were residents of the locality in which they were murdered.

Table 3: Virginia Intentional Homicides, Victim Demographics, 2017-2022

	2017	2018	2019	2020	2021	2022	TOTAL n (%)
Sex							
Male	270	297	331	417	429	490	2,234 (76%)
Female	123	94	103	117	140	146	723 (24%)
Race							
Black	228	233	257	353	389	477	1,907 (65%)
White	154	147	160	176	174	177	988 (33%)
Asian	7	5	3	1	3	5	24 (1%)
AI/AN	0	0	1	0	0	1	2 (<1%)
NH/PI	0	0	0	0	0	1	1 (<1%)
Unknown	4	6	13	4	3	5	35 (1%)
Age							
10 and under	16	18	21	23	19	21	118 (4%)
11 to 17	19	20	20	29	37	35	160 (5%)
18 to 24	84	98	97	122	130	147	678 (23%)
25 to 34	107	105	105	158	138	179	792 (27%)
35 to 44	59	51	89	78	98	125	500 (17%)
45 to 54	48	43	33	54	64	52	294 (10%)
55 to 64	39	20	30	39	47	48	223 (8%)
65 to 74	7	19	28	16	27	12	109 (4%)
75 to 84	10	10	7	8	7	10	52 (2%)
85 and older	2	2	4	4	1	3	16 (<1%)
Unknown	2	5	0	3	1	4	15 (<1%)
Locality of Residence							
Resident of Locality	305	311	327	393	425	472	2,233 (76%)
Not Resident of Locality	76	63	85	116	117	129	586 (20%)
Unknown	12	17	22	25	27	35	138 (5%)
TOTAL	**393**	**391**	**434**	**534**	**569**	**636**	**2,957 (100%)**

Source: Virginia State Police, UCR-IBR Program, 2017-2022, as of April 2023; missing n=103. Percentages may not equal 100% due to rounding.

Virginia is consistent with the rest of the United States in terms of the demographics of intentional homicide victims. National data consistently shows that males, younger adults, and Black individuals comprise the majority of intentional homicide victims. For instance, in 2022, FBI

data from reporting law enforcement agencies revealed that 77% (12,747 of 16,485) of homicide victims were male, 28% (4,592 of 16,485) were between the ages of 20 and 29, and 56% (9,220 of 16,485) were Black or African American.[50] Additionally, research highlights the connection between race, place, and poverty in understanding the observed high rates of community gun violence.[51] Firearm violence is also disproportionately experienced by Black individuals.[52] Specifically, Black youth and young adults who reside in urban, disadvantaged communities are more likely to experience community gun violence.[53]

- *Black males were disproportionally overrepresented as victims of intentional homicides that occurred in Virginia between 2017 and 2022.*

While Black males comprise approximately 9% of Virginia's overall population, Table 4 shows that 54% (1,595 of 2,957) of intentional homicide victims in Virginia between 2017 and 2022 were Black males.[54] Furthermore, when examining 2021 OCME data specifically, the victimization rate for Black males in Virginia was 11.5 times higher than that of White males.[55] This disproportionality is not unique to Virginia. National research suggests that Black males are overrepresented as both homicide victims and offenders.[56]

Table 4. Virginia Intentional Homicides, Victims by Race and Sex, 2017-2022

	Male n (%)	Female n (%)	TOTAL n (%)
Black	1,595 (54%)	312 (11%)	1,907 (65%)
White	608 (21%)	380 (13%)	988 (33%)
Asian	12 (<1%)	12 (<1%)	24 (1%)
AI/AN	0 (0%)	2 (<1%)	2 (<1%)
NH/PI	0 (0%)	1 (<1%)	1 (<1%)
Unknown	19 (<1%)	16 (<1%)	35 (1%)
TOTAL	**2,234 (76%)**	**723 (24%)**	**2,957 (100%)**

Source: Virginia State Police, UCR-IBR Program, 2017-2022, as of April 2023; missing n=103.

- *Clearance rates for intentional homicides that occurred in Virginia between 2017 and 2022 declined over that same time period.*

As seen in Table 5, clearance rates for intentional homicides declined in Virginia from 66% in 2017 to 58% in 2022.[57] While the figures in Table 5 represent the overall statewide average, clearance rates across individual Virginia localities varied significantly during this time period. For example, the clearance rate for intentional homicides occurring in 2022 for Henrico County was 72% as compared to 29% for Hampton City.[58]

Table 5: Virginia Intentional Homicides, Clearance Rates, 2017-2022

Year of Intentional Homicide	Clearance Rate
2017	66%
2018	67%
2019	66%
2020	64%
2021	58%
2022	58%

Source: Virginia State Police, UCR-IBR Program, 2017-2022, as of June 2024.

This decline in intentional homicide clearance rates has also been observed nationally. While intentional homicides remain the most serious and thoroughly investigated crime, case clearance rates have steadily declined across the United States.[59] For example, the clearance rate for homicide offenses in the United States was 79% in 1976, before declining to 61% in the mid-2000s and remaining at 61% in 2019.[60] Recent data suggests even lower clearance rates in 2022, with the national homicide clearance rate declining to 52% in 2022.[61]

The ability of a law enforcement agency to clear a crime is viewed as a measure of its effectiveness.[62] Researchers contend that there are several factors that influence homicide clearance rates.[63] However, research has also demonstrated that variations in clearance rates exist across cities,[64] neighborhoods within cities,[65] crime types,[66] victims,[67] and offense circumstances.[68]

Homicides with a greater likelihood of clearance commonly involve child victims (less than age 14),[69] female victims,[70] domestic disputes with intimate or familial victim-offender relationships,[71] sharp or blunt instruments, strangulation, and non-firearm methods,[72] or occur indoors.[73] Homicides with a lower likelihood of clearance often involve uncooperative witnesses,[74] racial/ethnic minority victims,[75] victims with prior criminal histories or violent criminal histories,[76] drug or gang-related circumstances,[77] a firearm,[78] those occurring outdoors[79] or those occurring in disadvantaged urban neighborhoods.[80]

Researchers examining homicide clearance rates across law enforcement agencies have found that there are several procedures that can help increase homicide case clearance rates, such as standardizing investigative practices, working with external criminal justice agencies, and establishing strong community policing.[81]

RESEARCH QUESTION #2: What were the case dispositions for individuals charged with an intentional homicide that occurred in Virginia between 2017 and 2022?

Staff collected and analyzed data on the number and types of intentional homicide charges between 2017 and 2022, the case dispositions of these charges, and the demographic information of charged individuals. The following are the main takeaways from this analysis.

- ***The case dispositions for the 3,060 individuals charged with an intentional homicide that occurred in Virginia between 2017 and 2022 varied significantly.***

Staff was able to identify 3,060 individuals who were charged with an intentional homicide that occurred in Virginia between 2017 and 2022. Table 6 provides a breakdown of the disposition of the charges against these individuals as of May 2023. As seen below, 28% (870 of 3,060) of these individuals were convicted of intentional homicide and 13% (405 of 3,060) were convicted of an offense other than intentional homicide. Conversely, 27% (826 of 3,060) of these individuals had the charges against them *nolle prosequi*; however, these charges may have been or could still be reinstituted. Finally, charges remained pending against 25% (773 of 3,060) of these individuals. It is important to note that Table 6 provides an incomplete picture of the ultimate disposition status of these individuals due to the recentness of many of the cases; however, this was an important step for staff to identify which individuals had thus far been convicted in order to identify individuals to examine in more depth for the third and fourth research questions of the study.[82]

Table 6: Disposition of Intentional Homicide Charges in Virginia, 2017-2022

Disposition (*as of May 2023*)	Charged Individuals n (%)
Convicted of intentional homicide	870 (28%)
Nolle prosequi	826 (27%)
Pending	773 (25%)
Convicted of a different offense	405 (13%)
Dismissed	93 (3%)
Found not guilty	81 (3%)
Other disposition	12 (<1%)
Total	**3,060**

Source: Virginia State Police, CCRE, as of May 2023. Analysis by Crime Commission staff.
Percentages may not total 100% due to rounding.

❖ *The majority of individuals charged with an intentional homicide that occurred in Virginia between 2017 and 2022 were male, age 18 to 35, and Black.*

As seen in Table 7, the demographic information of the 3,060 individuals charged with an intentional homicide that occurred in Virginia between 2017 and 2022 revealed that the majority were male, age 18 to 35, and Black. Specifically, 88% (2,687 of 3,060) were male, 72% (2,196 of 3,060) were age 18 to 35, and 64% (1,949 of 3,060) were Black individuals.

Table 7: Demographics of Individuals Charged with Intentional Homicide in Virginia, 2017-2022

	2017	2018	2019	2020	2021	2022	TOTAL n (%)
Sex							
Male	457	428	451	464	461	426	2,687 (88%)
Female	71	62	47	80	57	56	373 (12%)
Race							
Black	310	308	324	337	354	316	1,949 (64%)
White	211	178	167	204	159	163	1,082 (35%)
Asian	4	3	5	1	3	1	17 (1%)
AI/AN	3	1	2	1	2	1	10 (<1%)
Unknown	0	0	0	1	0	1	2 (<1%)
Age							
17 or under	11	8	4	7	0	0	30 (1%)
18-20	89	85	99	95	97	75	540 (18%)
21-25	145	113	100	118	120	111	707 (23%)
26-30	90	87	89	107	93	83	549 (18%)
31-35	60	71	66	70	70	63	400 (13%)
36-40	39	39	48	52	51	55	284 (9%)
41-45	28	25	29	26	33	25	166 (5%)
46-50	25	19	22	18	17	24	125 (4%)
51-55	16	14	13	22	12	16	93 (3%)
56-60	9	16	16	15	12	14	82 (3%)
61-65	9	5	6	9	4	8	41 (1%)
66-70	3	4	2	3	8	4	24 (1%)
Over 70	4	4	4	2	1	4	19 (1%)
TOTAL Individuals Charged	**528**	**490**	**498**	**544**	**518**	**482**	**3,060**

Source: Virginia State Police, CCRE, as of May 2023. Analysis by Crime Commission staff.

❖ *Black males were disproportionally overrepresented as individuals charged with an intentional homicide that occurred in Virginia between 2017 and 2022.*

As seen in Table 8, Black males were disproportionally charged with intentional homicides that occurred in Virginia between 2017 and 2022. As previously noted, Black males account for approximately 9% of Virginia's overall population, but represented 57% (1,759 of 3,060) of individuals charged with an intentional homicide that occurred in Virginia between 2017 and 2022.

Table 8. Individuals Charged with Intentional Homicide in Virginia by Race and Sex, 2017-2022

	Male n (%)	Female n (%)	TOTAL n (%)
Black	1,759 (57%)	190 (6%)	1,949 (64%)
White	907 (30%)	175 (6%)	1,082 (35%)
Asian	15 (<1%)	2 (<1%)	17 (1%)
AI/AN	5 (<1%)	5 (<1%)	10 (<1%)
Unknown	1 (<1%)	1 (<1%)	2 (<1%)
TOTAL	**2,687 (88%)**	**373 (12%)**	**3,060 (100%)**

Source: Virginia State Police, CCRE, as of May 2023. Analysis by Crime Commission staff.
Percentages may not total 100% due to rounding.

RESEARCH QUESTION #3: What were the prior in-state criminal history records of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022?

A significant body of research has documented the prevalence of prior criminal histories amongst homicide offenders.[83] Staff requested hard copies of the in-state criminal history records for the 930 individuals who were identified as having been convicted of an intentional homicide that occurred in Virginia between 2017 and 2022.[84]

Staff manually reviewed the in-state criminal history records for each of these 930 individuals and captured various metrics, such as prior charges, convictions, probation violations, and sentences. When conducting this review, staff only captured charges with an offense date that *preceded* the offense date of the intentional homicide for which the individual was convicted, and did not capture any charges with an offense date after the date of the intentional homicide. Analysis of this data produced the following findings.

❖ *The majority of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were male, age 18 to 35, and Black.*

As seen in Table 9, of the those convicted of an intentional homicide that occurred in Virginia between 2017 and 2022, 90% (833 of 930) were male, 70% (649 of 930) were age 18 to 35, and 60% (559 of 930) were Black individuals.

Table 9: Demographics of Individuals Convicted of Intentional Homicide in Virginia, 2017-2022

	n	%
Sex		
Male	833	90%
Female	97	10%
Race		
Black	559	60%
White	355	39%
Asian	3	<1%
Unknown	13	1%
Age		
18-20 years old	190	20%
21-25 years old	204	22%
26-30 years old	136	15%
31-35 years old	119	13%
36-40 years old	83	9%
41-45 years old	55	6%
46-50 years old	44	5%
51-55 years old	37	4%
56-60 years old	34	4%
61-65 years old	15	2%
66-70 years old	7	<1%
Over 70 years old	6	<1%
TOTAL	**930**	**100%**

Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff.

❖ *Black males were disproportionally overrepresented as individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022.*

While Black males account for approximately 9% of Virginia's overall population, the analysis set forth in Table 10 shows that Black males represented 55% (513 of 930) of the total number of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022.

Table 10: Individuals Convicted of Intentional Homicide in Virginia by Race and Sex, 2017-2022

	Male n (%)	Female n (%)	TOTAL n (%)
Black	513 (55%)	46 (5%)	559 (60%)
White	305 (33%)	50 (5%)	355 (38%)
Asian	3 (<1%)	0 (0%)	3 (<1%)
Unknown	12 (1%)	1 (<1%)	13 (1%)
TOTAL	**833 (90%)**	**97 (10%)**	**930 (100%)**

Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff.

❖ *The majority of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were convicted of first or second degree murder.*

As seen in Table 11, 69% (653 of 935) of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were convicted of first or second degree murder.

Table 11: Individuals Convicted of Intentional Homicide in Virginia by Code Section, 2017-2022

Code Section(s)	Number of Individuals	Percent of Individuals
§ 18.2-32 – First or second degree murder	653	69%
§ 18.2-35 – Voluntary manslaughter	206	22%
§ 18.2-33 – Felony homicide	56	6%
§ 18.2-31 – Aggravated murder	15	2%
§ 18.2-40 – Lynching deemed murder	4	<1%
§ 18.2-154 – Shooting at or throwing missiles, etc., at train, car, vessel, etc.	1	<1%
Total	**935***	**100%**

Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff.
*Note: Five of the 930 defendants were convicted for intentional homicides occurring on two distinct dates. In these instances, the defendant was not apprehended until after the second intentional homicide occurred.

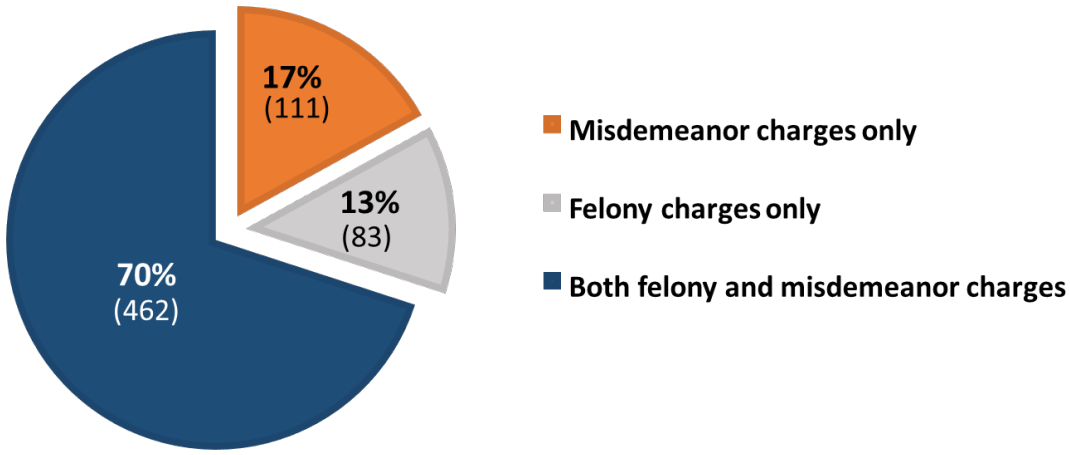
❖ *The majority of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 had a prior in-state criminal history record.*

The review of the in-state criminal history records for the 930 individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 revealed that 71% (656 of 930) of these individuals had a prior in-state criminal history record before the commission of the homicide, while no prior in-state record was identified for the remaining 29% (274 of 930) of individuals.

❖ *The majority of individuals with a prior in-state criminal history record who were convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 had both felony and misdemeanor charges on their record.*

As seen in Chart 3, of the 656 individuals with a prior in-state criminal history record, 70% (462 of 656) had both prior felony and misdemeanor charges, 17% (111 of 656) had prior misdemeanor charges only, and 13% (83 of 656) had prior felony charges only.

Chart 3: Individuals Convicted of Intentional Homicide, Prior In-State Criminal Charges



Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff. n= 656 individuals convicted of intentional homicide with a prior in-state criminal history record.

As seen in Table 12, there were a combined 7,908 prior charges across the 656 individuals with a prior in-state criminal history record. The top three categories of prior felony and misdemeanor charges combined were assault, larceny, and weapon law violations. Specifically, 93% (609 of 656) of these individuals had prior assault charges, 63% (414 of 656) had prior larceny charges, and 53% (349 of 656) had prior weapon law violation charges.

Table 12: Individuals Convicted of Intentional Homicide, Prior In-State Charges by Offense Type

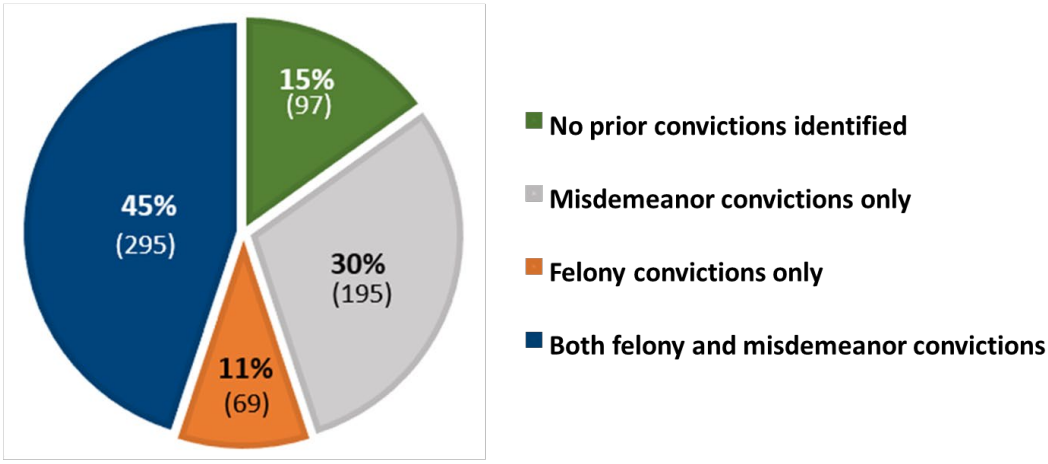
Type of Offense (felony and misdemeanors combined)	Individuals n (%)	Charges n (%)
Assault	609 (93%)	1,448 (18%)
Larceny	414 (63%)	874 (11%)
Weapon Law Violation	349 (53%)	643 (8%)
Narcotics	280 (43%)	640 (8%)
Failure to Appear	272 (41%)	535 (7%)
Contempt of Court	257 (39%)	599 (8%)
Felony Probation Violation	187 (29%)	529 (7%)
Vandalism	164 (25%)	222 (3%)
Obstruction of Justice	143 (22%)	200 (3%)
Fraud	141 (21%)	354 (4%)
Burglary	136 (21%)	234 (3%)
Misdemeanor Probation Violation	105 (16%)	192 (2%)
DWI	104 (16%)	166 (2%)
Robbery	103 (16%)	186 (2%)
Trespassing	94 (14%)	123 (2%)
Kidnapping	62 (9%)	82 (1%)
Protective Order Violation	41 (6%)	69 (1%)
Murder	39 (6%)	54 (1%)
Rape	28 (4%)	57 (1%)
All Other Charges	—	701 (9%)
	656	**7,908**

Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff. Percentages may not total 100% due to rounding.

❖ *The majority of individuals with a prior in-state criminal history record who were convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 had both felony and misdemeanor convictions on their record.*

As seen in Chart 4, of the 656 individuals with an in-state criminal history record who were convicted of an intentional homicide that occurred between 2017 and 2022, 45% (295 of 656) had both prior felony and misdemeanor convictions, 30% (195 of 656) had prior misdemeanor convictions only, 11% (69 of 656) had prior felony convictions only, and 15% (97 of 656) did not have any prior convictions.

Chart 4: Individuals Convicted of Intentional Homicide, Prior In-State Criminal Convictions



Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff. n= 656 individuals convicted of intentional homicide with a prior in-state criminal history record.

As seen in Table 11, there were a combined 3,868 prior convictions across the 559 individuals with a prior in-state criminal history record. The top three categories of prior felony and misdemeanor convictions combined were assault, larceny, and narcotics. Specifically, 61% (343 of 559) of individuals had prior assault convictions, 49% (272 of 559) had prior larceny convictions, and 35% (194 of 559) had prior narcotics convictions.

Table 13: Individuals Convicted of Intentional Homicide, Prior In-State Convictions by Offense Type

VCC Description (felony and misdemeanors combined)	Individuals n (%)	Convictions n (%)
Assault	343 (61%)	552 (14%)
Larceny	272 (49%)	468 (12%)
Narcotics	194 (35%)	334 (9%)
Weapon Law Violation	185 (33%)	237 (6%)
Felony Probation Violation	164 (29%)	421 (11%)
Failure to Appear	141 (25%)	239 (6%)
Contempt of Court	138 (25%)	253 (7%)
Fraud	91 (16%)	193 (5%)
Obstruction of Justice	91 (16%)	115 (3%)
Vandalism	87 (16%)	107 (3%)
DWI	78 (14%)	110 (3%)
Misdemeanor Probation Violation	66 (12%)	117 (3%)
Trespassing	64 (11%)	89 (2%)
Burglary	50 (9%)	89 (2%)
Robbery	44 (8%)	61 (2%)
Protective Order Violation	21 (4%)	25 (1%)
Kidnapping	14 (3%)	15 (<1 %)
Murder	12 (2%)	13 (<1 %)
Rape	9 (2%)	12 (<1 %)
All Other Convictions	—	418 (11%)
	559	**3,868**

Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff

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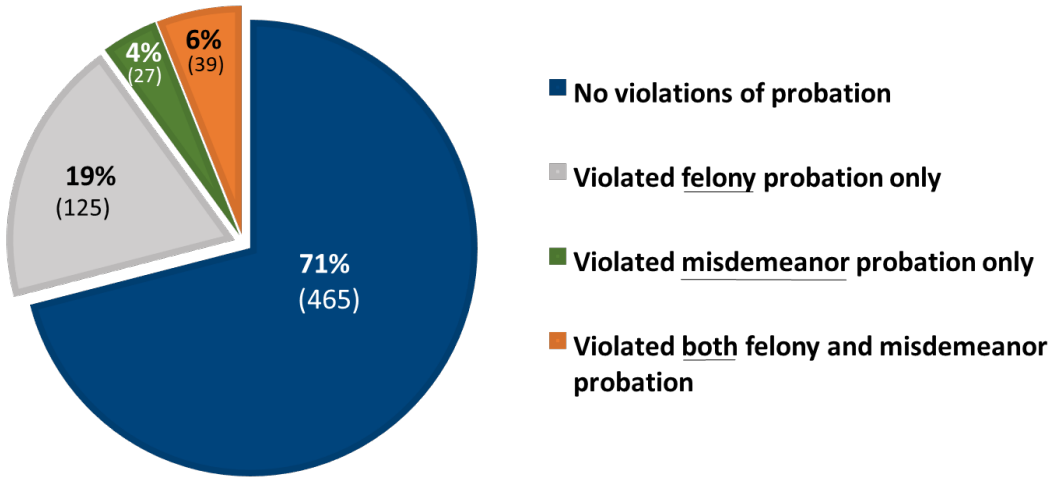
❖ *The majority of individuals with a prior in-state criminal history record who were convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 did not have prior in-state probation violations.*

As seen in Chart 5, of the 656 individuals with a prior in-state criminal history record who were convicted of an intentional homicide that occurred between 2017 and 2022, 71% (465 of 656) were not found to have violated probation before the homicide, 19% (125 of 656) violated felony probation only, 6% (39 of 656) violated both felony and misdemeanor probation, and 4% (27 of 656) violated misdemeanor probation only.

Chart 5: Individuals Convicted of Intentional Homicide, Prior In-State Probation Violations



Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff. n= 656 individuals convicted of intentional homicide with a prior in-state criminal history record.

❖ *Two-thirds of the individuals with a prior in-state criminal history record who were convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were sentenced to at least one active term of incarceration for an offense before the commission of the homicide.*

Of the 656 individuals with a prior in-state criminal history record who were convicted of an intentional homicide that occurred between 2017 and 2022, 67% (438 of 656) were sentenced to at least one active term of incarceration before the commission of the homicide.

RESEARCH QUESTION #4: Did any of the individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 have other active matters in the court system at the time of the homicide?

Staff attempted to determine whether any of the 930 individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 had other active matters in the court system at the time of the homicide. Specifically, staff sought to identify whether any of these individuals had the following when the intentional homicide occurred:

- Pending charges;
- State probation or parole supervision (Virginia Department of Corrections);
- Local community corrections probation supervision;
- Local pretrial services agency supervision; or,
- Subject to a protective order.[85]

These efforts revealed the following findings.

❖ *The majority of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 did not have pending charges at the time of the homicide.*

Of the 930 individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022, 81% (754 of 930) did not have pending charges at the time of the homicide, while 19% (176 of 930) had at least one pending charge at the time of the homicide. As seen in Table 12, these 176 individuals had a total of 394 pending charges.[86] Of the 176 individuals with pending charges, 50% (88 of 176) had one pending charge, 23% (40 of 176) had 2 pending charges, and 12% (22 of 176) had 3 pending charges. Only 15% (26 of 176) had 4 or more pending charges at the time of the homicide. An analysis of the 394 pending charges showed that 62% (246 of 394) of the charges were classified within the assault, narcotics, larceny, and weapon law violation categories.

Table 14: Individuals Convicted of Intentional Homicide, Pending Charges at Time of Offense

Number of Pending Charges	Individuals n (%)	Count of Charges
1	88 (50%)	88
2	40 (23%)	80
3	22 (12%)	66
4	9 (5%)	36
5	6 (3%)	30
6	4 (2%)	24
7	3 (2%)	21
11	1 (1%)	11
12	1 (1%)	12
13	2 (1%)	26
TOTAL	**176**	**394**

Source: Virginia State Police, CCRE. Analysis of in-state criminal history records by Crime Commission staff.

- *The vast majority of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were not under state probation or parole supervision (Virginia Department of Corrections) at the time of the homicide.*

At the request of staff, the Virginia Department of Corrections (DOC) attempted to link the 930 individuals convicted of intentional homicide that occurred in Virginia between 2017 and 2022 to individuals in their CORIS system to determine whether any were under state probation or parole supervision for a prior offense at the time of the homicide event. After receiving this information from DOC, staff conducted further analysis and found that the vast majority of these individuals were not under the supervision of DOC (state probation or parole) for a prior offense at the time of the homicide. Specifically, 82% (762 of 930) of these individuals were not under supervision, while 18% (168 of 930) were under supervision. Nearly 60% (98 of 168) of those under supervision were on medium level supervision. All 168 individuals were being supervised for at least one prior felony offense. Of the felony offenses for which supervision was being provided to the 168 individuals, slightly over half were classified as larceny, narcotics, or weapon law violation offenses.

- *An overwhelming majority of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were not under local community corrections supervision at the time of the homicide.*

Staff requested information on all individuals under local community corrections supervision during the study's timeframe from DCJS, which maintains the Pretrial and Community Corrections (PTCC) case management system. Staff analyzed this information and found that only 3% (30 of 930) of the individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were under local community corrections supervision at the time of the homicide. Assault, narcotics, and larceny comprised the majority of the classifications of offenses for which local community corrections supervision was being provided for these 30 individuals.

- *An overwhelming majority of individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were not under pretrial services agency supervision at the time of the homicide.*

Staff requested information on all individuals under pretrial services agency supervision during the study's timeframe from DCJS' PTCC case management system. Staff analyzed this information and found that only 6% (53 of 930) of the individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were on pretrial services agency supervision at the time of the homicide. Narcotics, assault, and weapons law violations comprised the majority of the classifications of offenses for which pretrial services agency supervision was being provided for these 53 individuals.

- *Very few individuals convicted of an intentional homicide that occurred in Virginia between 2017 and 2022 were subject to a protective order at the time of the homicide.*

At the request of staff, the Virginia State Police (VSP) attempted to link the 930 individuals convicted of intentional homicide that occurred in Virginia between 2017 and 2022 to individuals in the VSP protective order case management system. After receiving this information from VSP, staff conducted further analysis and determined that 14% (133 of 930) of these individuals were subject to a protective order *at some point* between 2017 and 2022 prior to the commission of an intentional homicide.

Specific examination of these 133 individuals revealed that 29 individuals were subject to a protective order *at the time* of the intentional homicide. Of these 29 individuals, at least six individuals were convicted of the intentional homicide per the named petitioner in the protective

order, with the victim's relationship to the offender being grandmother, mother, father, estranged wife, girlfriend, and 2-year-old son.

CONCLUSION

Intentional homicide is a serious criminal justice and public health concern both nationally and in Virginia. In an effort to address serious violent crime within communities, localities across the United States have engaged in various evidence-based violent crime prevention strategies shown to be effective in suppressing violent crime and interrupting the spread of violence when properly implemented for the individual community.[87] Such strategies include:

- Focused deterrence interventions;[88]
- Community-led public health interventions;[89]
- Hospital-based violence intervention programs;[90]
- Conflict mediation;[91]
- Crime prevention technology;[92] and,
- Blight remediation efforts.[93]

Similarly, Virginia recently implemented initiatives designed to mitigate the rise in intentional homicide and other types of violent crime, including *Ceasefire Virginia*[94] and *Operation Bold Blue Line*.[95] Additionally, Virginia has devoted significant financial resources to violence intervention. Virginia's amended FY2024 budget increased funding for the Firearm Violence Intervention and Prevention Fund from $4 million to $9 million,[96] increased funding for the Operation Ceasefire Grant Fund from $2.5 million to $17.5 million,[97] appropriated $10 million for the creation of a Safer Communities Program,[98] and authorized $1 million for a new witness protection program.[99] These funding measures continued into the FY2025 to FY2026 budget, with $9 million each year for the Firearm Violence Intervention and Prevention Fund,[100] $10 million each year for the Operation Ceasefire Grant Fund,[101] $14 million each year to the Safer Communities Program,[102] and $1.2 million each year for a witness protection program.[103] Finally, the budget requires the Virginia Department of Criminal Justice Services to continue providing quarterly updates and an annual report to the Crime Commission on all community-based violence intervention efforts.[104]

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Virginia Association of Chiefs of Police & Foundation

Virginia Association of Commonwealth's Attorneys

Virginia Criminal Sentencing Commission

Virginia Department of Corrections

Virginia Department of Criminal Justice Services

Virginia Department of Health

Virginia Department of Health - Office of the Chief Medical Examiner

Virginia Department of Juvenile Justice

Virginia Sexual and Domestic Violence Action Alliance

Virginia Sheriffs' Association

Virginia State Police

ENDNOTES

[1] *See* Appendix A for a summary on juvenile offenders convicted or adjudicated delinquent of an intentional homicide that occurred between 2017 and 2022 in Virginia.
[2] Staff examined data from the Alexandria Circuit Court case management system, which is housed at the Alexandria Circuit Court.
[3] Staff examined data from the the WISQARS™ — Web-based Injury Statistics Query and Reporting System and the National Violent Death Reporting System (NVDRS), which are housed at the Centers for Disease Control and Prevention (CDC).
[4] Staff examined data from the Fairfax Circuit Court case management system, which is housed at the Fairfax Circuit Court.
[5] Staff examined data from the national Uniform Crime Reporting (UCR) Program, which is housed at the Federal Bureau of Investigation (FBI).
[6] Staff examined data from Virginia circuit court case management systems, which are housed at the Virginia Supreme Court's Office of the Executive Secretary (OES). Note: Fairfax Circuit Court and Alexandria Circuit Court case management systems are maintained on separate systems.
[7] Staff examined data from the Virginia Corrections Information System (VirginiaCORIS), which is housed at the Virginia Department of Corrections.
[8] Staff examined data from the Pretrial and Community Corrections (PTCC) case management system, which is housed at the Virginia Department of Criminal Justice Services.
[9] Staff examined data from the Office of the Chief Medical Examiner of Virginia (OCME), as well as information from the Virginia Violent Death Reporting System (VVDRS), which are housed at the Virginia Department of Health. *See OCME annual reports* at https://www.vdh.virginia.gov/medical-examiner/annual-reports/ and information relating to the VVDRS data at https://www.vdh.virginia.gov/medical-examiner/division-of-death-prevention/virginia-violent-death-reporting-system/.
[10] Staff examined data from the Balanced Approach Data Gathering Environment (BADGE) case management system, which is housed at the Virginia Department of Juvenile Justice.
[11] Staff examined data from the Virginia Uniform Crime Reporting (UCR) Program, the Central Criminal Records Exchange (CCRE), and the protective order case management system, which are housed at the Virginia State Police.
[12] *See, e.g.,* FBI, UCR Program, National Incident-Based Reporting System. (Fall 2019). *NIBRS offense definitions,* at https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf. The FBI Uniform Crime Reporting (UCR) Program collects the number of murders and non-negligent manslaughters reported by participating law enforcement agencies in each state and territory and defines murder and non-negligent manslaughter as the "willful (nonnegligent) killing of one human being by another." The primary limitation is that not all law enforcement agencies participate in the program; for instance, at one point only 66.5% (12,725 of 19,139) of law enforcement agencies covering 73% of the US population participated in the NIBRS program in 2022 (*see* Department of Justice. (2023, January 17). The Report of the Attorney General Pursuant to Section 18(a) of Executive Order 14074: Department of Justice Review of the Transition of Law Enforcement Agencies to the National Incident-Based Reporting System, at https://www.justice.gov/opa/speech/file/1563061/dl); ***See also*** Virginia State Police, Virginia UCR-IBR Program, *Virginia Incident-Based Reporting User Manual,* at https://vsp.virginia.gov/wp-content/uploads/2022/07/Virginia-IBR-User-Manual-2019.1-NOV-2021.pdf. Virginia's UCR-IBR Program adopts the same definition as the national UCR-NIBRS program (p.26); however, Virginia's UCR-IBR Program, while voluntary, has nearly a 100% participation rate; ***See also*** Virginia Central Criminal Records Exchange, at https://law.lis.virginia.gov/vacode/title19.2/chapter23/. The Virginia State Police houses the Central Criminal Records Exchange (CCRE), which is the repository that receives, classifies, maintains, and disseminates individual criminal history records. Unlike the FBI UCR-NIBRS and Virginia UCR-IBR program data for murder offenses, CCRE data provides the number of arrests and dispositions for specific intentional homicide Code section violations and will frequently include the offense severity (misdemeanor and felony) and classification level, along with individual demographics. The CCRE also houses the in-state computerized criminal history records (CHR) that staff requested for analysis of prior in-state criminal charges and convictions, as well as information relating to the intentional homicide occurring between 2017 and 2022 in Virginia. One limitation of the CCRE is that the defendant's fingerprints must be submitted in order for an offense to be applied to that person's criminal history

record. In some instances, fingerprints may have been obtained for an offense, but there was a submission error where the fingerprints did not reach the CCRE. In other instances, information for an offense may have been submitted to the CCRE without fingerprints. In either instance, the offense is placed in a "Hold File" within the CCRE until a fingerprint is submitted to the CCRE and the offense is applied to a person's criminal history record. Another limitation is that information contained in the CCRE is based on data entered by court clerks into their respective court case management systems. Therefore, if there was a data entry error, that error will be reflected in the CCRE; ***See also*** Circuit court case management systems maintained by the Office of the Executive Secretary of the Supreme Court of Virginia, Fairfax Circuit Court, and Alexandria Circuit Court. It should be noted that OES case management system data is charge-based (i.e., each count of each charge appears as a unique record in the system). As mentioned above, the information contained in the CCRE is based on information entered by clerks of court into their respective court case management systems, which as with any type of manual entry can introduce certain limitations. For instance, if the clerk did not enter a Virginia Crime Code (VCC), the analysis relied on the *Code* section and offense description entered by the clerk to assign a VCC. If the clerk entered an incorrect VCC or statute reference, or the clerk entered the statute in a non-standardized format, the case may not have been identified and included in the analysis. However, unlike the CCRE, these circuit court case management systems have information on intentional homicide offenses where a fingerprint was not obtained or transmitted to the CCRE due to various reasons; ***See also*** CDC, National Vital Statistics System, Fatal Injury Reports on WISQARS™ — Web-based Injury Statistics Query and Reporting System, at https://wisqars.cdc.gov/. The mortality statistics in WISQARS fatal injury modules are based on codes in the International Classification of Disease-10th Revision (ICD-10). The *International Classification of Diseases- 10* (ICD-10) is used in various countries worldwide for coding death in a consistent manner and defines homicides as "injuries inflicted by another person with the intent to kill or injure, by any means." This public health data consistently has a higher count of homicides as compared to FBI UCR Program data due the differences in definitions and the fact that the public health data collection is mandatory rather than voluntary; ***See also*** Virginia Department of Health, OCME annual reports, at https://www.vdh.virginia.gov/medical-examiner/annual-reports/. The Virginia Department of Health, Office of the Chief Medical Examiner (OCME) is responsible for the investigation of sudden, violent, or unexpected deaths, which include homicides. The OCME data defines homicide as the "manner of death in which death results from the intentional harm of one person by another." Each year, the OCME publishes an annual report which includes details relating to homicides by characteristics such as victim demographics, cause/method of injury, location of injury, and ethanol levels. The reported count of homicides is generally greater in OCME data as compared to Virginia UCR-IBR Program data due to the OCME's definition being broader with fewer exclusions.

[13] *See* Appendix B for the aggregate number and rate of intentional homicides per 100,000 by locality for 2017-2022 combined (Virginia State Police, UCR-IBR Program, 2017-2022). It should be further noted that Virginia experienced a similar increase in the number of reported aggravated assaults each year from 2017 to 2022, as follows: 10,135 (2017), 10,386 (2018), 11,199 (2019), 12,494 (2020), 13,336 (2021), 14,028 (2022) per Virginia State Police, UCR-IBR Program data. Specifically, there was a 38% increase in the number of reported aggravated assaults when comparing 2017 (10,135) to 2022 (14,028).

[14] *See* Appendix B for the aggregate number and rate of intentional homicides per 100,000 by locality for 2017-2022 combined (Virginia State Police, UCR-IBR Program, 2017-2022) and Appendix C for the number and rate of homicides by locality of event and year of death, 2017-2022 (Virginia Department of Health, Office of the Chief Medical Examiner (OCME)).

[15] The United States has two national data collection systems on homicides: (i) the FBI Uniform Crime Reporting Program's Supplementary Homicide Reports, which is a voluntary program based on offenses reported to law enforcement agencies, and (ii) the CDC's Fatal Injury Reports, which is a mandatory program based on death certificates as reported by medical examiners and coroners. Both sources noted the significant increase in the number of intentional homicides in the United States (particularly from 2019 to 2020). *See, e.g.,* FBI. (2021, September 27). *FBI releases 2020 crime statistics*, at https://www.fbi.gov/news/press-releases/fbi-releases-2020-crime-statistics; CDC, National Center for Health Statistics. (2021, October 6). *New CDC/NCHS data confirm largest one-year increase in U.S. homicide rate in 2020*, at https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2021/202110.htm. For a report comparing these two national data sources, *see* U.S. Department of Justice, Bureau of Justice Statistics. (2014, July). *The nation's two*

measures of homicide. (NCJ 247060), at https://bjs.ojp.gov/content/pub/pdf/ntmh.pdf. Finally, from a historical perspective, it should also be noted that despite the large increase in intentional homicides observed in this time frame, the total number and rate of homicides in the U.S. was still much lower than what was seen in the mid-1980s to early 1990s, for example. *See, e.g.,* FBI. *Crime Data Explorer, Trend of homicide, Rate of homicide offenses by population, 1985-2022,* at https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/crime-trend.

[16] Virginia State Police, UCR-IBR Program, personal communication (June 18, 2024): preliminary UCR-IBR data indicates that 473 murders/non-negligent manslaughters occurred in Virginia in 2023, suggesting an approximate 26% decrease from 2022.

[17] *See, e.g.,* Pino, E. C., Gebo, E., Dugan, E., & Jay, J. (2022). Trends in violent penetrating injuries during the first year of the COVID-19 pandemic. *JAMA Network Open*, *5*(2), e2145708; Rosenfeld, R., & Lopez Jr., E. (2020). Pandemic, social unrest, and crime in U.S. cities. *Federal Sentencing Reporter*, *33*(1-2), 72–82.

[18] Stakeholder meetings with representatives from the Virginia Association of Chiefs of Police (personal communication, October 10, 2023), the Virginia Association of Commonwealth's Attorneys (personal communication, October 12, 2023, and October 18, 2023), and the Virginia Sheriffs' Association (personal communication, October 10, 2023).

[19] Stakeholder meetings with representatives from the Virginia Association of Chiefs of Police (personal communication, October 10, 2023), the Virginia Association of Commonwealth's Attorneys (personal communication, October 12, 2023, and October 18, 2023), and the Virginia Sheriffs' Association (personal communication, October 10, 2023).

[20] *See, e.g.,* Nix, J., & Wolfe, S. E. (2016). Sensitivity to the Ferguson Effect: The role of managerial organizational justice. *Journal of Criminal Justice*, *47*, 12-20; Oliver, W. M. (2017). Depolicing: Rhetoric or reality? *Criminal Justice Policy Review*, *28*, 437- 461.

[21] Stakeholder meetings with representatives from the Virginia Association of Chiefs of Police (personal communication, October 10, 2023) and the Virginia Sheriffs' Association (personal communication, October 10, 2023); *See also, e.g.,* Braga, A. A., & Cook, P. J. (2018). The association of firearm caliber with likelihood of death from gunshot injury in criminal assaults. *JAMA Network Open, 1*(3), el 80833; Cook, P. J., Rivera-Aguirre, A. E., Cerda, M., & Wintemute, G. (2017). Constant lethality of gunshot injuries from firearm assault: United States, 2003-2012, *American Journal of Public Health*, *107*(8), 1324-1328; Rosenfeld, R., & Fox, J. A. (2019). Anatomy of the homicide rise. *Homicide Studies, 23*, 202- 224.

[22] Stakeholder meetings with representatives from the Virginia Association of Chiefs of Police (personal communication, October 10, 2023), the Virginia Association of Commonwealth's Attorneys (personal communication, October 12, 2023, and October 18, 2023), and the Virginia Sheriffs' Association (personal communication, October 10, 2023). *See also, e.g.,* Gaston, S., Cunningham, J. P., & Gillezeau, R. (2019). A Ferguson effect, the drug epidemic, both, or neither? Explaining the 2015 and 2016 U.S. homicide rises by race and ethnicity. *Homicide Studies, 23*(3), 285-313; Rosenfeld, R. (2018). Studying crime trends: Normal science and exogenous shocks. *Criminology, 56*, 5-26; Rosenfeld, R., & Fox, J. A. (2019). Anatomy of the homicide rise. *Homicide Studies, 23*, 202-224; Rosenfeld, R., Gaston, S., Spivak, H., & Irazola, S. (2017). *Assessing and responding to the recent homicide rise in the United States*. Washington, DC: National Institute of Justice; Rosenfeld, R., Roth, R., & Wallman, J. (2023). Homicide and the opioid epidemic: A longitudinal analysis. *Homicide Studies*, *27*(3), 321-337; Rosenfeld, R., Wallman, J., & Roth, R. (2021). The opioid epidemic and homicide in the United States. *Journal of Research in Crime and Delinquency*, *58*(5), 545-590; Wallman, J., Rosenfeld, R., & Roth, R. (2023). *The opioid epidemic and homicide*. Harry Frank Guggenheim Foundation: New York, NY, at https://www.hfg.org/wp-content/uploads/2023/05/Opioids_HFG-Brief.pdf.

[23] Stakeholder meetings with representatives from the Virginia Association of Chiefs of Police (personal communication, October 10, 2023), the Virginia Association of Commonwealth's Attorneys (personal communication, October 12, 2023, and October 18, 2023), and the Virginia Sheriffs' Association (personal communication, October 10, 2023).

[24] *See, e.g.,* Rosenfeld, R., & Fox, J. A. (2019). Anatomy of the homicide rise. *Homicide Studies*, *23*, 202- 224; Rosenfeld, R., Gaston, S., Spivak, H., & Irazola, S. (2017). Assessing and responding to the recent homicide rise in the United States (No. NCJ 251067); Gaston, S., Cunningham, J. P., & Gillezeau, R. (2019). A Ferguson effect, the

drug epidemic, both, or neither? Explaining the 2015 and 2016 U.S. homicide rises by race and ethnicity. *Homicide Studies*, *23*(3), 285-313; Rosenfeld, R., Roth, R., & Wallman, J. (2023). Homicide and the opioid epidemic: A longitudinal analysis. *Homicide Studies*, *27*(3), 321-337; Rosenfeld, R., Wallman, J., & Roth, R. (2021). The opioid epidemic and homicide in the United States*. Journal of Research in Crime and Delinquency*, *58*(5), 545-590; Wallman, J., Rosenfeld, R., & Roth, R. (2023). *The opioid epidemic and homicide*. Harry Frank Guggenheim Foundation: New York, NY, at https://www.hfg.org/wp-content/uploads/2023/05/Opioids_HFG-Brief.pdf; Gaston, S., Spivak, H., & Irazola, S. (2017). *Assessing and responding to the recent homicide rise in the United States.* National Institute of Justice, at https://www.ojp.gov/pdffiles1/nij/251067.pdf. This body of research suggests that the opioid epidemic has impacted homicide rates, as a greater increase in drug-related homicides than homicides of other types has been documented. Researchers have specifically placed increased attention on how the opioid epidemic has played a role in the increase of drug-related homicides. For example, homicide rates were found to be considerably higher in areas with higher rates of opioid-related deaths and in regions of the United States where the opioid epidemic has had a strong presence. These areas and regions are also those that generally have pronounced economic disadvantage and more availability of firearms. Further, researchers have also uncovered racial differences in the increase in drug-related homicides among White and Black victims, with a significantly higher percentage increase in *drug-related* homicides among White victims as compared to Black victims.

[25] *See, e.g.,* Bondurant, S. R., Lindo, J. M., Swensen, I. D. (2016). Substance abuse treatment centers and local crime. *Journal of Urban Economics*, *104*, 124-133; Wen, H., Hockenberry, J. M., & Cummings, J. R. (2014). The effect of substance use disorder treatment use on crime: Evidence from public insurance expansions and health insurance parity mandates, NBER Working Paper No. 20537; Rosenfeld, R., Wallman, J., & Roth, R. (2021). The opioid epidemic and homicide in the United States*. Journal of Research in Crime and Delinquency*, *58*(5), 545-590; Wallman, J., Rosenfeld, R., & Roth, R. (2023). The opioid epidemic and homicide. Harry Frank Guggenheim Foundation: New York, NY, at https://www.hfg.org/wp-content/uploads/2023/05/Opioids_HFG-Brief.pdf. This body of research suggests that substance abuse treatment can reduce involvement in violent crime, as substance use has been found to co-occur with violent offending. Research has found that the utilization of substance abuse treatment can reduce criminal offending, including engagement in violent crime such as homicide. Further, studies that have found a relationship between the opioid epidemic and homicide rates indicate that reductions in the demand for opioids and the violence associated with this illicit drug market can be achieved by utilizing the public health approach with a strong focus on treatment for the use of illicit substances.

[26] Stakeholder meetings with representatives from the Virginia Association of Chiefs of Police (personal communication, October 10, 2023), the Virginia Association of Commonwealth's Attorneys (personal communication, October 12, 2023, and October 18, 2023), and the Virginia Sheriffs' Association (personal communication, October 10, 2023). *See also, e.g.,* Demir, M., & Park, S. (2022). The effect of COVID-19 on domestic violence and assaults. *Criminal Justice Review*, *47*(4), 445-463; Kourti, A., Stavridou, A., Panagouli, E., Psaltopoulou, T., Spiliopoulou, C., Tsolia, M., Sergentanis, T. N., & Tsitsika, A. (2023). Domestic violence during the COVID-19 pandemic: A systemic review. *Trauma, Violence, & Abuse*, *24*(2), 719-745; Leslie, E., & Wilson, R. (2020). Sheltering in place and domestic violence: Evidence from calls for service during COVID-19. *Journal of Public Economics*, *189*, 104241; McNeil, A., Hicks, L., Yalcinoz-Ucan, B., & Browne, D. T. (2023). Prevalence & correlates of intimate partner violence during COVID-19: A rapid review. *Journal of Family Violence*, *38*, 241-261; Nix, J., & Richards, T. N. (2021). The immediate and long-term effects of COVID-19 stay-at-home orders on domestic violence calls for service across six U.S. jurisdictions. *Police Practice and Research*, *22*(4), 1443-1451; Piquero, A., Jennings, W. G., Jemison, E., Kaukinen, C., & Knaul, F. M. (2021). Domestic violence during the COVID-19 pandemic – Evidence from a systemic review and meta-analysis. *Journal of Criminal Justice*, *74*, 101806; Attorney General of Virginia, Office of the Attorney General. (2022, December 31). *Domestic and sexual violence in Virginia: 2022 annual report,* at https://www.oag.state.va.us/files/DomesticViolence/AnnualReports/2022-OAG-Annual-Domestic-and-Sexual-Violence-in-VA-Report.pdf

[27] Stakeholder meetings with representatives from the Virginia Association of Commonwealth's Attorneys (personal communication, October 12, 2023, and October 18, 2023).

[28] *See, e.g.,* Gaston, S., Cunningham, J. P., & Gillezeau, R. (2019). A Ferguson effect, the drug epidemic, both, or neither? Explaining the 2015 and 2016 U.S. homicide rises by race and ethnicity. *Homicide Studies, 23*(3), 285-313; Rosenfeld, R. (2016). *Documenting and explaining the 2015 homicide rise: Research directions* (NIJ Special Report,

NCJ-249895). Washington, DC: National Institute of Justice; Rosenfeld, R. (2018). Studying crime trends: Normal science and exogenous shocks. *Criminology*, *56*, 5-26; Rosenfeld, R., Gaston, S., Spivak, H., & Irazola, S. (2017). *Assessing and responding to the recent homicide rise in the United States*. Washington, DC: National Institute of Justice.

[29] *Id.*

[30] Firearm violence continues to remain a significant public health concern in the United States. *See*, e.g., Goin, D. E., Rudolph, K. E., & Ahern, J. (2018). Predictors of firearm violence in urban communities: A machine-learning approach. *Health & Place*, *51*, 61-67; Jay, J., Miratrix, L .W., Branas, C. C., Zimmerman, M. A., & Hemenway, D. (2019). Urban building demolitions, firearm violence and drug crime. *Journal of Behavioral Medicine*, *42*, 626-634; Knopov, A., Rothman, E. F., Cronin, S. W., Franklin, L., Cansever, A., Potter, F., Mesic, A., Sharma, A., Xuan, Z., Siegel, M., & Hemenway, D. (2019). The role of racial residential segregation in black-white disparities in firearm homicide at the state level in the United States, 1991-2015. *Journal of the National Medical Association*, *111*(1), 62-75; Magee, L. A. (2020). Community-level social processes and firearm shooting events: A multi-level analysis. *Journal of Urban Health*, *97*, 296-305.

[31] *See, e.g.,* Federal Bureau of Investigation. (1995). *Table 2.9, Murder, Types of Weapons Used, 1995,* https://ucr.fbi.gov/crime-in-the-u.s/1995/95sec2.pdf*;* Federal Bureau of Investigation. (2019). *Expanded Homicide Data Table 9, Murder Victims by Age by Weapon, 2019*. https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-9.xls.

[32] Federal Bureau of Investigation. (2009). *Expanded Homicide Data Table 9, Murder Victims by Age by Weapon, 2009*. https://ucr.fbi.gov/crime-in-the-u.s/2009; Federal Bureau of Investigation. (2019). *Expanded Homicide Data Table 9, Murder Victims by Age by Weapon, 2019*. https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/expanded-homicide-data-table-9.xls.

[33] *See* Appendix B for the aggregate number and rate of intentional homicides per 100,000 by locality for 2017-2022 combined (Virginia State Police, UCR-IBR Program, 2017-2022).

[34] *Id.*

[35] *Id.*

[36] *Id.*

[37] *See, e.g.,* Beard, J H., Morrison, C. N., Jacoby, S. F., Dong, B., Smith, R., Sims, C. A., & Wiebe, D. J. (2017). Quantifying disparities in urban firearm violence by race and place in Philadelphia, Pennsylvania: A cartographic study. *American Journal of Public Health*, *107*(3), 371-373; Branas, C. C., Kondo, M. C., Murphy, S. M., South, E. C., Polsky, D., & MacDonald, J. M. (2016). Urban blight remediation as a cost-beneficial solution to firearm violence. *American Journal of Public Health*, *106*(12), 2158-2164; Kegler, S. R., Dahlberg, L., L., & Vivolo-Kantor, A. M. (2021). A descriptive exploration of the geographic and sociodemographic concentration of firearm homicide in the United States, 2004–2018. *Preventive Medicine*, *153*, 106767; Kim, D. (2019). Social determinants of health in relation to firearm-related homicides in the United States: A nationwide multilevel cross-sectional study. *PLoS Medicine*, *16*(12), e1002978; Muggy, L., Griswold, M., Nekoul, F. E., McKenna, S., Smart, R., & Hunt, P. (2022). Accounting for socio-economic context in quantifying the attractive and repellent influence of built environment on firearms violence in multiple cities. *Journal of Quantitative Criminology*. https://doi.org/10.1007/s10940-022-09560-x; Patton, D., Sodhi, A., Affinati, S., Lee, J., & Crandall, M. (2019). Post-discharge needs of victims of gun violence in Chicago: A qualitative study. *Journal of Interpersonal Violence*, *34*(1), 135-155; Prevention Institute and Big Cities Health Coalition. (May 2021). *Community safety realized: Public health pathways to preventing violence*, at https://www.preventioninstitute.org/sites/default/files/publications/Community%20Safety%20Realized%20Final%20Report%20and%20Framework.pdf.

[38] *See, e.g.,* FBI. (2021, September 27). *FBI releases 2020 crime statistics*, at https://www.fbi.gov/news/press-releases/fbi-releases-2020-crime-statistics

[39] *See, e.g.,* Branas, C. C., Kondo, M. C., Murphy, S. M., South, E. C., Polsky, D., & MacDonald, J. M. (2016). Urban blight remediation as a cost-beneficial solution to firearm violence. *American Journal of Public Health*, *106*(12), 2158-2164; Dalve, K., Gause, E., Mills, B., Floyd, A. S., Rivara, F. P., & Rowhani-Rahbar, A. (2021). Neighborhood disadvantage and firearm injury: Does shooting location matter? *Injury Epidemiology*, *8*(1), 1-9; Dong, B., Branas, C. C., Richmond, T. S., Morrison, C. N., & Wiebe, D. J. (2017). Youth's daily activities and situational triggers of gunshot assault in urban environments. *Journal of Adolescent Health*, *61*, 779–785; Goin, D. E., Rudolph, K. E., &

Ahern, J. (2018). Predictors of firearm violence in urban communities: A machine-learning approach. *Health & Place*, *51*, 61-67; Huebner, B. M., Martin, K., Jr., Moule, R. K., Pyrooz, D., & Decker, S. H. (2016). Dangerous places: Gang members and neighborhood levels of gun assault. *Justice Quarterly*, *33*, 836–862; Kim, D. (2019). Social determinants of health in relation to firearm-related homicides in the United States: A nationwide multilevel cross-sectional study. *PLoS Medicine*, *16*(12), e1002978; Rowhani-Rahbar, A., Quistberg, D. A., Morgan, E. R., Hajat, A., & Frederick, P. R. (2019). Income inequality and firearm homicide in the US: A county-level cohort study. *Injury Prevention*, *25*, 125-130; Schmidt, C. J., Rupp, L., Pizarro, J. M., Lee, D. B., Branas, C. C., & Zimmerman, M. A. (2019). Risk and protective factors related to youth firearm violence: A scoping review and directions for future research. *Journal of Behavioral Medicine*, *42*, 706-723.

[40] *See, e.g.,* AbiNader, M. A. (2020). Correlates of intimate partner homicide in the rural United States: Findings from a national sample of rural counties, 2009–2016. *Homicide Studies*, *24*(4), 353-376; Andresen, M. A. (2012). Unemployment and crime: A neighborhood level panel data approach. *Social Science Research*, *41*, 1615-1628; Chon, D. S. (2020). Are competitive materialism and female employment related to international homicide rate? *Journal of Interpersonal Violence*, *35*(15-16), 2780-2799; Chon, D. S. (2012). The impact of population heterogeneity and income inequality on homicide rates: A cross-national assessment. *International Journal of Offender Therapy and Comparative Criminology*, *56*, 730-748; Ferguson, C. J., & Smith, S. (2021). Examining homicides and suicides cross-nationally: Economic factors, guns and video games. *International Journal of Psychology*, *56*(5), 812-823; Houghton, A., Jackson-Weaver, O., Toraih, E., Burley, N., Byrne, T., McGrew, P., Duchesne, J., Tatum, D., & Taghavi, S. (2021). Firearm homicide mortality is influenced by structural racism in US metropolitan areas. *Journal of Trauma and Acute Care Surgery*, *91*(1), 64-71; Light, M. T., & Ulmer, J. T. (2016). Explaining the gaps in White, Black, and Hispanic violence since 1990: Accounting for immigration, incarceration, and inequality. *American Sociological Review*, *81*(2), 290-315; Kim D. (2019). Social determinants of health in relation to firearm-related homicides in the United States: A nationwide multilevel cross-sectional study. *PLoS Medicine*, *16*(12):e1002978; Riddell, C. A., Harper, S., Cerdá, M., & Kaufman, J. S. (2018). Comparison of rates of firearm and nonfirearm homicide and suicide in Black and White non-Hispanic men, by U.S. state. *Annals of Internal Medicine*, *168*, 712-720; Roberts, A., & Willits, D. (2015). Income inequality and homicide in the United States: Consistency across different income inequality measures and disaggregated homicide types. *Homicide Studies*, *19*(1), 28-57; Rowhani-Rahbar A., Quistberg D. A., Morgan, E.R., Hajat, A., Rivara, F. P. (2019). Income inequality and firearm homicide in the US: A county-level cohort study. *Injury Prevention*, *25*(Suppl 1):i25–30; Schleimer, J. P., Pear, V. A., McCort, C. D., Shev, A. B., De Biasi, A., Tomsich, E., Buggs, S., Laqueur, H. S., & Wintemute, G. J. (2022). Unemployment and crime in U.S. cities during the Coronavirus pandemic. *Journal of Urban Health*, *99*, 82-91; Vieraitis, L. M., Britto, S., & Kovandzic, T. V. (2007). The impact of women's status and gender inequality on female homicide victimization rates: Evidence from U.S. counties. *Feminist Criminology, 2*(1), 57-73.

[41] Koeppel, M. D. H., Rhineberger-Dunn, G. M., & Mack, K. Y. (2015). Cross-national homicide: A review of the current literature. *International Journal of Comparative and Applied Criminal Justice*, *39*(1), 47-85.

[42] *See, e.g.,* Kim, D. (2019). Social determinants of health in relation to firearm-related homicides in the United States: A nationwide multilevel cross-sectional study. *PLoS Medicine*, *16*(12), e1002978; James, S., Gold, S., Rouhani, S., McLanahan, S., Brooks-Gunn, J. (2021). Adolescent exposure to deadly gun violence within 500 meters of home or school: Ethnoracial and income disparities. *Health Affairs*, *40*(6), 961-969; Muggy, L., Griswold, M., Nekoul, F. E., McKenna, S., Smart, R., & Hunt, P. (2022). Accounting for socio-economic context in quantifying the attractive and repellent influence of built environment on firearms violence in multiple cities. *Journal of Quantitative Criminology*, https://doi.org/10.1007/s10940-022-09560-x; Rowhani-Rahbar, A., Quistberg, D. A., Morgan, E. R., Hajat, A., & Frederick, P. R. (2019). Income inequality and firearm homicide in the US: A county-level cohort study. *Injury Prevention*, *25*, 125-130.

[43] *See, e.g.,* Agnew, R. (1985). A revised strain theory of delinquency. *Social Forces*, *64*, 151-167; Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, *30*, 47-88; Agnew, R. (2001). Building on the foundations of general strain theory: Specifying the types of strain most likely to lead to crime and delinquency. *Journal of Research in Crime and Delinquency 38*, 319-361; Caywood, T. (1998). Routine activities and urban homicides: A tale of two cities. *Homicide Studies*, *2*(1), 64-82; Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, *44*, 588-608; Cohen, L. E.,

Kluegal, J., & Land, K. C. (1981). Social inequality and criminal victimization. *American Sociological Review*, *46*, 505-524; Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, *277*(5328), 918–924; Shaw, C.R., & McKay, H.D. (1942). *Juvenile delinquency and urban areas: A study of rates of delinquency in relation to differential characteristics of local communities in American cities*. Chicago, IL: University of Chicago Press. In general, strain theory emphasizes the stress of unemployment, the loss of "status," and maladaptive coping mechanisms (drugs/alcohol) as potential factors leading to homicide. Routine activity theory focuses on changes in lifestyle that can increase or decrease the likelihood of homicide victimization. Social disorganization theory is mainly discussed in relation to homicides occurring in urban communities that are marked by poverty, with specific attention placed on the interplay between high residential mobility, disconnectedness between residents, and low collective efficacy and how this can create circumstances in which homicide perpetration or victimization could occur.

[44] Research studies have found no relationship between unemployment and homicide, a positive relationship between unemployment and homicide, and a negative relationship between youth employment and neighborhood homicide rates. *See, e.g.,* Koeppel, M. D. H., Rhineberger-Dunn, G. M., & Mack, K. Y. (2015). Cross-national homicide: A review of the current literature. *International Journal of Comparative and Applied Criminal Justice*, *39*(1), 47-85; Kposowa, A. J., & Johnson K. A. C. (2016). A cohort analysis of employment status and homicide victimization in the United States. *Sociological Spectrum*, *36*(2), 93-108; Schleimer, J. P., Pear, V. A., McCort, C. D., Shev, A. B., De Biasi, A., Tomsich, E., Buggs, S., Laqueur, H. S., & Wintemute, G. J. (2022). Unemployment and crime in US cities during the Coronavirus pandemic. *Journal of Urban Health*, *99*, 82-91.

[45] *See, e.g.,* Cale, J., Plecas, D., Cohen, I. M., & Fortier, S. (2010). An exploratory analysis of factors associated with repeat homicide in Canada. *Homicide Studies*, *14*(2), 159-180; Dobash, R. P., Dobash, R. E., Cavanagh, K., Smith, D., & Medina-Ariza, J. (2007). Onset of offending and life course among men convicted of murder. *Homicide Studies*, *11*(4), 243-271; Kivisto, A. (2015). Male perpetrators of intimate partner homicide: A review and proposed typology. *The Journal of the American Academy of Psychiatry and the Law*, *43*, 300-312; Massachusetts Executive Office of Public Safety and Security. (2009, June). *Massachusetts intimate partner homicide review: An overview of district attorney cases between 2005–2007*. Boston, MA: Office of Public Safety and Security, at https://www.mass.gov/doc/massachusetts-intimate-partner-homicide-review-june-2009/download; Oram, S., Flynn, S. M., Shaw, J., Appleby, L., & Howard, L. M. (2013). Mental illness and domestic homicide: A population-based descriptive study. *Psychiatric Services*, *64*, 1006-1011; Sherman, L., & Harris, H. M. (2013). Increased homicide victimization of suspects arrested for domestic assault: A 23-year follow-up of the Milwaukee Domestic Violence Experiment (MilDVE). *Journal of Experimental Criminology*, *9*, 491-514; Suonpaa, K., Aaltonen, M., Tyni, S., Ellonen, N., & Kivivuori, J. (2023). Post-release outcomes of lethal and non-lethal offenders: Recidivism and participation in employment or education. *Journal of Criminal Justice*, *88*, 1-10; Thomas, K. A., Dichter, M. E., & Matejkowski, J. (2011). Intimate versus nonintimate partner murder: A comparison of offender and situational characteristics. *Homicide Studies*, *15*(3), 291-311; Weizmann-Henelius, G., Gronroos, L., Putkonen, H., Eronen, M., Lindberg, N., & Hakkanen-Nyholm, H. (2012). Gender-specific risk factors for intimate partner homicide–a nationwide register-based study. *Journal of Interpersonal Violence*, *27*(8), 1519-1539. For example, Cale et al. (2010) examined the characteristics of repeat homicide offenders and factors related to homicide recidivism found that that the strongest predictor of repeat homicide was the lack of any employment prior to the first homicide. Further, in terms of comparing intimate partner homicides to other types of homicides, Thomas et al. (2011) examined characteristics among men convicted of killing intimate partners and men convicted of killing non-intimates found that 73% of those who killed their intimate partner were employed compared to 45% of the men who killed non-intimates. Finally, when solely examining samples of males who committed intimate partner homicide, the body of research has found considerable variability in unemployment rates, with rates of unemployment ranging from 13% to 58% (Kistov, 2015; Massachusetts Executive Office of Public Safety and Security, 2009; Oram et al., 2013; Thomas et al., 2011).

[46] *See, e.g.,* Carmichael, H., Steward, L., & Velopulos, C. G. (2019). It doesn't just happen to "other" people – An exploration of occupation and education level of women who die from intimate partner violence. *The American Journal of Science*, *218*(4), 744-748; Caywood, T. (1998). Routine activities and urban homicides: A tale of two cities. *Homicide Studies*, *2*(1), 64-82; Greenall, P. V., & Richardson, C. (2015). Adult male-on-female stranger sexual homicide: Descriptive (baseline) study from Great Britain. *Homicide Studies*, *19*(3), 237-256; Kposowa, A. J., & Johnson K. A. C. (2016). A cohort analysis of employment status and homicide victimization in the United States.

Sociological Spectrum, *36*(2), 93-108; Rogers, R., G., Rosenblatt, R., Hummer, R. A., & Krueger, P. M. (2001). Black-White differentials in adult homicide mortality in the United States. *Social Science Quarterly*, *82*(3), 435-452; Vieraitis, L. M., Kovandzic, T. V., & Britto, S. (2008). Women's status and risk of homicide victimization: An analysis with data disaggregated by victim-offender relationship. *Homicide Studies*, *12*(2), 163-176.

[47] *See, e.g.,* Kposowa, A. J., & Johnson K. A. C. (2016). A cohort analysis of employment status and homicide victimization in the United States. *Sociological Spectrum*, *36*(2), 93-108. Note: these authors did not provide a theoretical explanation for the difference in homicide rates observed between employed and unemployed White and Black victims. They discussed how unemployment could generally increase instances of associating with individuals who were experiencing the same frustrations that come with job loss, "breakdown of social integration", and unemployment, as well as creating changes in neighborhood of residence, leisure activities, and friendship patterns that could explain homicide victimization.

[48] Greenall, P. V., & Richardson, C. (2015). Adult male-on-female stranger sexual homicide: Descriptive (baseline) study from Great Britain. *Homicide Studies*, *19*(3), 237-256.

[49] *See, e.g.,* WISQARS National Violent Death Reporting System (NVDRS) at https://www.cdc.gov/nvdrs/about/?CDC_AAref_Val=https://www.cdc.gov/violenceprevention/datasources/nvdrs/index.html; Fowler, K.A., Leavitt, R.A., Betz, C.J., Yuan, K., & Dahlberg, L.L. (2021). Examining differences between mass, multiple, and single-victim homicides to inform prevention: Findings from the National Violent Death Reporting System. *Injury Epidemiology, 8*, (49), https://doi.org/10.1186/s40621-021-00345-7, at Table 1.

[50] Federal Bureau of Investigation. (2022). *Crime data explorer. 2022 homicides.* https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/crime-trend.

[51] *See, e.g.,* Kravitz-Wirtz, N., Bruns, A., Aubel, A. J., Zhang, X., & Buggs, S. A. (2022). Inequities in community exposure on deadly gun violence by race/ethnicity, poverty, and neighborhood disadvantage among youth in large US cities. *Journal of Urban Health*, *99*, 619-625.

[52] *See, e.g.,* Beard, J H., Morrison, C. N., Jacoby, S. F., Dong, B., Smith, R., Sims, C. A., & Wiebe, D. J. (2017). Quantifying disparities in urban firearm violence by race and place in Philadelphia, Pennsylvania: A cartographic study. *American Journal of Public Health*, *107*(3), 371-373; Cheon, C., Lin, Y., Harding, D. J., Wang, W., & Small, D. S. (2020), Neighborhood racial composition and gun homicides. *JAMA Network Open*, *3*(11), e2027591; Jay, J., Miratrix, L .W., Branas, C. C., Zimmerman, M. A., & Hemenway, D. (2019). Urban building demolitions, firearm violence and drug crime. *Journal of Behavioral Medicine*, *42*, 626-634; Magee, L. A. (2020). Community-level social processes and firearm shooting events: A multi-level analysis. *Journal of Urban Health*, *97*, 296-305; Thomas, S., A., Harris, C. T., & Grant, D. (2022). Exploring the influence of elements of the social and physical environment on neighborhood gun crime. *American Journal of Criminal Justice*, *47*, 370-398.

[53] *See, e.g.,* Bailey, Z. D., Krieger, N., Agénor, M., Graves, J., Linos, N., & Bassett, M. T. (2017). Structural racism and health inequities in the USA: Evidence and interventions. *Lancet*, 389(10077), 1453–1463; Beard, J. H., & Sims, C. A. (2017). Structural causes of urban firearm violence: A trauma surgeon's view from Philadelphia. *JAMA Surgery*, *152*(6), 515–516; Jacoby, S. F., Dong, B., Beard, J. H., Wiebe, D. J., & Morrison, C. N. (2018). The enduring impact of historical and structural racism on urban violence in Philadelphia. *Social Science in Medicine*, *199,* 87–95; Mueller, K. L., Moran, V., Anwuri, V., Foraker, R. E., Mancini, M. A. (2022). An exploration of factors impacting implementation of a multisystem hospital-based violence intervention program. *Health and Social Care in the Community*, *30*, e6577-e6585; Walker, G.N., McLone, S., Mason, M., & Sheehan, K. (2016). Rates of firearm homicide by Chicago region, age, sex, and race/ ethnicity, 2005-2010. *Journal of Trauma and Acute Care Surgery*, *81*(4), S48-S53; Kegler, S. R., Dahlberg, L., L., & Vivolo-Kantor, A. M. (2021). A descriptive exploration of the geographic and sociodemographic concentration of firearm homicide in the United States, 2004–2018. *Preventive Medicine*, *153*, 106767; Cheon, C., Lin, Y., Harding, D. J., Wang, W., & Small, D. S. (2020). Neighborhood racial composition and gun homicides. *JAMA Network Open*, *3*(11), e2027591; Fowler, K. A., Dahlberg, L. L., Haileyesus, T., Gutierrez, C., & Bacon, S. (2017). Childhood firearm injuries in the United States. *Pediatrics, 140*, e20163486; Kravitz-Wirtz, N., Bruns, A., Aubel, A. J., Zhang, X., & Buggs, S. A. (2022). Inequities in community exposure on deadly gun violence by race/ethnicity, poverty, and neighborhood disadvantage among youth in large US cities. *Journal of Urban Health*, 99, 610-625.

[54] United States Census Bureau. *American Community Survey Data for 2022 - Virginia, Male, African American, Population* at https://www.census.gov/programs-surveys/acs/data/data-via-ftp.html. This data source showed that African American males comprised 9% (785,066 of 8,683,619) of Virginia's population in 2022.
[55] Virginia Department of Health. (2023, July). *Office of the Chief Medical Examiner annual report, 2021*, at p. 2: "Black males were victims of homicide at a rate 11.5 times that of White males, 10.0 times that of Hispanic males, and 6.9 times that of Black females."
[56] Fridel, E. E., & Fox, J. A. (2019). Gender differences in patterns and trends in U.S. homicide, 1976-2017. *Violence and Gender*, *6*(1), 27-36.
[57] Virginia State Police. Virginia crime online portal*, Murder and non-negligent manslaughter by city or county and by incident clearance, 2017-2022,* at https://va.beyond2020.com/va_public/Browse/browsetables.aspx. Note: A crime can be cleared through arrest or by exceptional means such as the confession by an individual already in custody or death of a suspect before apprehension.
[58] *Id.*
[59] *See, e.g.,* Braga, A. (2021). *Improving police clearance rates of shootings: A review of the evidence*. Manhattan Institute: New York, NY, at https://media4.manhattan-institute.org/sites/default/files/improving-police-clearance-rates-shootings-review-evidence-AB.pdf; Braga, A. A., Turchan, B., & Barao, L. (2019). The influence of investigative resources on homicide clearances. *Journal of Quantitative Criminology*, *35*, 337-364; Brookman, F., Maguire, E. R., & Maguire, M. (2019). What factors influence whether homicide cases are solved? Insights from qualitative research with detectives in Great Britain and the United States. *Homicide Studies*, *23*(2), 145-174.
[60] *See, e.g.,* Braga, A. (2021). *Improving police clearance rates of shootings: A review of the evidence*. Manhattan Institute: New York, NY, at https://media4.manhattan-institute.org/sites/default/files/improving-police-clearance-rates-shootings-review-evidence-AB.pdf; Braga, A. A., Turchan, B., & Barao, L. (2019). The influence of investigative resources on homicide clearances. *Journal of Quantitative Criminology*, *35*, 337-364; Federal Bureau of Investigation. (2019). *Table 25, Percent of Offenses Cleared by Arrest or Exceptional Means, 2019,* at https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-25.
[61] *See, e.g.,* Federal Bureau of Investigation. (2022). *Table 25, Percent of Offenses Cleared by Arrest or Exceptional Means, 2022,* at https://cde.ucr.cjis.gov/LATEST/webapp/#.
[62] *See, e.g.,* Bjerk, D. (2022). Does greater police funding help catch more murderers? *Journal of Empirical Legal Studies*, *19*, 528-559; Braga, A. (2021). *Improving police clearance rates of shootings: A review of the evidence*. Manhattan Institute: New York, NY, at https://media4.manhattan-institute.org/sites/default/files/improving-police-clearance-rates-shootings-review-evidence-AB.pdf; Brookman, F., Maguire, E. R., & Maguire, M. (2019). What factors influence whether homicide cases are solved? Insights from qualitative research with detectives in Great Britain and the United States. *Homicide Studies*, *23*(2), 145-174.
[63] *See, e.g.,* Bjerk, D. (2022). Does greater police funding help catch more murderers? *Journal of Empirical Legal Studies*, *19*, 528-559; Braga, A. (2021). *Improving police clearance rates of shootings: A review of the evidence*. Manhattan Institute: New York, NY, at https://media4.manhattan-institute.org/sites/default/files/improving-police-clearance-rates-shootings-review-evidence-AB.pdf; Braga, A. A., Turchan, B., & Barao, L. (2019). The influence of investigative resources on homicide clearances. *Journal of Quantitative Criminology*, *35*, 337-364; Brookman, F., Maguire, E. R., & Maguire, M. (2019). What factors influence whether homicide cases are solved? Insights from qualitative research with detectives in Great Britain and the United States. *Homicide Studies*, *23*(2), 145-174; Cook, P. J., Braga, A. A., Turchan, B. S., & Barao, L. M. (2019). Why do gun murders have a higher clearance rate than gunshot assaults? *Criminology & Public Policy*, *18*, 525-551; Cook, P. J., & Mancik, A. (2024). The sixty-year trajectory of homicide clearance rates: Toward a better understanding of the great decline. *Annual Review of Criminology*, *7*, 3.1-3.25.
[64] *See, e.g.,* Bjerk, D. (2022). Does greater police funding help catch more murderers? *Journal of Empirical Legal Studies*, *19*, 528-559; Roberts, A. (2015). Adjusting rates of homicide clearance by arrest for investigation difficulty: Modeling incident- and jurisdiction-level obstacles. *Homicide Studies*, *19*(3), 273-300.
[65] *See, e.g.,* Bjerk, D. (2022). Does greater police funding help catch more murderers? *Journal of Empirical Legal Studies*, *19*, 528-559; Mancik, A. M., Parker, K. F., & Williams, K. R. (2018). Neighborhood context and homicide clearance: Estimating the effects of collective efficacy. *Homicide Studies*, *22*, 188-123; Petersen, N. (2017).

Neighbourhood context and unsolved murders: The social ecology of homicide investigations. *Policing and Society*, *27*(4), 372-392

[66] *See, e.g.,* Cook, P., Braga, A., Turchan, B., & Barao, L. (2019). Why do gun murders have a higher clearance rate than gunshot assaults? *Criminology & Public Policy*, *18*(3), 525-551.

[67] *See, e.g.,* Regoeczi, W. C., Jarvis, J., & Mancik, A. (2020). Homicide investigations in context: Exploring explanations for the divergent impacts of victim race, gender, elderly victims, and firearms on homicide clearances. *Homicide Studies*, *24*(1), 25-44.

[68] *See, e.g.,* Bjerk, D. (2022). Does greater police funding help catch more murderers? *Journal of Empirical Legal Studies*, *19*, 528-559; Cook, P., Braga, A., Turchan, B., & Barao, L. (2019). Why do gun murders have a higher clearance rate than gunshot assaults? *Criminology & Public Policy*, *18*(3), 525-551; Regoeczi, W. C., Jarvis, J., & Mancik, A. (2020). Homicide investigations in context: Exploring explanations for the divergent impacts of victim race, gender, elderly victims, and firearms on homicide clearances. *Homicide Studies*, *24*(1), 25-44.

[69] *See, e.g.,* Addington, L. A. (2006). Using national incident-based reporting system murder data to evaluate clearance predictors: A research note. *Homicide Studies*, *10*(2),140-152; Addington, L. A. (2007). Hot vs. cold cases: Examining time to clearance for homicides using NIBRS data. *Justice Research and Policy*, *9*(2), 87-112.

[70] *See, e.g.,* Alderden, M. A., & Lavery, T. A. (2007). Predicting homicide clearances in Chicago: Investigating disparities in predictors across different types of homicide. *Homicide Studies*, *11*(2), 115-132; McEwen, T., & Regoeczi, W. (2015). Forensic evidence in homicide investigations and prosecutions. *Journal of Forensic Science*s, *60*(5), 1188-1198; Regoeczi, W., Jarvis, J.,& Riedel, M. (2008). Clearing murders: Is it about time? *Journal of Research in Crime and Delinquency*, *45,* 142-162.

[71] *See, e.g.,* Baskin D., & Sommers, I. (2010). The influence of forensic evidence on the case of homicide incidents. *Journal of Criminal Justice*, *38*, 1141-1149; Peterson, J., Sommers, I., Baskin, D., & Johnson, D. (2010). *The role and impact of forensic evidence in the criminal justice process.* National Institute of Justice: Washington, DC, at https://www.ojp.gov/pdffiles1/nij/grants/231977.pdf.

[72] *See, e.g.,* McEwen, T., & Regoeczi, W. (2015). Forensic evidence in homicide investigations and prosecutions. *Journal of Forensic Science*s, *60*(5), 1188-1198; Schroeder, D., & White, M. (2009). Exploring the use of DNA evidence in homicide investigations: Implications for detective work and case clearance. *Police Quarterly*, *12*, 319-342.

[73] *See, e.g.,* Litwin, K. J. (2004). A multilevel multivariate analysis of factors affecting homicide clearances. *Journal of Research in Crime and Delinquency*, *41*, 327-351; Regoeczi, W., Jarvis, J., & Riedel, M. (2008). Clearing murders: Is it about time? *Journal of Research in Crime and Delinquency*, *45*, 142-162.

[74] *See, e.g.,* Bjerk, D. (2022). Does greater police funding help catch more murderers? *Journal of Empirical Legal Studies*, *19*, 528-559; Braga, A. (2021). *Improving police clearance rates of shootings: A review of the evidence*. Manhattan Institute.

[75] *See, e.g.,* Alderden, M. A., & Lavery, T. A. (2007). Predicting homicide clearances in Chicago: Investigating disparities in predictors across diferent types of homicide. *Homicide Studies*, *11*(2), 115-132; Braga, A. A., Turchan, B., & Barao, L. (2019). The influence of investigative resources on homicide clearances. *Journal of Quantitative Criminology*, *35*, 337-364; DeCarlo, A. (2016). A reason for reasonable doubt in social justice: The weight of poverty, race and gender in lopsided homicide case clearances outcomes. *Contemporary Social Science*, *11*, 362-372; Fagan, J., & Geller, A. (2018). Police, race, and the production of capital homicides. *Berkeley Journal of Criminal Law*, *23*(2), 261-313; McEwen, T., & Regoeczi, W. (2015). Forensic evidence in homicide investigations and prosecutions. *Journal of Forensic Science*s, *60*(5), 1188-1198; Regoeczi, W., Jarvis, J.,& Riedel, M. (2008). Clearing murders: Is it about time? *Journal of Research in Crime and Delinquency*, *45,* 142-162; Roberts, A., & Lyons, C. (2011). Hispanic victims and homicide clearance by arrest. *Homicide Studies*, *15*, 48-73.

[76] *See, e.g.,* Regoeczi, W., & Jarvis, J. (2013). Beyond the social production of homicide rates: Extending social disorganization theory to explain homicide case outcomes. *Justice Quarterly*, *30*, 983-1014; Rydberg, J., & Pizarro, J. (2014). Victim lifestyle as a correlate of homicide clearance. *Homicide Studies*, *18*, 342-362; Schroeder, D., & White, M. (2009). Exploring the use of DNA evidence in homicide investigations: Implications for detective work and case clearance. *Police Quarterly*, *12*, 319-342.

[77] *See, e.g.,* Braga, A. A., Turchan, B., & Barao, L. (2019). The influence of investigative resources on homicide clearances. *Journal of Quantitative Criminology*, *35*, 337-364; Hawk, S. R., & Dabney, D. A. (2014). Are all cases

treated equal? Using Goffman's frame analysis to understand how homicide detectives orient to their work. *British Journal of Criminology*, *54*, 1129-1147; Rydberg, J., & Pizarro, J. (2014). Victim lifestyle as a correlate of homicide clearance. *Homicide Studies*, *18*, 342-362.

[78] Baskin D., & Sommers, I. (2010). The influence of forensic evidence on the case of homicide incidents. *Journal of Criminal Justice*, *38*, 1141-1149.

[79] *See, e.g.,* Braga, A. A., Turchan, B., & Barao, L. (2019). The influence of investigative resources on homicide clearances. *Journal of Quantitative Criminology*, *35*, 337-364; Jarvis, J. P., Mancik, A., & Regoeczi, W. C. (2017). Police responses to violent crime: Reconsidering the mobilization of law. *Criminal Justice Review*, *42*, 5-25.

[80] *See, e.g.,* Regoeczi, W., & Jarvis, J. (2013). Beyond the social production of homicide rates: Extending social disorganization theory to explain homicide case outcomes. *Justice Quarterly*, *30*, 983-1014.

[81] *See, e.g.,* Bjerk, D. (2022). Does greater police funding help catch more murderers? *Journal of Empirical Legal Studies*, *19*, 528-559; Braga, A. A., Turchan, B., & Barao, L. (2019). The influence of investigative resources on homicide clearances. *Journal of Quantitative Criminology*, *35*, 337-364; Carter, D. L., & Carter J. G. (2016). Effective police homicide investigations: Evidence from seven cities with high clearance rates. *Homicide Studies*, *20*(2), 150-176; Cook, P. J., Braga, A. A., Turchan, B. S., & Barao, L. M. (2019). Why do gun murders have a higher clearance rate than gunshot assaults? *Criminology & Public Policy*, *18*, 525-551. This body of research discusses how a culture devoted to innovation, strong community policing, and working with external agencies assisted with the high rates of clearance, as well as how certain investigation procedures including peer review of open cases, standardization of investigation practices, increased number of homicide detectives working cases, increased assistance from other criminal justice organizations, and decreases in homicide unit response times helped to improve homicide case clearance rates.

[82] Staff identified these 870 individuals convicted of intentional homicide in the Virginia State Police CCRE data; however, additional convicted individuals were identified through court records for staff's criminal history record review. In order for an offense to be applied to a person's criminal history record, the defendant's fingerprints must be submitted or transmitted to the CCRE. In some instances, fingerprints may have been obtained for an offense, but there was a submission error where the fingerprints did not reach the CCRE. In other instances, information for an offense may have been submitted to the CCRE without fingerprints. In either instance, the offense is placed in a "Hold File" within the CCRE until a fingerprint is submitted to the CCRE and the offense is applied to a person's criminal history record. Examining court records in addition to the CCRE allowed staff to identify an additional 60 individuals who were convicted of an intentional homicide that occurred between 2017 and 2022 in Virginia.

[83] *See, e.g.,* Braga, A. A., & Cook, P. J. (2016). The criminal records of gun offenders. *Georgetown Journal of Law & Public Policy*, *14*(1), 1-16; Cook, P. J., Ludwig, J., & Braga, A. A. (2005). Criminal records of homicide offenders. *Journal of the American Medical Association*, *294*, 598-601; DeLisi, M., Hochstetler, A., Scherer, A. M., Purhmann, A., & Berg, M. T. (2008). The Starkweather Syndrome: Exploring criminal history antecedents of homicidal crime sprees. *Criminal Justice Studies*, *21*, 37-47; DeLisi, M., & Scherer, A. M. (2006). Multiple homicide offenders: Offense characteristics, social correlates, and criminal careers. *Criminal Justice and Behavior*, *33*, 367-391; Dobash, R. P., Dobash, R. E., Cavanagh, K., Smith, D., & Medina-Ariza, J. (2007). Onset of offending and life course among men convicted of murder. *Homicide Studies*, *11*, 243-271; Liem, M. (2013). Homicide offender recidivism: A review of the literature. *Aggression and Violent Behavior*, *18*, 19-25; Trojan, C., & Salfati, G. (2016). Criminal history of homicide offenders: A multi-dimensional analysis of criminal specialization. *Journal of Criminal Psychology*, *6*(1), 28-41.

[84] Individuals were identified by examining raw data from the Virginia State Police Central Criminal Records Exchange (CCRE), Office of the Executive Secretary of the Supreme Court of Virginia's court management systems, Fairfax Circuit Court case management system, and Alexandria Circuit Court case management system. Initially, staff identified 870 individuals convicted of intentional homicide in the CCRE data; however, additional convicted individuals were identified through court records for staff's criminal history record review. Ultimately, 930 individuals were identified as having been convicted of an intentional homicide that occurred in Virginia between 2017 and 2022. Note: Five of the 930 defendants were convicted for intentional homicides occurring on two distinct dates. In these instances, the defendant was not apprehended until after the second intentional homicide occurred.

[85] A number of data sources were linked between the in-state computerized criminal history (CCH) records from the Virginia State Police's Central Criminal Records Exchange (CCRE) with the status of the 930 individuals convicted of intentional homicide at the time of their homicide event, including: Virginia Department of Corrections (whether under state probation or parole supervision), Virginia Department of Criminal Justice Services (whether on pretrial services agency supervision or local community corrections supervision), and the Virginia State Police (protective order case management system).

[86] Of the 394 pending charges, 204 were pending felony charges and 190 were pending misdemeanors.

[87] *See, e.g.,* Braga, A. A., Weisburd, D., & Turchan, B. (2018). Focused deterrence strategies and crime control: An updated system review and meta-analysis of the empirical evidence. *Criminology & Public Policy*, *17*(1), 205-250; McManus, H. D., Engel, R. S., Cherkauskas, J. C., Light, S. C., & Shoulberg, A. M. (2020). *Street violence crime reduction strategies: A review of the evidence.* University of Cincinnati Center for Police Research and Policy, at https://www.theiacp.org/sites/default/files/Research%20Center/Violence%20Reduction%20Literature%20Review.pdf.

[88] *See, e.g.,* Fox, B., Allen, S. F., & Toth, A. (2022). Evaluating the impact of Project Safe Neighborhoods (PSN) initiative on violence and gun crime in Tampa: Does it work and does it last? *Journal of Experimental Criminology*, *18*, 543-567. Braga, A. A., Weisburd, D., & Turchan, B. (2018). Focused deterrence strategies and crime control: An updated system review and meta-analysis of the empirical evidence. *Criminology & Public Policy*, *17*(1), 205-250. Kennedy, D.M. 2006. Old wine in new bottles: Policing and the lessons of pulling levers. In (David L. Weisburd and Anthony Braga, eds.), *Police innovation: Contrasting perspectives*. New York: Cambridge University Press; Braga, A. A., Kennedy, D. M., Waring, E. J., & Piehl, A. M. (2001). Problem-oriented policing, deterrence, and youth violence: An evaluation of Boston's operation ceasefire. *Journal of Research in Crime & Delinquency*, *38*, 195-226; Papachristos, A. V., Meares, T. L., & Fagan, J. (2007). Attention felons: Evaluating Project Safe Neighborhoods in Chicago. *Journal of Empirical Legal Studies*, *4*, 223-272. As this body of research indicates, evidence-based violent crime prevention has taken various forms. There are place-based interventions such as proactive police patrols that target crime "hot spots" that are deemed high risk. Additionally, there are person-based interventions that are deterrence-based strategies that employ actions of law enforcement, increased sanctions, and social services that are focused toward known high risk offenders. Place-based strategies such as focused deterrence strategies, or "pulling levers", have been increasingly utilized in communities across the United States in an effort to reduce instances of serious violent crime. There are several key features of focused deterrence strategies. However, when utilizing a focused deterrence framework, it is important for communities understand the specific targeted crime problem to be addressed and "customize a response to identified underlying conditions and dynamics that fits both local community contexts and the operational capacities of criminal justice, social service, and community-based agencies." Evaluations of focused deterrence strategies have found that they are effective in suppressing crime.

[89] *See, e.g.,* McManus, H. D., Engel, R. S., Cherkauskas, J. C., Light, S. C., & Shoulberg, A. M. (2020). *Street violence crime reduction strategies: A review of the evidence*. University of Cincinnati Center for Police Research and Policy, at https://www.theiacp.org/sites/default/files/Research%20Center/Violence%20Reduction%20Literature%20Review.pdf; Butts, J. A., Roman, C. G., Bostwick, L., & Porter, J. R. (2015). Cure Violence: A public health model to reduce gun violence. *Annual Review of Public Health*, *36*, 39-53; Milam, A., Furr-Holden, C. D., Leaf, P., & Webster, D. (2018). Managing conflicts in urban communities: Youth attitudes regarding gun violence. *Journal of Interpersonal Violence*, *33*(24), 3815-3828; Whitehill, J. M., Webster, D. W., Frattaroli, S., & Parker, E. M. (2013). Interrupting violence: How the CeaseFire Program prevents imminent gun violence through conflict mediation. *Journal of Urban Health: Bulletin of the New York Academy of Medicine*, *91*(1), 84-95; Petrosino, A., Campie, P., Pace, J., Fronius, T., Guckenburg, S., Wiatrowski, M., & Rivera, L. (2015). Cross-sector, multi-agency interventions to address urban youth firearms violence: A rapid evidence assessment. *Aggression and Violent Behavior, 22*, 87-96; Welsh, B. C., Braga, A. A., & Sullivan, C. J. (2014). Serious youth violence and innovative prevention: On the emerging link between public health and criminology. *Justice Quarterly*, *31*, 500-523; Picard-Fritsche, S., & Cerniglia, L. (2013). *Testing a public health approach to gun violence: An evaluation of Crown Heights Save Our Streets, a replication of the Cure Violence Model*. New York, NY: Center for Court Innovation, at https://www.innovatingjustice.org/sites/default/files/documents/SOS_Evaluation.pdf; Skogan, W. G., Hartnett, S.

M., Bump, N., & Dubois, J. (2008). *Evaluation of CeaseFire Chicago*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, at https://www.ojp.gov/pdffiles1/nij/grants/227181.pdf; Webster, D. W., Mendel Whitehall, J., Vernick, J. S., & Parker, E. M. (2012). *Evaluation of Baltimore's Safe Streets program: Effects on attitudes, participants' experiences, and gun violence*. Baltimore, MD: Johns Hopkins Bloomberg School of Public Health, at https://www.jhsph.edu/research/centers-and-institutes/center-for-prevention-of-youth-violence/field_reports/2012_01_11.Executive%20SummaryofSafeStreetsEval.pdf; Wilson, J. M., & Chermak, S. (2011). Community-driven violence reduction programs: Examining Pittsburgh's One Vision One Life. *Criminology & Public Policy, 10*, 993- 1027. This body of research examines how communities have implemented community-led public health interventions to address community violence. The public health approach to community violence reduction regards violence as a community problem and endeavors to address larger conditions that have been shown to impact the health of community populations. These programs seek to change the attitudes of community members towards violence and address the social norms that uphold violence and retaliatory behavior. These interventions provide various resources to community residents that are delivered by numerous community stakeholders. The role of law enforcement varies across these types of interventions. In some interventions, law enforcement agencies are considered one of the many partners that participate; whereas, other interventions operate without any law enforcement involvement. Many community-led interventions have a primary prevention and secondary prevention focus. Therefore, many of the outcome variables examined during evaluations of their efficacy are associated with risk and protective factors instead of violence-related factors.

[90] *See, e.g.,* Evans, D., & Vega, A. (2018). Critical care: The important role of hospital-based violence intervention programs. New York, NY: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York, Foje, N., Raposo-Hadley, A. A., Farrens, A., Burt, J., Evans, C. H., Bauman, Z. M., Armstrong, G., Foxall, M., & Garman, J. (2022). Baseline needs assessment for a hospital-based violence intervention program 1-year pilot. *Trauma Care*, *2*, 373-380; National Network of Hospital-based Violence Intervention Programs. (2019). NNHVIP Policy White Paper: Hospital-based violence intervention: Practices and policing to end the cycle of violence. 1-16, at https://static1.squarespace.com/static/5d6f61730a2b610001135b79/t/5d83c0d9056f4d4cbdb9acd9/1568915699707/NNHVIP+White+Paper.pdf; Ranjan, S., Shah, A. K., Strange, C. C., & Stillman, K. (2021). Hospital-based violence intervention: Strategies for cultivating internal support, community partnerships, and strengthening practitioner engagement. *Journal of Aggression, Conflict and Peace Research*, *14*(1), 14-25; Mueller, K. L., Moran, V., Anwuri, V., Foraker, R. E., Mancini, M. A. (2022). An exploration of factors impacting implementation of a multisystem hospital-based violence intervention program. *Health and Social Care in the Community*, *30*(6), e6577-e6585; Watkins, J., Scoggins, M., Cheaton, B. M., Nimmer, M., Levas, M. N., Baumer-Mouradian, S. H., & Melzer-Lange, M. D. (2021). Assessing improvements in emergency department referrals to a hospital-based violence intervention program. *Injury Epidemiology, 8*. doi: 10.1186/s40621-021-00333-x; Monopoli, W. J., Myers, R. K., Paskewich, B. S., Bevans, K. B., & Fein, J. A. (2021). Generating a core set of outcomes for hospital-based violence intervention programs. *Journal of Interpersonal Violence*, *36*(9-10), 4771-4786; Chong, V. E., Smith, R., Garcia, A., Lee, W.S., Ashley, L., Marks, A., Liu, T.H., & Victorino, G.P. (2015). Hospital-centered violence intervention programs: A cost-effectiveness analysis. *The American Journal of Surgery*, *209*(4), 597-603; Purtle, J., Rich, J. A., Fein, J. A., James, T., & Corbin, T. J. (2015). Hospital based violence prevention: Progress and opportunities. *Annals of Internal Medicine*, *163*(9), 715–717. This body of research discusses how hospital-based violence intervention programs have been implemented across communities to reduce community violence. Hospital-based violence intervention programs are another public health approach to addressing community violence. Hospitals are viewed as a having a unique opportunity to engage in violence intervention due to hospitals being the main location where individuals who experience non-fatal firearm injuries go to for care and having access to victims immediately following their injury when they are most likely to be open to positive changes to their behavior. These programs recognize that there are risk factors that are related to violent injury and re-injury such as poverty, substance use, poor education, lack of employment opportunities, recidivism, and violent injury. Hospital-based violence intervention programs address these risks by utilizing both hospital and community-based resources in addition to intensive case management for those at the highest risk of re-injury. The goals of these programs are to break the cycle of violence (violent victimization)**,** decrease violent re-injury rate**,** change social norms that equate violence with respect**,** reduce criminal justice involvement**,** and to provide victims and their families with culturally competent,

multidimensional, and inclusive intervention programs**.** Hospital based violence intervention programs are typically implemented in urban areas. There are common elements across programs, however, the programs are customized to meet the needs of the community that is served. In assessing outcomes, researchers indicate that it is imperative to ensure that the outcomes examined are important to those who are most impacted by the program and represent the priorities of the program. Hospital based violence intervention programs have been found to be effective in reducing retaliations, recidivism, hospitalizations, hostility and aggression and assisting with educational attainment, housing, employment, family counseling, and court advocacy.

[91] *See, e.g.,* Bailey, J. A., Jacovides, C. L., Butler, D., Bass, G. A., Seamon, M. J., Cannon, J., Martin, N. D. (2023). Adolescent gun violence shows and age group to focus trauma prevention. *Journal of Surgical Research*, *283*, 853-857; Butts, J. A., Roman, C. G., Bostwick, L., & Porter, J. R. (2015). Cure Violence: A public health model to reduce gun violence. *Annual Review of Public Health*, *36*, 39-53; McManus, H. D., Engel, R. S., Cherkauskas, J. C., Light, S. C., & Shoulberg, A. M. (2020). *Street violence crime reduction strategies: A review of the evidence*. University of Cincinnati Center for Police Research and Policy, at https://www.theiacp.org/sites/default/files/Research%20Center/Violence%20Reduction%20Literature%20Review.pdf; Stewart, D., Jessop, N., & Watson-Thompson, J. (2021). Examining conflict mediation to prevent violence through multisector partnerships. *Peace and Conflict: Journal of Peace Psychology*, *27*(2), 170-181; Harmon-Darrow, C. (2022). Conflict resolution interventions and tertiary violence prevention among urban nonintimate adults: A review of the literature. *Trauma, Violence, & Abuse*, *23*(1), 3-19; Whitehill, J. M., Webster, D. W., Frattaroli, S., & Parker, E. M. (2013). Interrupting violence: How the CeaseFire Program prevents imminent gun violence through conflict mediation. *Journal of Urban Health: Bulletin of the New York Academy of Medicine*, *91*(1), 84-95; Webster, D. W., Mendel Whitehall, J., Vernick, J. S., & Parker, E. M. (2012). *Evaluation of Baltimore's Safe Streets program: Effects on attitudes, participants' experiences, and gun violence*. Baltimore, MD: Johns Hopkins Bloomberg School of Public Health, at https://www.jhsph.edu/research/centers-and-institutes/center-for-prevention-of-youth violence/field_reports/2012_01_11.Executive%20SummaryofSafeStreetsEval.pdf. This body of research discusses how a component of many community-based violence intervention programs is the use of conflict resolution to mediate community gun violence. For example, there are three components of *Cure Violence* that include the identification and interruption of conflicts, identification of individuals who are at high risk for engaging in violence and interfering to change behaviors, and changing social norms that are in support of violence. In this program, conflict mediation involves de-escalation tactics that can range from the brief "talking down" of both sides involved in the conflict to longer face-to-face conversations with all parties. *Cure Violence* utilizes violence interrupters to mediate ongoing interpersonal conflict among community residents. Violence interrupters seek to prevent retaliatory shooting and engagement in other violent activities. In Baltimore, reductions in homicides were found in neighborhoods that experienced a greater number of conflict mediations. The use of conflict mediation has been expanded to include the greater community in addition to those directly involved in violence within communities. For example, the *Aim4Peace Violence Prevention Program* implemented Community Classrooms in an effort to foster a culture of peace within communities that experience high rates of community violence. Through these Community Classrooms, community residents were trained in conflict resolution techniques that focused on avoiding or deescalating conflict within the community. Training focused on decision making, problem solving skills, reasons for anger and conflict, alternatives to violence, and utilizing nonviolent communication.

[92] *See, e.g.,* Blount, K. (2024). Using artificial intelligence to prevent crime: Implications for due process and criminal justice. *AI & Society*, *39*(1), 359-368; Lavorgna, A., & Ugwudike, P. (2021). The datafication revolution in criminal justice: An empirical exploration of frames portraying data-driven technologies for crime prevention and control. *Big Data & Society*, *8*(2), https://doi.org/10.1177/20539517211049670; Piza, E. L., Welsh, B., C., Farrington, D. P., & Thomas, A. L. (2019). CCTV surveillance for crime prevention: A 40-year systematic review with meta-analysis. *Criminology & Public Policy*, *18*(1), 135-159; Wood, M. A., Ross, S., & Johns, D. (2021). Primary crime prevention apps: A typology and scoping review. *Trauma, Violence, & Abuse*, *23*(4), https://doi.org/10.1177/1524838020985560.

[93] *See, e.g.,* Branas, C. C., Jacoby, S., & Andreyeva, E. (2017). Firearm violence as a disease – "hot people" or "hot spots"? *JAMA Internal Medicine*, *177*(3), 333-334; Branas, C. C., Kondo, M. C., Murphy, S. M., South, E. C., Polsky, D., & MacDonald, J. M. (2016). Urban blight remediation as a cost-beneficial solution to firearm violence. *American*

Journal of Public Health, *106*(12), 2158-2164; Jay, J., Miratrix, L.W., Branas, C. C., Zimmerman, M. A., & Hemenway, D. (2019). Urban building demolitions, firearm violence and drug crime. *Journal of Behavioral Medicine*, *42*, 626-634; Moyer, R., MacDonald, J. M., Ridgeway, G., Branas, C. C. (2019). Effects of remediating blighted vacant land on shootings: A citywide cluster randomized trial. *American Journal of Public Health*, *109*(1), 140-144; Heinze, J. E., Krusky-Morey, A., Vagi, K. J., Reischl, T. M., Franzen, S., Pruett, N. K., et al. (2018). Busy streets theory: The effects of community-engaged greening on violence*. American Journal of Community Psychology*, 62, 101-109; Kondo, M., Hohl, B., Han, S., & Branas, C. (2016). Effects of greening and community reuse of vacant lots on crime. *Urban Studies*, *53*, 3279-3295; Kondo, M. C., Keene, D., Hohl, B. C., MacDonald, J. M., & Branas, C. C. (2015). A difference-in-differences study of the effects of a new abandoned building remediation strategy on safety. *PLoS ONE*, *10*, e0129582; Kondo, M. C., Morrison, C., Jacoby, S. F., Elliot, L., Poche, A., Theall, K. P., et al. (2018). Blight abatement of vacant land and crime in New Orleans. *Public Health Reports, 133*, 650-657. An additional public health approach discussed in the body of research to reduce community violence, specifically community gun violence, is blight remediation programs. Researchers suggest that focusing on structural frameworks such as poverty and blight that exist in in "hot spots" within urban disadvantaged communities can create long term success for firearm violence prevention. These programs focus on the securing of abandoned houses, improving the conditions of vacant lots, and the introduction of green spaces within urban communities. Blight remediation programs have been found to decrease instances of gun violence.

[94] Blair, T. (2024, March 21). *Miyares credits Operation Ceasefire with decrease in murder, other crimes across Virginia*. ABC 8 News. https://www.wric.com/news/virginia-news/miyares-credits-operation-ceasefire-with-decrease-in-murder-other-crimes-across-virginia/; Burns, J. (2024, March 20). *Is Operation Ceasefire working to reduce gun violence in Virginia?* CBS 6 News. https://www.wtvr.com/news/local-news/operation-ceasefire-virginia-march-20-2024; Ceasefire Virginia. (2024). Ceasefire Virginia: Working together to reduce violent crime in Virginia. https://ceasefirevirginia.org/; Fields, O. (2024, March 21). *Attorney General Miyares releases 'Operation Ceasefire' report, murders down 17% in Virginia.* WFXR Fox. https://www.wfxrtv.com/news/regional-news/virginia-news/attorney-general-miyares-releases-operation-ceasefire-report-murders-down-17-in-virginia/.

[95] Bellamy, A. (2023, August 1). *Gov. Younkin updates law enforcement drug, safety initiative 'Operation Bold Blue Line'.* ABC 8 News. https://www.wric.com/news/virginia-news/gov-youngkin-updates-law-enforcement-drug-safety-initiative-operation-bold-blue-line/; Frolo, C. (2023, August 1). *Nearly 900 felony arrests made since the start of Youngkin's Operation Bold Blue Line*. ABC 13 News. https://wset.com/news/local/nearly-900-felony-arrests-made-since-start-of-youngkin-operation-bold-blue-linenfentanyl-illegal-narcotics-currency-virginia-august-2023; Governor of Virginia (2021, July 31). Governor Glenn Younkin celebrates successes of Operation Bold Blue Line partnership. https://www.governor.virginia.gov/newsroom/news-releases/2023/july/name-1010737-en.html; LaRoue, J. (2023, August 3). *Va. governor touts success of Operation Bold Blue Line partnership.* WAVY.com. https://www.wavy.com/news/local-news/va-governor-touts-success-of-operation-bold-blue-line-partnership/.

[96] 2023 Va. Acts, Sp. Sess. I, ch. 1. House Bill 6001 (2023 Sp. Sess. I), Item 408(N)(1)(c), https://budget.lis.virginia.gov/item/2023/2/HB6001/Chapter/1/408/.

[97] 2023 Va. Acts, Sp. Sess. I, ch. 1. House Bill 6001 (2023 Sp. Sess. I), Item 408(N)(2)(c), https://budget.lis.virginia.gov/item/2023/2/HB6001/Chapter/1/408/.

[98] 2023 Va. Acts, Sp. Sess. I, ch. 1. House Bill 6001 (2023 Sp. Sess. I), Item 408(N)(4)(a), https://budget.lis.virginia.gov/item/2023/2/HB6001/Chapter/1/408/.

[99] 2023 Va. Acts, Sp. Sess. I, ch. 1. House Bill 6001 (2023 Sp. Sess. I), Item 408(U), https://budget.lis.virginia.gov/item/2023/2/HB6001/Chapter/1/408/.

[100] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2023 Sp. Sess. I), Item 394(N)(1)(c), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/394/.

[101] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2023 Sp. Sess. I), Item 394(N)(2)(b), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/394/.

[102] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2023 Sp. Sess. I), Item 394(N)(4)(a), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/394/.

[103] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2023 Sp. Sess. I), Item 394(R), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/394/.

[104] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2023 Sp. Sess. I), Item 394(N)(4)(c), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/394/.

APPENDIX A: JUVENILE OFFENDERS AND INTENTIONAL HOMICIDE SUMMARY, 2017-2022

Summary: Crime Commission staff requested information from the Virginia Department of Juvenile Justice (DJJ) relating to juveniles convicted or adjudicated delinquent of intentional homicide for offenses occurring between CY2017 and CY2022. There were 97 juveniles identified who were convicted or adjudicated delinquent of an intentional homicide occurring between CY2017 and CY2022. Some offenders were a juvenile at the time of the homicide event but were 18 or older on the date of conviction or adjudication of delinquency.

DEMOGRAPHICS OF JUVENILES CONVICTED OR ADJUDICATED DELINQUENT OF INTENTIONAL HOMICIDE

Sex (n=97)

92% (89 of 97) of the juveniles in the cohort were male.

- **92% (89 of 97) Male**
- 8% (8 of 97) Female

Race (n=97)

73% (71 of 97) of the juveniles in the cohort were Black.

- **73% (71 of 97) Black**
- 16% (16 of 97) White
- 10% (10 of 97) Other

Sex and Race (n=97)

69% (67 of 97) of the juveniles in the cohort were Black males.

- 69% (67 of 97) were Black males
- 13% (13 of 97) were White males
- 9% (9 of 97) were males with an unknown/missing racial classification
- 4% (4 of 97) were Black females
- 3% (3 of 97) were White females
- 1% (1 of 97) was a female with an unknown/missing racial classification

Age at time of Intentional Homicide (n=97)

66% (64 of 97) of the juveniles in the cohort were between the ages of 16 and 17 at the time of the intentional homicide.

- 1% (1 of 97) was 12 years of age
- 4% (4 of 97) were 13 years of age
- 9% (9 of 97) were 14 years of age
- 20% (19 of 97) were 15 years of age
- **29% (28 of 97) were 16 years of age**
- **37% (36 of 97) were 17 years of age**

Convictions/Adjudications by Year of Intentional Homicide Event (n=97)

The following indicates the proportion of convictions by the year the homicide offense occurred (as of October 2023):

- 15% (15 of 97) were convicted/adjudicated delinquent for a 2017 homicide offense.
- 19% (18 of 97) were convicted/adjudicated delinquent for a 2018 homicide offense.
- 14% (14 of 97) were convicted/adjudicated delinquent for a 2019 homicide offense.
- 23% (22 of 97) were convicted/adjudicated delinquent for a 2020 homicide offense.
- 17% (16 of 97) were convicted/adjudicated delinquent for a 2021 homicide offense.
- 12% (12 of 97) were convicted/adjudicated delinquent for a 2022 homicide offense.

Intentional Homicide Offense Code Section (n=97)

Over 90% of juveniles in the cohort were convicted or adjudicated delinquent of first or second degree murder (Virginia Code § 18.2-32).

- 3% (3 of 97) convicted pursuant to § 18.2-31
- **91% (88 of 97) convicted pursuant to § 18.2-32**
- 5% (5 of 97) convicted pursuant to § 18.2-33
- 1% (1 of 97) convicted pursuant to § 18.2-35

Disposition

The disposition status of the juveniles in the cohort was as follows:

- **60% (58 of 97) were adjudicated delinquent/not innocent.**
  - An adjudication order finding the juvenile to be delinquent of a criminal offense.
- **40% (39 of 97) were found guilty by a circuit court.**
  - The charge was appealed or certified to circuit court and the juvenile was found guilty.

APPENDIX B: INTENTIONAL HOMICIDE IN VIRGINIA BY LOCALITY, 2017-2022, VIRGINIA UCR-IBR DATA

Locality	Murder Incidents, 2017-2022	Murder Victims, 2017-2022	Murder Rate p/100,000 2017-2022	Unemployment Rate	Median household income (dollars)	Per capita income (dollars)	Population
Virginia	**2,810**	**3,031**	**5.8**	**2.9%**	**80,615**	**43,267**	**8,683,619**
Accomack County	**29**	34	**17.1**	2.1%	50,601	29,202	33,191
Albemarle County	**21**	25	**3.6**	2.1%	90,568	49,942	114,534
Alexandria City	**21**	22	2.4	2.5%	105,450	68,640	155,525
Alleghany County	**6**	7	**7.9**	1.7%	49,705	28,423	14,835
Amelia County	**6**	6	**7.4**	2.7%	57,420	32,131	13,455
Amherst County	**6**	8	**4.2**	3.1%	60,876	31,583	31,589
Appomattox County	**3**	3	**3.0**	2.2%	55,268	29,202	16,748
Arlington County	**14**	14	**1.0**	2.2%	128,145	77,535	234,000
Augusta County	**7**	7	**1.5**	1.8%	69,082	32,461	78,064
Bath County	**1**	1	**4.1**	0.9%	55,807	31,431	4,049
Bedford County	**13**	13	**2.7**	1.8%	70,870	36,891	80,848
Bland County	**3**	3	**8.1**	1.7%	54,556	24,486	6,148
Botetourt County	**3**	3	**1.5**	1.8%	72,941	37,525	34,135
Bristol City	**7**	7	**6.9**	2.1%	43,879	27,869	16,975
Brunswick County	**5**	5	**5.2**	3.4%	49,597	24,200	15,921
Buchanan County	**8**	8	**6.9**	2.2%	37,093	21,975	19,352
Buckingham County	**6**	6	**5.9**	3.4%	49,841	23,717	16,982
Buena Vista City	**1**	1	**2.5**	0.7%	42,156	32,082	6,591
Campbell County	**16**	16	**4.8**	2.6%	53,918	29,143	55,141
Caroline County	**3**	3	**1.6**	2.5%	76,528	36,953	31,957

Locality	Murder Incidents, 2017-2022	Murder Victims, 2017-2022	Murder Rate p/100,000 2017-2022	Unemployment Rate	Median household income (dollars)	Per capita income (dollars)	Population
Carroll County	**7**	7	**4.0**	2.7%	45,220	26,254	29,147
Charles City County	**2**	2	**5.0**	1.9%	59,543	37,059	6,605
Charlotte County	**1**	1	**1.5**	2.2%	45,567	25,577	11,475
Charlottesville City	**13**	17	**6.2**	2.8%	63,470	42,474	45,373
Chesapeake City	**82**	91	**6.0**	3.2%	85,563	38,952	252,488
Chesterfield County	**67**	73	**3.2**	3.2%	88,315	41,320	378,408
Clarke County	**3**	3	**3.3**	2.3%	86,633	44,129	15,266
Colonial Heights City	**8**	8	**7.3**	4.1%	65,570	34,081	18,294
Covington City	**3**	3	**8.8**	1.8%	41,242	23,589	5,679
Craig County	**3**	3	**10.3**	0.7%	60,283	28,973	4,847
Culpeper County	**5**	5	**1.5**	2.7%	85,274	35,826	54,381
Cumberland County	**3**	3	**5.1**	1.8%	57,568	32,735	9,746
Danville City	**49**	52	**20.5**	3.2%	38,904	24,535	42,229
Dickenson County	**5**	7	**8.5**	1.7%	33,905	22,719	13,725
Dinwiddie County	**9**	9	**5.3**	3.8%	68,918	32,485	28,161
Division 3 - Education	**1**	3	**n/a**	n/a	n/a	n/a	
Emporia City	**9**	9	**27.4**	9.4%	36,111	21,498	5,481
Essex County	**3**	3	**4.7**	4.8%	54,375	28,248	10,630
Fairfax City	**1**	1	**0.7**	2.6%	118,492	57,091	24,835
Fairfax County	**110**	124	**1.8**	2.9%	133,974	61,957	1,138,331
Falls Church city	**1**	1	**1.1**	3.8%	155,071	76,354	14,586
Fauquier County	**16**	18	**4.0**	1.9%	111,368	49,440	74,664
Floyd County	**7**	8	**8.5**	2.0%	51,612	28,832	15,619

Locality	Murder Incidents, 2017-2022	Murder Victims, 2017-2022	Murder Rate p/100,000 2017-2022	Unemployment Rate	Median household income (dollars)	Per capita income (dollars)	Population
Fluvanna County	**1**	1	**0.6**	1.7%	82,983	44,913	28,159
Franklin City	**11**	11	**22.2**	5.1%	49,424	26,519	8,247
Franklin County	**27**	29	**8.8**	1.5%	59,667	33,739	55,074
Frederick County	**7**	7	**1.2**	2.4%	84,317	39,429	95,051
Fredericksburg City	**12**	12	**7.0**	3.5%	72,293	40,619	28,757
Galax City	**1**	1	**2.5**	3.1%	39,808	29,297	6,730
Giles County	**4**	4	**4.1**	1.2%	57,911	28,945	16,453
Gloucester County	**8**	9	**3.8**	2.0%	77,733	36,361	39,493
Goochland County	**5**	5	**3.2**	1.8%	100,517	57,064	26,109
Grayson County	**1**	3	**3.3**	2.3%	43,022	24,822	15,343
Greene County	**3**	3	**2.4**	2.7%	73,844	35,942	21,107
Greensville County	**9**	10	**14.8**	3.5%	53,063	21,938	11,226
Halifax County	**22**	24	**11.9**	2.6%	45,962	24,899	33,644
Hampton City	**115**	120	**14.5**	3.6%	59,380	32,831	138,037
Hanover County	**9**	9	**1.3**	2.1%	96,911	44,911	112,938
Harrisonburg City	**12**	14	**4.6**	3.2%	51,055	24,388	51,158
Henrico County	**108**	115	**5.7**	2.8%	76,345	43,445	333,962
Henry County	**26**	28	**9.4**	3.0%	41,103	24,337	49,906
Highland County	**1**	1	**7.2**	7.8%	52,901	28,793	2,301
Hopewell City	**26**	30	**21.8**	5.2%	44,209	23,314	22,962
Isle Of Wight County	**7**	8	**3.3**	3.6%	84,673	42,122	40,151
James City County	**11**	12	**2.5**	2.5%	94,907	47,223	81,199
King and Queen County	**2**	2	**5.0**	2.0%	61,672	36,359	6,718

Locality	Murder Incidents, 2017-2022	Murder Victims, 2017-2022	Murder Rate p/100,000 2017-2022	Unemployment Rate	Median household income (dollars)	Per capita income (dollars)	Population
King George County	**4**	4	**2.4**	1.9%	101,599	41,157	27,856
King William County	**1**	1	**0.9**	2.0%	74,592	33,408	18,492
Lancaster County	**4**	5	**7.8**	5.5%	64,460	44,978	10,750
Lee County	**9**	9	**6.8**	3.9%	37,574	19,671	21,982
Lexington City	**0**	0	**0.0**	1.40%	66,114	23,763	7,457
Loudoun County	**19**	21	**0.8**	2.5%	156,821	61,045	432,085
Louisa County	**11**	11	**4.6**	3.7%	70,974	38,360	40,116
Lunenburg County	**8**	8	**11.1**	2.4%	47,269	23,171	12,031
Lynchburg City	**35**	35	**7.4**	3.6%	54,015	26,513	79,287
Madison County	**4**	4	**4.8**	3.0%	72,349	35,538	14,000
Manassas City	**9**	9	**3.5**	3.7%	101,934	39,460	42,642
Manassas Park City	**1**	1	**1.0**	2.3%	90,544	37,363	16,703
Martinsville City	**9**	10	**12.1**	3.1%	36,832	23,592	13,725
Mathews County	**2**	3	**5.9**	3.4%	73,229	44,684	8,490
Mecklenburg County	**18**	20	**10.9**	1.8%	46,378	28,959	30,508
Middlesex County	**4**	4	**6.1**	3.3%	63,782	35,510	10,943
Montgomery County	**11**	11	**1.9**	2.0%	60,666	30,469	98,915
Nelson County	**3**	3	**3.4**	2.7%	67,707	41,790	14,652
New Kent County	**6**	6	**4.0**	2.0%	101,628	43,780	24,986
Newport News City	**156**	161	**14.6**	3.5%	57,463	33,082	184,306
Norfolk City	**271**	289	**20.7**	4.0%	56,244	32,811	232,995
Northampton County	**2**	2	**2.8**	2.7%	50,347	34,811	11,900
Northumberland Count	**3**	3	**4.1**	3.1%	61,291	41,562	12,302

Locality	Murder Incidents, 2017-2022	Murder Victims, 2017-2022	Murder Rate p/100,000 2017-2022	Unemployment Rate	Median household income (dollars)	Per capita income (dollars)	Population
Norton City	**2**	3	**13.9**	4.2%	35,592	25,135	3,609
Nottoway County	**7**	7	**7.5**	2.8%	54,614	25,843	15,559
Orange County	**6**	7	**3.1**	3.1%	79,211	36,839	37,991
Page County	**5**	5	**3.5**	2.6%	53,168	27,214	23,750
Patrick County	**5**	5	**4.7**	1.5%	47,215	29,049	17,643
Petersburg City	**115**	123	**61.4**	7.4%	44,890	26,091	33,394
Pittsylvania County	**20**	26	**7.2**	2.9%	49,486	26,821	59,952
Poquoson City	**0**	0	**0.0**	1.00%	112,026	44,265	12,582
Portsmouth City	**155**	169	**29.0**	3.7%	54,020	28,520	97,029
Powhatan County	**0**	0	**0.0**	1.10%	101,395	43,078	31,489
Prince Edward County	**6**	6	**4.6**	2.0%	49,019	21,455	21,927
Prince George County	**8**	9	**3.5**	3.7%	78,895	30,199	43,134
Prince William County	**61**	69	**2.4**	3.5%	113,831	45,240	486,943
Pulaski County	**8**	8	**4.0**	2.0%	55,446	31,071	33,706
Radford City	**2**	2	**2.0**	4.2%	44,360	23,229	16,738
Rappahannock County	**0**	0	**0.0**	2.20%	90,307	48,672	7,502
Richmond City	**375**	394	**28.6**	4.0%	54,795	38,132	229,395
Richmond County	**1**	1	**1.8**	1.1%	57,697	25,620	9,080
Roanoke City	**87**	90	**15.3**	4.1%	48,476	30,379	97,847
Roanoke County	**14**	16	**2.8**	1.8%	74,622	39,999	96,914
Rockbridge County	**5**	5	**3.7**	2.9%	57,828	34,342	22,593
Rockingham County	**11**	13	**2.5**	2.0%	67,484	34,094	85,397
Russell County	**15**	16	**10.5**	3.0%	41,100	23,540	25,448

Locality	Murder Incidents, 2017-2022	Murder Victims, 2017-2022	Murder Rate p/100,000 2017-2022	Unemployment Rate	Median household income (dollars)	Per capita income (dollars)	Population
Salem City	**3**	3	**2.0**	2.3%	66,472	36,244	25,523
Scott County	**5**	6	**4.7**	1.9%	42,561	24,214	21,476
Shenandoah County	**4**	4	**1.5**	2.4%	58,609	31,364	44,968
Smyth County	**11**	13	**7.4**	2.0%	42,588	24,633	29,449
Southampton County	**6**	6	**5.6**	3.5%	65,079	29,785	17,932
Spotsylvania County	**14**	19	**2.2**	4.1%	98,973	41,543	146,688
Stafford County	**27**	27	**2.8**	2.7%	119,818	45,618	163,380
Staunton City	**4**	4	**2.6**	3.1%	53,041	31,275	25,904
Suffolk City	**33**	33	**5.6**	4.2%	81,883	40,389	98,537
Surry County	**0**	0	**0.0**	4.00%	61,105	33,416	6,527
Sussex County	**9**	12	**18.7**	3.0%	56,968	26,055	10,680
Tazewell County	**14**	14	**5.9**	3.0%	42,937	25,317	39,821
Virginia Beach City	**96**	113	**4.1**	2.8%	81,810	41,803	455,618
Warren County	**5**	5	**2.0**	3.8%	72,840	34,850	41,440
Washington County	**14**	17	**5.3**	2.6%	54,737	30,771	53,958
Waynesboro City	**5**	5	**3.7**	3.0%	47,238	29,222	22,808
Westmoreland County	**8**	8	**7.1**	6.1%	53,113	33,823	18,712
Williamsburg City	**5**	6	**6.3**	3.1%	65,297	33,164	15,909
Winchester City	**5**	5	**3.0**	2.8%	61,321	33,908	27,936
Wise County	**7**	10	**4.7**	5.0%	44,884	22,225	35,421
Wythe County	**10**	11	**6.5**	2.9%	52,726	28,926	28,111
York County	**12**	15	**3.5**	2.8%	96,144	42,982	71,341

Source: Virginia State Police, UCR-IBR Program, CY2017-CY2022 and U.S. Census Bureau, 2021 ACS 5-Year Estimates Data Profiles.

APPENDIX C: INTENTIONAL HOMICIDES IN VIRGINIA BY LOCALITY, 2017-2022, OCME DATA

Event Locality	2017		2018		2019		2020		2021		2022*		Total	
	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
Accomack County	1	3.1	1	3.1	5	15.5	6	18.6	9	27.9	3	9.3	25	12.9
Albemarle County	5	4.6	1	0.9	2	1.8	6	5.4	0	0.0	4	3.6	18	2.7
Alexandria City	5	3.1	3	1.9	2	1.3	3	1.9	2	1.3	7	4.4	22	2.3
Alleghany County	0	0.0	0	0.0	0	0.0	1	6.8	0	0.0	0	0.0	1	1.1
Amelia County	1	7.7	0	0.0	0	0.0	1	7.7	0	0.0	1	7.7	3	3.8
Amherst County	0	0.0	0	0.0	3	9.5	0	0.0	2	6.3	1	3.2	6	3.2
Appomattox County	0	0.0	0	0.0	0	0.0	0	0.0	1	6.2	1	6.2	2	2.1
Arlington County	4	1.7	3	1.3	3	1.3	3	1.2	1	0.4	1	0.4	15	1.0
Augusta County	1	1.3	2	2.7	0	0.0	0	0.0	2	2.6	1	1.3	6	1.3
Bath County	1	23.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	4.0
Bedford County	1	1.3	3	3.8	1	1.3	3	3.8	4	5.0	4	5.0	16	3.4
Bland County	0	0.0	0	0.0	0	0.0	2	32.1	0	0.0	0	0.0	2	5.3
Botetourt County	0	0.0	0	0.0	0	0.0	1	3.0	0	0.0	1	3.0	2	1.0
Bristol City	0	0.0	3	18.2	1	6.0	1	5.8	1	5.8	2	11.5	8	7.8
Brunswick County	0	0.0	1	6.1	0	0.0	1	6.2	1	6.2	3	18.7	6	6.2
Buchanan County	1	4.6	0	0.0	1	4.8	1	4.9	1	4.9	1	4.9	5	4.0
Buckingham County	1	5.9	0	0.0	0	0.0	1	5.8	1	5.8	0	0.0	3	2.9
Buena Vista City	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	31.2	2	5.2
Campbell County	2	3.6	2	3.6	3	5.5	2	3.6	3	5.4	4	7.2	16	4.8
Caroline County	1	3.3	0	0.0	0	0.0	1	3.2	3	9.7	0	0.0	5	2.7
Carroll County	0	0.0	0	0.0	1	3.4	0	0.0	1	3.3	1	3.3	3	1.7
Charles City County	0	0.0	0	0.0	1	14.4	1	14.7	0	0.0	0	0.0	2	4.8
Charlotte County	0	0.0	1	8.4	0	0.0	0	0.0	0	0.0	0	0.0	1	1.4
Charlottesville City	5	10.4	1	2.1	2	4.2	4	8.5	0	0.0	6	12.8	18	6.3
Chesapeake City	11	4.6	11	4.5	9	3.7	14	5.7	24	9.7	25	10.1	94	6.4
Chesterfield County	12	3.5	5	1.4	13	3.7	16	4.5	14	3.9	20	5.6	80	3.8
Clarke County	1	6.9	0	0.0	1	6.8	0	0.0	0	0.0	0	0.0	2	2.3
Colonial Heights City	3	16.8	0	0.0	0	0.0	0	0.0	3	17.4	1	5.8	7	6.7
Covington City	0	0.0	0	0.0	0	0.0	1	17.7	0	0.0	4	70.9	5	14.9
Craig County	0	0.0	1	19.7	0	0.0	2	39.4	1	19.7	0	0.0	4	13.1
Culpeper County	1	2.0	1	1.9	1	1.9	2	3.7	2	3.7	1	1.9	8	2.5
Cumberland County	0	0.0	0	0.0	3	30.2	0	0.0	0	0.0	1	10.1	4	6.7
Danville City	14	34.0	13	31.9	8	20.0	5	12.5	6	15.0	9	22.6	55	22.8
Dickenson County	1	6.8	0	0.0	2	14.0	1	7.1	1	7.1	0	0.0	5	5.8
Dinwiddie County	0	0.0	2	7.0	0	0.0	2	7.0	4	13.9	4	13.9	12	7.0

Event Locality	2017		2018		2019		2020		2021		2022*		Total	
	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
Emporia City	2	37.9	1	19.5	1	18.7	2	38.0	1	19.0	4	76.1	11	34.9
Essex County	0	0.0	0	0.0	0	0.0	0	0.0	1	9.1	1	9.1	2	3.0
Fairfax City	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	4.3	1	0.7
Fairfax County	21	1.8	14	1.2	13	1.1	18	1.6	25	2.2	24	2.1	115	1.7
Falls Church City	0	0.0	0	0.0	0	0.0	1	6.8	0	0.0	0	0.0	1	1.1
Fauquier County	2	2.9	4	5.7	1	1.4	6	8.4	4	5.6	3	4.2	20	4.7
Floyd County	0	0.0	0	0.0	1	6.3	1	6.3	1	6.3	2	12.7	5	5.3
Fluvanna County	0	0.0	0	0.0	1	3.7	0	0.0	0	0.0	0	0.0	1	0.6
Franklin City	1	12.2	0	0.0	2	25.1	2	25.5	2	25.5	3	38.3	10	21.0
Franklin County	5	8.9	1	1.8	3	5.4	6	10.7	6	10.7	2	3.6	23	6.8
Frederick County	1	1.2	1	1.1	2	2.2	4	4.4	2	2.2	2	2.2	12	2.2
Fredericksburg City	2	7.1	2	6.9	3	10.3	2	6.8	3	10.2	0	0.0	12	6.9
Galax City	1	15.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	2.6
Giles County	1	5.9	1	5.9	0	0.0	3	18.0	1	6.0	0	0.0	6	6.0
Gloucester County	3	8.0	0	0.0	1	2.7	3	8.0	0	0.0	2	5.3	9	4.0
Goochland County	1	4.4	0	0.0	0	0.0	0	0.0	1	4.1	1	4.1	3	2.1
Grayson County	1	6.4	0	0.0	2	12.9	0	0.0	0	0.0	1	6.5	4	4.3
Greene County	0	0.0	0	0.0	1	5.0	1	5.0	0	0.0	1	5.0	3	2.5
Greensville County	3	25.7	0	0.0	0	0.0	1	8.9	1	8.9	0	0.0	5	7.3
Halifax County	2	5.8	4	11.7	4	11.8	4	11.9	6	17.8	6	17.8	26	12.8
Hampton City	19	14.1	16	11.9	14	10.4	24	17.7	31	22.9	27	19.9	131	16.2
Hanover County	2	1.9	3	2.8	0	0.0	0	0.0	2	1.8	4	3.7	11	1.7
Harrisonburg City	3	5.5	3	5.6	0	0.0	1	1.9	2	3.8	1	1.9	10	3.1
Henrico County	25	7.6	10	3.0	9	2.7	17	5.1	25	7.5	30	9.0	116	5.8
Henry County	1	2.0	3	5.9	2	4.0	9	17.9	3	6.0	8	15.9	26	8.6
Highland County	1	45.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	7.6
Hopewell City	2	8.8	7	31.0	5	22.2	6	26.8	3	13.4	9	40.2	32	23.7
Isle of Wight County	3	8.2	1	2.7	1	2.7	1	2.7	2	5.3	1	2.7	9	4.0
James City County	3	4.0	1	1.3	2	2.6	3	3.9	2	2.6	1	1.3	12	2.6
King and Queen County	0	0.0	1	14.2	0	0.0	0	0.0	0	0.0	0	0.0	1	2.4
King George County	0	0.0	0	0.0	0	0.0	1	3.7	2	7.3	1	3.7	4	2.5
King William County	0	0.0	0	0.0	1	5.8	0	0.0	0	0.0	0	0.0	1	1.0
Lancaster County	0	0.0	0	0.0	1	9.4	2	18.8	0	0.0	0	0.0	3	4.7
Lee County	0	0.0	3	12.7	2	8.5	0	0.0	3	12.9	2	8.6	10	7.1
Lexington	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Loudoun County	3	0.8	5	1.2	0	0.0	3	0.7	4	0.9	7	1.7	22	0.9
Louisa County	3	8.4	1	2.7	4	10.6	0	0.0	1	2.6	3	7.9	12	5.3

Event Locality	2017		2018		2019		2020		2021		2022*		Total	
	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
Lunenburg County	1	8.2	1	8.3	3	24.6	1	8.2	1	8.2	1	8.2	8	10.9
Lynchburg City	6	7.4	7	8.5	2	2.4	5	6.1	9	11.0	8	9.8	37	7.6
Madison County	1	7.5	0	0.0	0	0.0	1	7.5	1	7.5	1	7.5	4	5.0
Manassas City	3	7.2	1	2.4	3	7.3	1	2.4	1	2.4	0	0.0	9	3.6
Manassas Park City	0	0.0	2	11.6	0	0.0	0	0.0	0	0.0	0	0.0	2	1.9
Martinsville City	2	15.2	2	15.5	2	15.9	2	16.2	3	24.3	1	8.1	12	15.9
Mathews County	1	11.4	1	11.4	0	0.0	0	0.0	0	0.0	2	22.8	4	7.6
Mecklenburg County	1	3.3	2	6.5	3	9.8	4	13.0	0	0.0	6	19.6	16	8.7
Middlesex County	1	9.4	1	9.3	1	9.5	0	0.0	0	0.0	0	0.0	3	4.7
Montgomery County	3	3.0	1	1.0	1	1.0	1	1.0	2	2.0	4	4.1	12	2.0
Nelson County	1	6.7	1	6.7	1	6.7	1	6.8	0	0.0	0	0.0	4	4.5
New Kent County	0	0.0	0	0.0	1	4.3	0	0.0	0	0.0	1	4.2	2	1.4
Newport News City	24	13.4	25	14.0	26	14.5	28	15.6	30	16.8	27	15.1	160	14.9
Norfolk City	35	14.3	37	15.2	38	15.7	52	21.4	65	26.8	64	26.4	291	19.9
Northampton County	0	0.0	0	0.0	0	0.0	1	8.6	0	0.0	0	0.0	1	1.4
Northumberland County	1	8.1	0	0.0	1	8.3	0	0.0	0	0.0	2	16.6	4	5.5
Norton City	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	75.3	3	12.6
Nottoway County	2	13.0	1	6.5	1	6.6	2	13.2	0	0.0	2	13.2	8	8.7
Orange County	0	0.0	2	5.5	0	0.0	1	2.7	2	5.3	1	2.7	6	2.7
Page County	0	0.0	0	0.0	1	4.2	0	0.0	3	12.5	1	4.2	5	3.5
Patrick County	0	0.0	3	17.0	0	0.0	1	5.7	0	0.0	1	5.7	5	4.7
Petersburg City	13	40.9	17	53.9	21	67.0	22	72.3	20	65.7	21	69.0	114	61.3
Pittsylvania County	3	4.9	3	4.9	8	13.3	2	3.3	4	6.7	6	10.0	26	7.2
Poquoson	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Portsmouth City	16	16.9	20	21.1	18	19.1	32	33.7	37	38.9	40	42.1	163	28.7
Powhatan County	1	3.5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	0.6
Prince Edward County	3	13.2	1	4.4	1	4.4	0	0.0	2	8.7	3	13.0	10	7.3
Prince George County	1	2.6	2	5.3	0	0.0	2	5.2	3	7.8	4	10.3	12	5.2
Prince William County	3	0.6	8	1.7	14	3.0	8	1.7	13	2.7	18	3.8	64	2.3
Pulaski County	3	8.8	0	0.0	1	2.9	0	0.0	3	8.8	1	2.9	8	3.9
Radford City	0	0.0	0	0.0	1	5.5	1	5.5	0	0.0	0	0.0	2	1.8
Rappahannock County	2	27.3	0	0.0	0	0.0	0	0.0	1	13.8	0	0.0	3	6.9
Richmond City	77	33.9	55	24.0	68	29.5	77	33.2	106	45.6	64	27.6	447	32.3
Richmond County	0	0.0	1	11.1	0	0.0	1	11.0	0	0.0	0	0.0	2	3.7
Roanoke City	18	18.0	16	16.0	15	15.1	17	17.2	19	19.2	19	19.2	104	17.4
Roanoke County	1	1.1	7	7.4	1	1.1	2	2.1	3	3.2	5	5.3	19	3.4
Rockbridge County	3	13.2	1	4.4	1	4.4	0	0.0	1	4.4	1	4.4	7	5.1

Event Locality	2017		2018		2019		2020		2021		2022*		Total	
	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
Rockingham County	1	1.2	1	1.2	2	2.4	4	4.9	5	6.1	4	4.9	17	3.5
Russell County	1	3.7	0	0.0	0	0.0	1	3.8	1	3.8	0	0.0	3	1.9
Salem City	0	0.0	1	3.9	0	0.0	1	3.9	0	0.0	0	0.0	2	1.3
Scott County	0	0.0	2	9.3	1	4.6	2	9.2	1	4.6	2	9.2	8	6.2
Shenandoah County	0	0.0	1	2.3	3	6.9	0	0.0	1	2.3	2	4.6	7	2.7
Smyth County	2	6.5	1	3.3	0	0.0	4	13.3	1	3.3	1	3.3	9	5.0
Southampton County	0	0.0	2	11.4	1	5.7	0	0.0	0	0.0	1	5.7	4	3.8
Spotsylvania County	3	2.3	3	2.2	6	4.4	5	3.6	7	5.1	2	1.4	26	3.2
Stafford County	3	2.0	4	2.7	4	2.6	2	1.3	4	2.6	4	2.6	21	2.3
Staunton City	0	0.0	1	4.0	0	0.0	2	7.9	0	0.0	1	4.0	4	2.7
Suffolk City	2	2.2	2	2.2	6	6.5	3	3.2	7	7.5	13	13.8	33	5.9
Surry County	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Sussex County	2	17.6	2	17.8	2	17.9	2	18.3	0	0.0	2	18.3	10	15.0
Tazewell County	2	4.9	0	0.0	0	0.0	2	4.9	1	2.5	1	2.5	6	2.5
Virginia Beach City	14	3.1	19	4.2	36	8.0	20	4.4	14	3.1	20	4.4	123	4.5
Warren County	3	7.6	0	0.0	1	2.5	0	0.0	0	0.0	0	0.0	4	1.7
Washington County	6	11.0	4	7.4	2	3.7	5	9.3	2	3.7	1	1.9	20	6.2
Waynesboro City	0	0.0	1	4.4	2	8.8	2	8.8	1	4.4	0	0.0	6	4.4
Westmoreland County	1	5.6	0	0.0	0	0.0	2	11.0	0	0.0	1	5.5	4	3.7
Williamsburg City	1	6.7	0	0.0	0	0.0	0	0.0	1	6.6	0	0.0	2	2.2
Winchester City	0	0.0	1	3.6	1	3.6	3	10.8	1	3.6	1	3.6	7	4.2
Wise County	1	2.6	3	7.9	1	2.7	3	8.1	3	8.1	4	10.8	15	6.6
Wythe County	2	6.9	2	7.0	4	13.9	2	7.0	0	0.0	1	3.5	11	6.4
York County	1	1.5	4	5.9	1	1.5	5	7.2	2	2.9	1	1.4	14	3.4
Out of State	6	ND	8	ND	7	ND	6	ND	2	ND	14	ND	43	ND
Unknown	9	ND	14	ND	10	ND	6	ND	9	ND	15	ND	63	ND
Total	**469**	**2.8**	**430**	**5.0**	**461**	**5.4**	**549**	**6.4**	**613**	**7.1**	**653**	**7.6**	**3,175**	**5.3**

* Data for 2022 is preliminary as of October 2023 and is subject to change.

Note: Rates calculated for 2021 and 2022 use 2020 population estimates for denominator values.

Note: Crude rates are per 100K population.

Note: 'ND' represents no denominator value for which to calculate rate.

Source: Virginia Office of the Chief Medical Examiner

MOTOR VEHICLE, PEDESTRIAN, AND BICYCLIST FATALITIES

MOTOR VEHICLE, PEDESTRIAN, AND BICYCLIST FATALITIES

EXECUTIVE SUMMARY

During 2023, the Crime Commission examined motor vehicle traffic crash fatalities involving drivers, passengers, pedestrians, and bicyclists. Analysis of Virginia motor vehicle traffic crash fatality data between 2017 and 2022 revealed:

- 5,309 individuals were killed in motor vehicle traffic crashes during this time period, which included 4,464 (84%) drivers or passengers, 771 (15%) pedestrians, and 74 (1%) bicyclists.
- The number of driver, passenger, and pedestrian fatalities increased significantly between 2020 and 2022 (725 driver/passenger fatalities in 2020 to 823 fatalities in 2022; 114 pedestrian fatalities in 2020 to 171 fatalities in 2022); whereas, bicyclist fatalities remained consistently low across the entire time period.
- The number of *crashes* between 2020 and 2022 remained below pre-2020 levels, while the number of *fatalities* increased by 19% during that same time period.
- The causal factors accounting for the rise in fatalities varied, with a 22% increase in unrestrained fatalities, 39% in speed-related fatalities, and 10% increase in alcohol-related fatalities in 2022 as compared to 2017.

This increase in fatalities has been observed across the United States and cannot be attributed to one particular factor, but may be affected by a combination of factors, including the impacts of COVID-19 pandemic and an escalation in risky driving behaviors, such as speeding, impaired driving, and not wearing a seat belt. Additionally, certain systematic factors, such as larger and heavier vehicles, road-design standards focused on maximizing vehicular traffic, more drivers and pedestrians on the roadways, and the 85th percentile rule used when establishing speed limits, may be contributing to the increase.

While Virginia has a number of laws meant to promote roadway safety, the enforcement of many of these laws (measured by charges and convictions) has been significantly decreasing in recent years due to factors such as COVID-19 pandemic impacts, law enforcement staffing shortages, less proactive enforcement, and recent changes to Virginia laws. For example, the number of charges and convictions for not wearing a seat belt, speeding, wearing earphones while driving, reckless driving, pedestrians crossing or entering the roadway, vehicles yielding/stopping for pedestrians, and bicycle violations on the roadway declined significantly between 2017 and 2022.

A variety of criminal justice measures could be adopted in Virginia to promote roadway safety, including enacting a primary seat belt law, expanding the use of photo speed monitoring devices, using technology to aid in the detection of drugged driving, creating a penalty for criminally negligent maiming, and completely prohibiting the use of earphones while driving. Finally, data collection could be improved so as to better understand crashes and fatalities on Virginia's roadways and identify any disparate impacts.

BACKGROUND AND METHODOLOGY

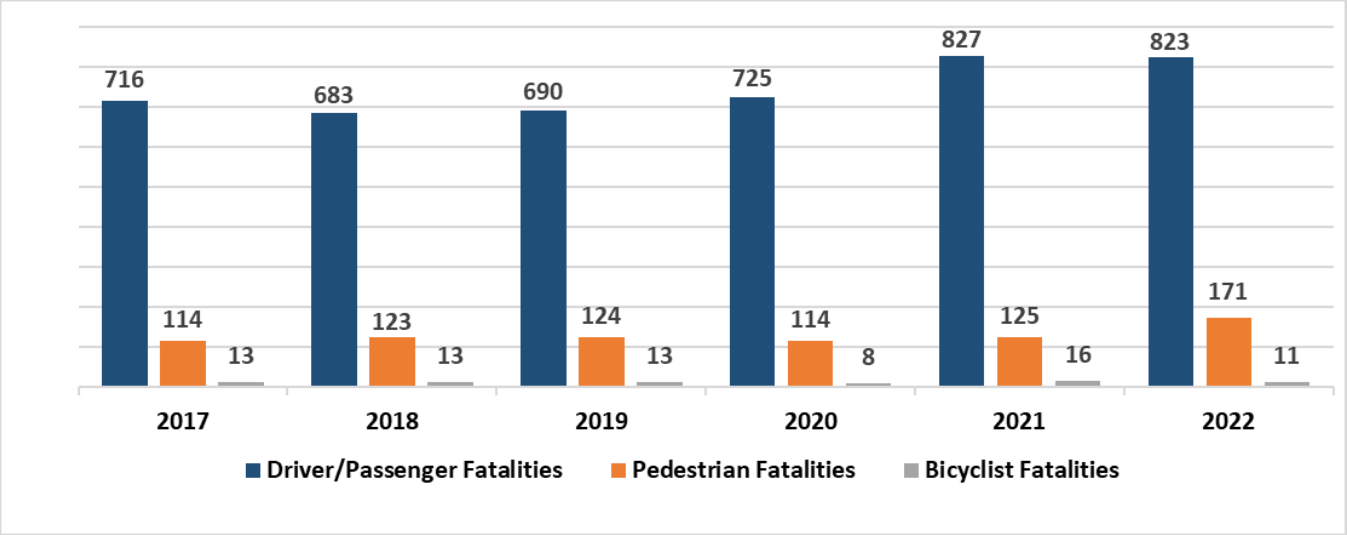
The Executive Committee of the Crime Commission directed staff to examine the nature and scope of motor vehicle traffic crash fatalities involving drivers, passengers, pedestrians, and bicyclists in Virginia. While addressing motor vehicle traffic crash fatalities encompasses a number of disciplines, this study focused on such fatalities through a criminal justice lens. Staff performed the following activities as part of this study:

- Reviewed relevant literature and reports;
- Collected and analyzed Virginia-specific motor vehicle traffic crash fatality data involving drivers, passengers, pedestrians, and bicyclists from 2017 to 2022;
- Examined roadway safety laws in Virginia and other states;
- Consulted with a wide variety of practitioners, stakeholders, and advocates;
- Attended various roadway safety conferences and trainings; and,
- Identified measures to promote roadway safety.

VIRGINIA MOTOR VEHICLE TRAFFIC CRASH FATALITY DATA TRENDS

As seen in Table 1, the total number of motor vehicle traffic crash fatalities involving drivers, passengers, and pedestrians increased significantly in Virginia since 2020; whereas, those involving bicyclists remained consistently low.[1]

Table 1: Statewide Motor Vehicle Traffic Crash Fatalities by Type, 2017-2022



Source: Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022.

While overall statewide figures are depicted in Table 1, the number and types of motor vehicle traffic crash fatalities varied widely across Virginia's individual localities between 2017 and 2022.[2]

Motor Vehicle Traffic Crash and Fatality Trends

As seen in Table 2, the number of overall *crashes* in Virginia between 2020 and 2022 remained below pre-2020 levels, while the number of overall *fatalities* increased by 19% during that same time period. This trend was not unique to Virginia, as many parts of the United States observed a similar decrease in *overall* motor vehicle traffic crashes but an increase in overall *fatalities* during this time period.[3] Various explanations have been cited for this phenomena, including the impacts of COVID-19 pandemic and increases in risky driving behaviors, such as speeding, impaired driving, and not wearing a seat belt.[4] In addition, certain systematic factors are contributing to the increase in these fatalities, such as larger and heavier vehicles,[5] road-design standards focused on maximizing vehicular traffic,[6] an increase in the amount of driving and number of pedestrians on roadways,[7] and the 85th percentile rule used when establishing speed limits.[8]

Table 2: Statewide Motor Vehicle Traffic Crashes and Fatalities, 2017-2022

	2017	2018	2019	2020	2021	2022	Total
Crashes	127,375	131,848	128,172	105,600	118,498	122,434	**733,927**
Fatalities	843	819	827	847	968	1,005	**5,309**

Source: Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022.

As also shown in Table 2, a total of 5,309 individuals were killed in motor vehicle traffic crashes from 2017 to 2022.[9] Of those fatalities, 71% (3,787 of 5,309) were male, 33% (1,760 of 5,309) were between the ages of 18 and 35, 85% (4,496 of 5,309) occurred on non-interstates, and 54% (2,884 of 5,309) were single vehicle crashes.[10] According to the Office of the Chief Medical Examiner (OCME), White individuals comprised an average of 64% of traffic crash fatalities each year, whereas Black individuals comprised an average of 26% of such fatalities each year.[11] Furthermore, Black males had the highest rate of fatal motor vehicle collisions in 2021 (25.7 per 100,000) when compared to other demographic groups, such as White males (17.8 per 100,000), Black females (10.4 per 100,000), and White females (8.1 per 100,000).[12]

Causal Factors Contributing to Motor Vehicle Traffic Crash Fatalities

Highway safety data attempts to capture the various causal factors that contribute to motor vehicle traffic crashes and fatalities.[13] As seen in Table 3, this data shows a general upward trend in the number of overall, unrestrained (no seat belt or other safety restraint), speed-related, and alcohol-related motor vehicle traffic crash fatalities in Virginia between 2017 and 2022.[14] Specifically, when comparing total motor vehicle traffic crash fatalities in 2017 to those in 2022, there was a:

- 19% increase in overall fatalities;[15]
- 22% increase in unrestrained fatalities;[16]
- 39% increase in speed-related fatalities;[17] and,
- 10% increase in alcohol-related fatalities.[18]

It is important to note that one or more of these causal factors may contribute to the same motor vehicle traffic crash fatality.

Table 3: Statewide Motor Vehicle Traffic Crash Fatalities, Overall and by Causal Factor, 2017-2022

Type of Fatality	2017	2018	2019	2020	2021	2022	Total
Overall[19]	843	819	827	847	968	1,005	**5,309**
Unrestrained[20]	308	298	304	343	334	375	**1,962**
Speed-Related[21]	318	339	349	406	445	441	**2,298**
Alcohol-Related[22]	248	278	264	272	247	274	**1,583**

Source: Virginia DMV, *Traffic Crash Facts (TREDS)*, 2017-2022. Note: A motor vehicle crash fatality can be classified as having more than one causal factor. As such, the sum of unrestrained, speed-related, and alcohol-related fatalities in the table is larger than the total number of overall motor vehicle crash fatalities.

When further examining unrestrained, speed-related, and alcohol-related causal factors for motor vehicle traffic crash fatalities in Virginia between 2017 and 2022, the data revealed:

- 71% (3,745 of 5,309) of individuals killed in a motor vehicle traffic crash were driving or riding in a vehicle equipped with safety restraints.[23]
    - Of those individuals, 52% (1,962 of 3,745) were not wearing a seat belt or other safety restraint.
        - 81% (1,596 of 1,962) of these individuals were male and 42% (816 of 1,962) were between the ages of 18 and 35.[24]
        - 85% (1,667 of 1,962) of these crashes occurred on non-interstates and 63% (1,229 of 1,962) were single vehicle crashes.
- There were 2,298 individuals killed in speed-related crashes.[25]
    - Of those speed-related fatalities, 73% (1,674 of 2,298) were male and 43% (985 of 2,298) were between the ages of 18 and 35.[26]
    - 82% (1,887 of 2,298) of such crashes occurred on non-interstates and 55% (1,270 of 2,298) were single vehicle crashes.[27]
- There were 1,583 individuals killed in alcohol-related crashes.[28]
    - Of those alcohol-related fatalities, 77% (1,219 of 1,583) were male and 44% (702 of 1,583) were between the ages of 18 and 35.[29]
    - 88% (1,392 of 1,583) of such crashes occurred on non-interstates and 67% (1,056 of 1,583) were single-vehicle crashes.[30]

Pedestrian-Involved Motor Vehicle Traffic Crash Fatality Trends

As seen in Table 4, 15% (771 of 5,309) of individuals killed in motor vehicle traffic crashes between 2017 and 2022 in Virginia were pedestrians.[31] In addition, a 50% increase in the number of pedestrian fatalities was observed when comparing 2020 (114 fatalities) to 2022 (171 fatalities).

Table 4: Statewide Motor Vehicle Traffic Crash Pedestrian Fatalities, 2017-2022

	2017	2018	2019	2020	2021	2022	Total
Pedestrian Fatalities	114	123	124	114	125	171	**771**

Source: Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022.

Of the 771 pedestrian fatalities between 2017 and 2022, 74% (567 of 771) were male, 54% (417 of 771) were age 51 or older, and 76% (587 of 771) occurred in urban areas.[32] Furthermore, data from the Office of the Chief Medical Examiner (OCME) revealed that an average of 85% of

pedestrians killed each year between 2017 and 2021 underwent ethanol testing, and of these approximately one-third had a blood alcohol content of .08% or higher.[33]

At the November 2023 Crime Commission meeting, the Virginia Department of Transportation (VDOT) provided an overview of their efforts to analyze and provide solutions to pedestrian deaths and serious injuries on Virginia's roadways.[34] VDOT's analysis of Virginia DMV *TREDS* data from 2018 to 2022 revealed a number of findings:

- Approximately 1 in 3 pedestrians hit by motorists were killed or seriously injured.[35]
- Most pedestrian fatalities occurred at night either at or between an intersection.[36]
- 82% of pedestrian fatalities occurred on urban roadways.[37]
- 36%-39% of pedestrian fatalities were drunk (BAC of .08% or higher) or drugged in urban areas.[38]
- 26% of pedestrian fatalities occurred within 150 feet of a bus stop and 50% within 500 feet of a bus stop.[39]
- Individuals in the age groups of 50 to 59 and 60 to 69 were overrepresented in the total number of pedestrian fatalities as compared to other age groups and as compared to their specific age group representation across the general Virginia population.[40]
- Motor vehicle traffic crashes involving pedestrians were 17% higher in areas with a larger poverty population compared to the statewide average.[41]
- Motor vehicle crashes involving pedestrians were two times more frequent in areas where the relative percentage of people with a disability was above the statewide average.[42]

VIRGINIA ROADWAY SAFETY ENFORCEMENT TRENDS

Virginia has a number of laws to promote roadway safety. While Virginia's population[43] and number of registered vehicles[44] have been increasing, the enforcement of many of its roadway safety laws has been significantly decreasing (measured by charges and convictions for commonly occurring offenses). Though a number of factors can affect levels of enforcement, the primary reasons for the decreases in Virginia are COVID-19 pandemic impacts,[45] law enforcement staffing shortages,[46] less proactive enforcement,[47] and recent changes to Virginia laws.[48]

Seat Belt Usage

Virginia law requires adult, front seat occupants to wear a seat belt.[49] However, this adult seat belt statute is a secondary offense. In 2020, the statute was amended to explicitly prohibit law enforcement from stopping a vehicle for a seat belt violation and to exclude any evidence discovered or obtained from such a stop from use in any trial, hearing, or other proceeding.[50] As seen in Table 5, there was a significant decrease in both charges and convictions beginning in 2020. Specifically, there was a 46% decrease in both the number of charges and convictions when comparing 2017 to 2022.

Table 5: Virginia Code § 46.2-1094 (Seat Belt), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	38,930	35,758	36,442	21,692	22,421	21,141
Convictions	36,051	33,914	33,480	20,053	21,761	19,302

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Speeding

Virginia punishes speeding (1 to 19 miles per hour over the speed limit) as a traffic infraction.[51] As seen in Table 6, there was a 37% decrease in charges and a 39% decrease in convictions when comparing 2017 to 2022.

Table 6: Virginia Code § 46.2-870 (Speeding 1-19 mph over), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	274,105	246,227	247,371	163,668	177,606	171,504
Convictions	260,662	239,387	231,333	151,883	171,721	157,850

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

In addition, Virginia punishes reckless driving by speed as a Class 1 misdemeanor.[52] There are two categories of reckless driving by speed. The first category of reckless driving by speed involves driving 20 miles per hour or more over the speed limit[53]. As seen in Table 7, there was a 47% decrease in charges and a 50% decrease in convictions for driving 20 miles per hour or more over the speed limit when comparing 2017 to 2022.

Table 7: Virginia Code § 46.2-862 (20 miles per hour or more over the speed limit), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	99,361	85,579	79,499	55,864	54,206	52,269
Convictions	45,763	40,285	35,247	24,502	26,041	22,706

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Finally, the second category of reckless driving by speed prohibits driving over 85 miles per hour regardless of the speed limit.[54] In 2020, Virginia increased the reckless driving by speed statute from 80 to 85 miles per hour, which took effect on July 1, 2020.[55] While current data does not readily capture the driver's cited speed, a number of stakeholders advised staff they have seen an increase in 100+ miles per hour speeding violations in recent years. As seen in Table 8, there was a decrease in the number of charges and convictions each year since this statute was amended in 2020.

Table 8: Virginia Code § 46.2-862 (Over 85 miles per hour), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	14,683	18,848	27,299	23,901	17,112	16,831
Convictions	7,327	8,076	10,109	10,899	8,382	7,738

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Handheld Personal Communication Device Usage

In 2020, Virginia enacted legislation that prohibits holding a cell phone while driving.[56] This legislation repealed the previous statute which prohibited texting or reading on a cell phone while driving.[57] As seen in Table 9, the number of charges and convictions has significantly increased since this new law took effect on January 1, 2021.

Table 9: Virginia Code § 46.2-1078.1 (repealed 1/1/2021) and § 46.2-818.2 (effective 1/1/2021) (Handheld Devices), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	2,064	1,954	2,181	1,274	15,606	16,482
Convictions	1,633	1,515	1,618	941	10,229	12,544

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Wearing Earphones While Driving

Virginia law prohibits using earphones on or in *both* ears while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the roadway; however, the law allows an earphone to be used on or in *one* ear.[58] An earphone is defined as "any device worn on or in both ears that converts electrical energy to sound waves or which impairs or hinders the person's ability to hear."[59] As seen in Table 10, Virginia saw an 83% decrease in charges and an 84% decrease in convictions when comparing 2017 to 2022.

Table 10: Virginia Code § 46.2-1078 (Earphones), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	1,311	1,201	1,135	412	326	235
Convictions	1,216	1,085	1,011	387	279	200

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Vulnerable Road Users

In 2020, Virginia enacted legislation meant to protect vulnerable road users.[60] A "vulnerable road user" is defined as "a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal."[61] The statute requires proof of all of the following elements: (i) careless or distracted driving, (ii) serious bodily injury or death, (iii) proximate causation, and (iv) that the vulnerable road user was lawfully present on the roadway.[62] As seen in Table 11, the vulnerable road user statute has rarely been charged since its enactment.

Table 11: Virginia Code § 46.2-816.1 (Vulnerable Road Users), Charges and Convictions, 2020-2022

	2020	2021	2022
Charges	1	10	6
Convictions	0	0	5

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

A variety of reasons were identified as to why the vulnerable road user statute has rarely been charged, such as the statute being narrowly tailored to fit very specific factual circumstances,[63] a violation of the statute having the same punishment as reckless driving (Class 1 misdemeanor),[64] and a lack of established case law as compared to reckless driving.[65]

Reckless Driving

Under Virginia law, driving "recklessly or at a speed or in a manner so as to endanger life, limb, or property" is reckless driving.[66] As seen in Table 12, there was a 32% decrease in charges and a 13% decrease in convictions when comparing 2017 to 2022.

Table 12: Virginia Code § 46.2-852 (Reckless Driving), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	15,881	15,120	14,071	11,274	10,796	10,762
Convictions	6,493	6,189	6,332	5,255	6,028	5,649

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Pedestrians

In 2020, Virginia amended its law on where pedestrians can cross roadways to prohibit law enforcement from stopping a person for such a violation and to exclude any evidence discovered or obtained from such a stop from any trial, hearing, or other proceeding.[67] As seen in Table 13, there was a 77% decrease in charges and an 81% decrease in convictions when comparing 2017 to 2022.

Table 13: Virginia Code § 46.2-923 (Pedestrian Crossing Roadway), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	183	196	268	174	59	43
Convictions	158	140	195	163	57	30

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

In 2020, Virginia amended its law that bars pedestrians from entering a roadway from an obstructed location to prohibit law enforcement from stopping a person for such a violation and to exclude any evidence discovered or obtained from such a stop from any trial, hearing, or other proceeding.[68] As seen in Table 14, there was a 67% decrease in charges and a 75% decrease in convictions when comparing 2019 to 2022.

Table 14: Virginia Code § 46.2-926 (Pedestrian Entering Roadway), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	59	120	67	32	22	22
Convictions	40	90	60	26	15	15

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Motor Vehicles Stopping for Pedestrians

In 2020, Virginia amended its law to require drivers to stop for, rather than merely yield to, pedestrians crossing the roadway.[69] This change in the law took effect on July 1, 2020, and as seen in Table 15, there was a 60% decrease in charges and a 57% decrease in convictions when comparing 2019 to 2022.

Table 15: Virginia Code § 46.2-924 (Yielding/Stopping for Pedestrians), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	740	813	890	538	492	360
Convictions	604	668	676	452	369	288

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Bicyclists

Virginia law requires bicyclists to ride as close as possible to the right curb or edge of the roadway unless otherwise allowed by law,[70] prohibits riding more than two abreast, and directs those riding two abreast to move into single-file formation when a vehicle is approaching from behind.[71] The statute was briefly amended in 2021 to allow bicyclists to remain riding two abreast, but was returned to the single-file formation requirement in 2022.[72] As seen in Table 16, there was a 69% decrease in charges and a 75% decrease in convictions when comparing 2019 to 2022.

Table 16: Virginia Code § 46.2-905 (Bicycles on Roadways), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	50	58	42	21	12	13
Convictions	51	47	40	14	8	10

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

ROADWAY SAFETY MEASURES - CRIMINAL JUSTICE PERSPECTIVE

A variety of criminal justice measures were identified that could be adopted in Virginia to enhance roadway safety, such as:

- Primary seat belt law;
- Expansion of the use of photo speed monitoring devices (speed safety cameras);
- Technology for drugged driving detection;
- Penalty for criminally negligent maiming;
- Prohibition on use of earphones while driving; and,
- Improvements in data collection.

Many of these measures are rooted in deterrence theory, which suggests that an individual's engagement in risky driving behavior is linked with their beliefs and perceptions on the likelihood of being caught and punished, as well as the risk of injury or death to themselves or others.[73] Such risk perceptions are influenced by a variety of factors and vary greatly from individual-to-individual, which emphasizes the need for a wide array of prevention and intervention measures to be tailored accordingly for effectiveness.[74]

Primary Seat Belt Law

According to the National Highway Traffic Safety Administration (NHTSA), seat belts are the single most effective life-saving safety equipment in a motor vehicle.[75] Seat belt usage in the front seat of a car reduces the risk of fatal injury by nearly 50%.[76] NHTSA estimated that the use of seat belts in passenger vehicles saved 14,955 lives in 2017, including 323 lives in Virginia.[77]

Research has examined the perceived risks of not wearing a seat belt on the behavior of drivers.[78] One study found that the perceived risk of being ticketed was not a predictor of seat belt use among either urban or rural drivers.[79] However, another study found that young drivers who perceived the likelihood of being fined for not wearing a seatbelt as low wore their seatbelts less frequently.[80] Further, drivers who perceived the likelihood of having a crash as low also wore their seatbelts less frequently.[81]

Staff conducted a 50 state review of adult seat belt laws and found that these laws vary greatly.[82] There are 34 states with some form of a primary adult seat belt law and 15 states, including Virginia, with a secondary adult seat belt law.[83] New Hampshire is the only state that does not have an adult seat belt law.[84]

As seen in Table 17, states with primary adult seat belt laws had higher seat belt usage rates and lower unrestrained motor vehicle traffic crash fatalities as compared to secondary or no law states.

Table 17: State Seat Belt Laws, Seat Belt Usage, and Unrestrained Motor Vehicle Traffic Crash Fatalities, 2017-2021

	Number of States	Average % Seat Belt Usage, 2017-2021	Average % Unrestrained Fatalities, 2017-2021
Primary Law	34	91%	42%
Secondary Law	15	85%	53%
No Law	1	73%	66%

Source: National Conference of State Legislatures (2022) for classification of state laws; NHTSA National Occupant Protection Use Survey for seat belt usage, and NHTSA FARS for unrestrained motor vehicle traffic crash fatality data.

In addition, as illustrated in Table 18, Virginia consistently had a higher percentage of unrestrained motor vehicle traffic crash fatalities as compared to the national percentage between 2017 and 2021.

Table 18: National and Virginia Unrestrained Motor Vehicle Traffic Crash Fatalities, 2017-2021

Year	% National Unrestrained Fatalities	% Virginia Unrestrained Fatalities	% Difference between National and Virginia
2017	42.8	53.5	**+ 10.7**
2018	43.1	53.0	**+ 9.9**
2019	42.6	53.8	**+ 11.2**
2020	45.7	58.4	**+ 12.7**
2021	44.9	49.3	**+ 4.4**

Source: NHTSA, FARS, *Passenger car and light-truck unrestrained occupants killed,* 2017-2021.

Expansion of the Use of Photo Speed Monitoring Devices (Speed Safety Cameras)

A photo speed monitoring device, commonly referred to as a speed safety camera (SSC), is a tool that uses a speed measurement device to detect speeding vehicles, record their speed, and capture a photographic or video image of the vehicles.[85] Data captured by the device is automatically transmitted to the agency that reviews the speed violation and issues a citation.[86] Studies have shown that SSCs are an effective technology for reducing crashes.[87] SSCs may be used to supplement traditional speed management operations and assist with roadway safety

enforcement.[88] In addition, such devices do not require law enforcement and citizen interaction as compared to traditional traffic stops for speeding. However, concerns do exist with the use of SSCs, such as due process and disparate racial impacts.[89]

In 2020, Virginia enacted legislation that allows for photo speed monitoring devices in school and work zones.[90] As of January 2023, five localities were using school zone photo speed monitoring devices.[91] The Virginia Department of Transportation, in coordination with the Virginia State Police, will be piloting work zone photo monitoring devices beginning in 2024.[92] If these devices prove to be successful in reducing crashes and fatalities, Virginia could expand their use to additional areas of the roadway.

Technology for Drugged Driving Detection

Drug-impaired driving continues to be a growing problem across the United States.[93] There are developing technologies for drugged driving detection. For instance, roadside oral fluid drug screening is an emerging practice to test a person's oral fluid for the presence of either specific drugs, like cocaine, or certain drug categories, like opiates. When a law enforcement officer is conducting an impaired driving investigation, the results of a roadside oral fluid drug screening can assist the officer in the determination of probable cause for arrest.[94] While oral fluid screening for certain drugs or drug classes is being used in some states, Virginia law does not authorize such screening.[95] In addition, researchers are currently developing a roadside breathalyzer for THC detection.[96]

Penalty for Criminally Negligent Maiming

Staff conducted a cursory 50 state review and found that at least 13 states, along with Washington, D.C., have an enhanced charge or penalty for causing serious bodily injury to another person as a result of reckless or criminally negligent driving.[97] Virginia has not enacted an enhanced punishment for criminally negligent driving that results in the serious bodily injury of another person.[98] Virginia does, however, have a statute that punishes an individual who, as a result of driving while intoxicated, drives "in a manner so gross, wanton, and culpable as to show a reckless disregard for human life, unintentionally causes the serious bodily injury of another person."[99] Virginia could draw from the elements of this criminally negligent DUI statute to fashion a new criminally negligent driving statute for reckless driving that results in the serious bodily injury of another person.

Prohibition on Use of Earphones While Driving

Hands-free devices, including earphones, are viewed as a tool to reduce risks associated with driver distraction because they allow drivers to keep their eyes on the road and their hands on the steering wheel.[100] However, using a hands-free device while driving does not eliminate cognitive distraction.[101] This topic has sparked interest in the automobile manufacturing industry, specifically Ford Motor Company.[102] Ford commissioned a sound experiment which included the development of an '8D' spatial audio application that played street noise sounds to participants while they wore headphones.[103] The study found that participants who listened to music through headphones were, on average, four seconds slower in identifying potential hazards compared to those not listening to music.[104]

At least 16 states, including Virginia, have implemented statutes explicitly prohibiting the use of one or both earphones while driving.[105] While Virginia law allows an earphone to be used on or in *one* ear,[106] the Commonwealth could consider completely prohibiting the use of earphones as a means of limiting distractions while driving.

Improved Data Collection Measures

There is always the need for improved data collection, and roadway safety data is no exception.[107] For example, neither race nor ethnicity are consistently captured across highway safety and public health data sources in Virginia. The Virginia Police Crash Report (FR300) does not capture the race or ethnicity of individuals involved in fatal or non-fatal crashes.[108] The Virginia Department of Health, Office of Emergency Medical Services (OEMS) does report on the race and ethnicity of individuals in motor vehicle traffic crashes as reported to emergency medical services in Virginia; however, this includes only a fraction of the total motor vehicle traffic crashes that occur each year.[109] Although the Office of the Chief Medical Examiner (OCME) collects race and ethnicity data, it only does so for motor vehicle traffic crash fatalities.[110] Further, that OCME data cannot be readily analyzed to determine whether disparate impacts exist across various types of crashes (e.g. unrestrained, speed-related, alcohol-related, etc.) as it does not capture all of the causal factors potentially contributing to a motor vehicle traffic crash like highway safety data sources.

CONCLUSION

The Executive Committee of the Crime Commission directed staff to examine the nature and scope of motor vehicle traffic crash fatalities involving drivers, passengers, pedestrians, and bicyclists in Virginia. This study focused on such fatalities through the criminal justice lens.

An examination of Virginia-specific motor vehicle traffic crash fatality data between 2017 and 2022 found that while the number of *crashes* between 2020 and 2022 remained below pre-2020 levels, the number of *fatalities* increased by 19% during that same time period. This data further showed increases in unrestrained, speed-related, alcohol-related, and pedestrian fatalities from 2017 as compared to 2022.

While Virginia has a number of laws meant to promote roadway safety, the enforcement of many of these laws has been significantly decreasing in recent years due to factors such as COVID-19 pandemic impacts, law enforcement staffing shortages, less proactive enforcement, and recent changes to Virginia laws.

A variety of criminal justice measures were identified that could be adopted in Virginia to promote roadway safety, including a primary seat belt law, expansion of the use of photo speed monitoring devices, technology to aid in the detection of drugged driving, a penalty for criminally negligent maiming, and a complete prohibition on the use of headphones while driving. Finally, improving data collection relating to motor vehicle traffic crashes is vital to understanding roadway safety challenges in Virginia.

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Virginia Department of Transportation
Virginia Sheriffs' Association
Virginia State Police
Virginia Strategic Highway Safety Plan Steering Committee

ENDNOTES

[1] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. While motor vehicle traffic crash fatality data combines drivers, passengers, pedestrians, and bicyclists, such data can be separated by driver/passenger, pedestrian, and bicyclist fatalities. A fatal crash is a motor vehicle traffic crash that results in one or more fatalities. A fatality includes any person involved in a motor vehicle traffic crash who dies within 30 days as a result of such crash. A pedestrian crash involves at least one pedestrian and one or more motor vehicles. A pedestrian fatality includes a pedestrian who dies within 30 days as a result of a motor vehicle traffic crash. A bicycle crash involves at least one bicycle and one or more motor vehicles. A bicycle fatality includes a bicyclist who dies within 30 days as a result of a motor vehicle traffic crash. A single motor vehicle traffic crash can include multiple fatalities. For example, a single motor vehicle traffic crash may result in the death of both a driver and a pedestrian. As such, the total number of crashes will be less than the total number of fatalities.

[2] *See* Appendix A: Number of Driver/Passenger, Pedestrian, and Bicycle Motor Vehicle Traffic Crash Fatalities by Locality, 2017-2022.

[3] *See, e.g.,* U.S. Government Accountability Office. (2022, January 25). *During COVID-19, road fatalities increased and transit ridership dipped*, https://www.gao.gov/blog/during-covid-19-road-fatalities-increased-and-transit-ridership-dipped; Henderson, T. (2023, November 10). Less driving but more deaths: Spike in traffic fatalities puzzles lawmakers, at https://stateline.org/2023/11/10/less-driving-but-more-deaths-spike-in-traffic-fatalities-puzzles-lawmakers/; Governors Highway Safety Association. (2023, April 20). *Small decrease in 2022 traffic deaths sustains pandemic-fueled surge in roadway fatalities as NHTSA still lacks a confirmed administrator* [Press release], https://www.ghsa.org/resources/news-releases/NHTSA-2022-Traffic-Deaths23#:~:text=Traffic%20deaths%20rose%20from%2036%2C355,other%20road%20users%2C%20particularly%20pedestrians.

[4] *Id.*

[5] Dubner, S.J. (Host). (2023, July 5). Why is the U.S. so good at killing pedestrians? (No. 548) [Audio podcast episode]. In *Freakonomics Radio*. https://freakonomics.com/podcast/why-is-the-u-s-so-good-at-killing-pedestrians/.

[6] Bronin, S.C., & Shill, G.H. (2020-2021). *Rewriting our nation's deadly traffic manual*. Harvard Law Review, *134*, 9. https://harvardlawreview.org/archives/vol-134-no-9/.

[7] Dubner, S.J. (Host). (2023, July 5). Why is the U.S. so good at killing pedestrians? (No. 548) [Audio podcast episode]. In *Freakonomics Radio*. https://freakonomics.com/podcast/why-is-the-u-s-so-good-at-killing-pedestrians/.

[8] U.S. Department of Transportation Federal Highway Administration. (2023, December). *Manual on uniform traffic control devices for streets and highways: 11th edition*. https://mutcd.fhwa.dot.gov/pdfs/11th_Edition/mutcd11thedition.pdf. The 85th percentile speed is defined as the speed at or below which 85 percent of the motor vehicles are observed to travel under free-flowing conditions past a specific point on the roadway. This speed is the traffic engineering standard for setting the regulatory speed limit for a particular roadway.

[9] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts.

[10] *Id.*

[11] Virginia Department of Health, Office of the Chief Medical Examiner (OCME), *Annual reports,* 2017-2021. Race and ethnicity are collected by the Virginia OCME, but only for motor vehicle crash decedents. At the time of study, OCME data was only available thru 2021, as such public health data lags behind the published highway safety data. OCME and other public health data includes a broader definition of motor vehicle traffic crash fatalities as compared to highway safety data. For example, the OCME data counts deaths from a motor vehicle accident occurring *after* 30 days and counts motor vehicle accidents occurring on non-public roadways. *See also* Appendix B for a copy of the Virginia Police Crash Report (FR300). In contrast to OCME data, the FR300 does not capture the race or ethnicity of individuals involved in fatal or non-fatal crashes. As such, data stemming from the Virginia DMV's TREDS does not report on the race or ethnicity of individuals involved in motor vehicle traffic crashes.

[12] Virginia Department of Health, Office of the Chief Medical Examiner (OCME), *Annual report,* 2021

[13] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts. *See also* Appendix B for a copy of the Virginia Police Crash Report (FR300). The FR300 includes sections where law enforcement officers can designate whether various causal factors played a role in the motor vehicle traffic crash. Such information is then interfaced with the Virginia DMV TREDS. *See also* NHTSA's FARS data trends, https://www-fars.nhtsa.dot.gov/Trends/TrendsGeneral.aspx and NHTSA Traffic Safety Facts Annual Reports, https://cdan.dot.gov/tsftables/tsfar.htm# for national data and trends.
[14] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts.
[15] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. A fatal crash is a motor vehicle traffic crash that results in one or more fatalities. A fatality includes any person involved in a motor vehicle traffic crash who dies within 30 days as a result of such crash.
[16] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022 and Virginia DMV, *TREDS, FR 300M Crash Report Manual,* https://www.treds.virginia.gov/UI/Training/Docs/FR300%20Manual.pdf. An unrestrained crash is one that involves at least one unrestrained person killed or injured in a vehicle equipped with safety restraints. An unrestrained fatality involves an unrestrained person who dies within 30 days as a result of a traffic crash in vehicle equipped with safety restraint. For *Traffic Crash Facts* reports, any of the following vehicles are considered vehicles with safety restraints: Passenger car; truck –pickup/passenger truck; van; truck – single until truck (2 axle); motor home/recreational vehicle; emergency vehicle (regardless of vehicle type); truck – sport utility vehicle (SUV); truck – single unit truck (3 axles or more); truck – truck tractor (bobtail – no trailer). According to the *FR300 Crash Report Manual*, a safety restraint includes seat belts (lap belt only, shoulder belt only, or lap and shoulder belt), child restraints, and booster seats. A child restraint is an approved child safety seat, to be attached to the vehicle, and has internal webbing to secure the child in the seat. A booster seat is a child safety seat with no internal webbing, used to boost the child up so they can be secured with the vehicle's lap/shoulder harness. A booster seat can have a low back or a high back.
[17] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. A speed-related crash is one that involves a driver exceeding the posted speed limit or driving too fast for conditions. A speed-related fatality involves a person who dies within 30 days as a result of traffic crash involving excessive speed.
[18] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. An alcohol-related crash is where a driver or pedestrian is listed on the police report as drinking before the crash. BAC data (0.01 or greater) is used in addition to police reports to determine alcohol-related status. An alcohol-related fatality involves a person who dies within 30 days as a result of a traffic crash involving alcohol.
[19] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. A fatal crash is a motor vehicle traffic crash that results in one or more fatalities. A fatality includes any person involved in a motor vehicle traffic crash who dies within 30 days as a result of such crash.
[20] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022 and Virginia DMV, *TREDS, FR 300M Crash Report Manual,* https://www.treds.virginia.gov/UI/Training/Docs/FR300%20Manual.pdf. An unrestrained crash is one that involves at least one unrestrained person killed or injured in a vehicle equipped with safety restraints. An unrestrained fatality involves an unrestrained person who dies within 30 days as a result of a traffic crash in vehicle equipped with safety restraint. For *Traffic Crash Facts* reports, any of the following vehicles are considered vehicles with safety restraints: Passenger car; truck –pickup/passenger truck; van; truck – single until truck (2 axle); motor home/recreational vehicle; emergency vehicle (regardless of vehicle type); truck – sport utility vehicle (SUV); truck – single unit truck (3 axles or more); truck – truck tractor (bobtail – no trailer). According to the *FR300 Crash Report Manual*, a safety restraint includes seat belts (lap belt only, shoulder belt only, or lap and shoulder belt), child restraints, and booster seats. A child restraint is an approved child safety seat, to be attached to the vehicle, and has internal webbing to secure the child in the seat. A booster seat is a child safety seat with no internal webbing, used to boost the child up so they can be secured with the vehicle's lap/shoulder harness. A booster seat can have a low back or a high back.
[21] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. A speed-related crash is one that involves a driver exceeding the posted speed limit or driving too fast for conditions. A speed-related fatality involves a person who dies within 30 days as a result of traffic crash involving excessive speed.
[22] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. An alcohol-related crash is where a driver or pedestrian is listed on the police report as drinking before the crash. BAC data (0.01 or greater) is used in addition

to police reports to determine alcohol-related status. An alcohol-related fatality involves a person who dies within 30 days as a result of a traffic crash involving alcohol. *See also* Virginia State Crime Commission (2023). *2022 annual report: Driving Under the Influence (DUI) laws and enforcement*, https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf.

[23] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts and Virginia DMV, *TREDS, FR 300M Crash Report Manual,* https://www.treds.virginia.gov/UI/Training/Docs/FR300%20Manual.pdf. An unrestrained crash is one that involves at least one unrestrained person killed or injured in a vehicle equipped with safety restraints. An unrestrained fatality involves an unrestrained person who dies within 30 days as a result of a traffic crash in vehicle equipped with safety restraint. For *Traffic Crash Facts* reports, any of the following vehicles are considered vehicles with safety restraints: Passenger car; truck –pickup/passenger truck; van; truck – single until truck (2 axle); motor home/recreational vehicle; emergency vehicle (regardless of vehicle type); truck – sport utility vehicle (SUV); truck – single unit truck (3 axles or more); truck – truck tractor (bobtail – no trailer). According to the *FR300 Crash Report Manual*, a safety restraint includes seat belts (lap belt only, shoulder belt only, or lap and shoulder belt), child restraints, and booster seats. A child restraint is an approved child safety seat, to be attached to the vehicle, and has internal webbing to secure the child in the seat. A booster seat is a child safety seat with no internal webbing, used to boost the child up so they can be secured with the vehicle's lap/shoulder harness. A booster seat can have a low back or a high back.

[24] *Id.*

[25] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts. A speed-related crash is one that involves a driver exceeding the posted speed limit or driving too fast for conditions. A speed-related fatality involves a person who dies within 30 days as a result of traffic crash involving excessive speed.

[26] *Id.*

[27] *Id.*

[28] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts. An alcohol-related crash is where a driver or pedestrian is listed on the police report as drinking before the crash. BAC data (0.01 or greater) is used in addition to police reports to determine alcohol-related status. An alcohol-related fatality involves a person who dies within 30 days as a result of a traffic crash involving alcohol.

[29] *Id*.

[30] *Id.*

[31] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts.

[32] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts.

[33] Virginia Department of Health, Office of the Chief Medical Examiner (OCME), *Annual reports,* 2017-2021. Blood alcohol content (BAC) is a variable collected by the Virginia OCME, however, not all individuals killed in a motor vehicle traffic crash are tested for ethanol. At the time of study, OCME data was only available thru 2021 as such public health data lags behind the published highway safety data. OCME and other public health data include a broader definition of motor vehicle traffic crash fatalities as compared to highway safety data. For example, highway safety data includes only fatalities that occur within 30 days of a crash, whereas OCME data counts fatalities that occur beyond 30 days.

[34] Virginia Department of Transportation. (November 21, 2023). *Pedestrian safety factors & actions*, https://vscc.virginia.gov/2023/Nov21Meeting/VDOT%20%20Pedestrian%20Safety%20Factors%20and%20Actions.pdf. *See also* Virginia Department of Transportation. *VDOT Pedestrian and Bicycle Safety Action Plan (PBSAP)*, https://vdot.maps.arcgis.com/apps/MapSeries/index.html?appid=c22a33abca1544e3b65b50dbe96c035e. This website includes a map viewer, as well as links to memos, reports, and assessments.

[35] *Id.*

[36]*Id. See also* Virginia Department of Motor Vehicles. (September 28, 2023). *DMV urges pedestrians to stay alert, cross with caution*, https://www.dmv.virginia.gov/news/dmv-urges-pedestrians-stay-alert-cross-caution.

[37] *Id*.
[38] *Id*.
[39] *Id*.
[40] *Id*. *See also* United States Census Bureau, Population Division, Evaluation Estimates, *2021 Population Estimates: Age and Sex (Virginia).* [Data formatted and posted at http://demographics.coopercenter.org by the UVA Weldon Cooper Center, Demographics Research Group.] Although approximately 36% (3,091,565 of 8,642,274) of Virginia's estimated population in 2021 was over the age of 50, 54% of pedestrians killed in a motor vehicle traffic crash were age 51 or older according to the VDOT presentation.
[41] Virginia Department of Transportation. (November 21, 2023). *Pedestrian safety factors & actions*, https://vscc.virginia.gov/2023/Nov21Meeting/VDOT%20%20Pedestrian%20Safety%20Factors%20and%20Actions.pdf. According to VDOT presentation, population in poverty is defined as the percentage of persons in an area (Census tract) living at or below 150% of the federal poverty line threshold established for several federal health coverage policies. Crashes in each Census tract are assessed by whether the Census tract is above or below the statewide average of population in poverty
[42] *Id*. According to VDOT presentation, population with disability is defined as the percentage of persons in an area (Census tract) with a disability. Crashes in each Census tract are assessed by whether the Census tract is above or below the statewide percentage of population with disability.
[43] *See* Weldon Cooper Center for Public Service, Demographics Research Group, https://www.coopercenter.org/demographics. Virginia's population in 2017 was 8,506,433 as compared to 8,696,955 in 2022 based on intercensal estimates for July 1, 2017 and July 1, 2022.
[44] Virginia Department of Motor Vehicles, https://www.dmv.virginia.gov/sites/default/files/documents/tss03.pdf. There were 8,234,406 vehicles registered in Virginia in 2017 as compared to 8,402,827 in 2021.
[45] *See* Virginia Department of Criminal Justice Services. (2021). *Impacts of the COVID-19 pandemic on Virginia's criminal justice system seen through NIBRS and other criminal justice indicators*. https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/impacts-covid-19-pandemic-virginias-criminal-justice-system-seen-through-nibrs-and-other-criminal.pdf. *See also* Lum, C., Koper, C.S., Wu, H.X., Goodier, M., Johnson, W., Shadur, J., & Krause, J. (2022). *The impact of COVID-19 on policing: A case study of the Fairfax County Police Department.* Fairfax, VA: Center for Evidence-Based Crime Policy, George Mason University. https://www.fairfaxcounty.gov/police/sites/police/files/assets/images/chief/reports/the%20impact%20of%20covid-19%20on%20policing.pdf.
[46] *See* Virginia State Crime Commission. (2023). *2022 annual report: Driving under the influence (DUI) laws and enforcement*, https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf at p.49-50. During its 2022 DUI study, the Crime Commission identified law enforcement staffing shortages and a lack of proactive enforcement as barriers to DUI enforcement. These same barriers exist for the enforcement of roadway safety laws.
[47] *Id*.
[48] *See* Virginia State Crime Commission. (2023). *2022 Annual report: Driving under the influence (DUI) laws and enforcement*, https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf at p.51. Law enforcement, Commonwealth's Attorneys, and other advocates raised concerns about how various changes to laws during the 2020 Special Session I have impacted roadway safety enforcement in Virginia.
[49] VA. CODE ANN. § 46.2-1094 (2023). Failure to wear a seat belt is a civil infraction with a $25 penalty.
[50] 2020 Va. Acts, Sp. Sess. I, chs. 45 and 51. House Bill 5058 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5058. Senate Bill 5029 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+SB5029.
[51] VA. CODE ANN. § 46.2-870 (2023).
[52] VA. CODE ANN. § 46.2-868 (2023). *See also* VA. CODE ANN. § 18.2-11(a) (2023). A Class 1 misdemeanor is punishable by up to 12 months in jail and a $2,500 fine.
[53] VA. CODE ANN. § 46.2-862(i) (2023).
[54] VA. CODE ANN. § 46.2-862(ii) (2023).

[55] 2020 Va. Acts, chs. 444 and 445. House Bill 885 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB885. Senate Bill 63 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB63.
[56] 2020 Va. Acts, chs. 250 and 543. House Bill 874 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB874. Senate Bill 160 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB160.
[57] VA. CODE ANN. § 46.2-1078.1 (2020).
[58] VA. CODE ANN. § 46.2-1078 (2023).
[59] *Id.*
[60] 2020 Va. Acts, ch. 1259. Senate Bill 437 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB437.
[61] *Id.*
[62] VA. CODE ANN. § 46.2-816.1 (2023).
[63] VA. CODE ANN. § 46.2-816.1 (2023).
[64] VA. CODE ANN. § 46.2-868 (2023). *See also* VA. CODE ANN. § 18.2-11(a) (2023). A Class 1 misdemeanor is punishable by up to 12 months in jail and a $2,500 fine.
[65] *See* Powers v. Commonwealth, 211 Va. 386, 177 S.E.2d 628 (1970); Kennedy v. Commonwealth, 1 Va. App. 469, 339 S.E.2d 905 (1986).
[66] VA. CODE ANN. § 46.2-852 (2023).
[67] 2020 Va. Acts, Sp. Sess. I, chs. 45 and 51. House Bill 5058 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5058. Senate Bill 5029 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+SB5029.
[68] 2020 Va. Acts, Sp. Sess. I, chs. 45 and 51. House Bill 5058 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5058. Senate Bill 5029 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+SB5029.
[69] 2020 Va. Acts, ch. 1031. House Bill 1705 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1705. The statute was further amended during the 2023 General Assembly Session to clarify when a vehicle is to stop and remain stopped while a pedestrian is crossing a highway. 2023 Va. Acts, ch. 117. Senate Bill 1069 (2023 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?231+sum+SB1069.
[70] VA. CODE ANN. § 46.2-905 (2023). Bicyclists do not have to ride as close as possible to the right curb or edge of the roadway when overtaking and passing another vehicle proceeding in the same direction; preparing for a left turn at an intersection or into a private road or driveway; when reasonably necessary to avoid conditions such as a fixed or moving object, a parked or moving vehicle, pedestrians, animals, surface hazards, or substandard width lanes; when avoiding riding in a lane that must turn or diverge to the right; or when riding upon a one-way road or highway.
[71] VA. CODE ANN. § 46.2-905 (2023).
[72] For the 2021 amendment removing the requirement for bicyclists to move into single-file formation *see* 2021 Va. Acts, Sp. Sess. I, ch. 462. House Bill 2262 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2262. For the 2022 amendment reinserting the requirement for bicyclists to move into single-file formation *see* 2022 Va. Acts, ch. 341. Senate Bill 362 (2022 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+SB362.
[73] A large amount of academic literature has been dedicated to deterrence theory both generally and in the context of risky driving behaviors. Risk perceptions are composed of an individual's estimate of their likelihood of arrest, conviction, or incarceration (perceived sanction certainty) and considerations of length of sentence or conditions imposed (perceived sanction severity). However, individuals do not accurately perceive sanction certainty or sanction severity. Research has suggested that risk perceptions can be influenced by one's direct experience with and the vicarious experiences of friends and family members with crime and punishment. Further, there are several factors that have been shown to impact a person's ability to consider all aspects of legal sanctions such as intoxication, impulsivity, and distress. *See*, *e.g.*, Apel, R. (2013). Sanctions, perceptions, and crime: Implications for criminal deterrence. *Journal of Quantitative Criminology*, *29*, 67-101; Loughran T.A., Paternoster R., Piquero A. R., & Pogarsky, G. (2011). On ambiguity in perceptions of risk: Implications for criminal decision-making and deterrence. *Criminology, 49*, 1029-1061; Stringer, R. J. (2021). Deterring the drunk driver: An

examination of conditional deterrence and self-reported drunk driving. *Crime & Delinquency,* https://doi.org/10.1177/00111287211054721; Stafford, M. C., & Warr, M. (1993). A reconceptualization of general and specific deterrence. *Journal of Research in Crime and Delinquency, 30*(2), 123-135; Jacobs, B. A. (2010). Deterrence and deterrability. *Criminology, 48*(2), 417-441; Nagin, D. S., & Pogarsky, G. (2001). Integrating celerity, impulsivity, and extralegal sanction threats into a model of general deterrence: Theory and evidence. *Criminology, 39*(4), 865-892; Shover, N. (2018). *Great pretenders: Pursuits and careers of persistent thieves*. Routledge.

[74] Research suggests that an important predictor of engaging in risky driving behaviors is an individual's beliefs, specifically beliefs concerning perceptions of risk of punishment and risk of injury or death. However, the intention, motivation, and influence to engage in risky driving behaviors differs across individuals. In addition, research demonstrates that risky driving behaviors such as not wearing a seat belt, speeding, driving while impaired, and distracted driving often co-occur. For example, a study examining seat belt use among occupants in single occupant vehicles found that drug consumption was associated with a decreased likelihood of seat belt use, while alcohol use was associated with an increased likelihood of seat belt use. Similarly, individuals who report using alcohol and marijuana, alone or in combination, were more likely to report not wearing a seat belt in addition to speeding, texting while driving, and driving while impaired. *See, e.g.,* Hayashi, Y., Foreman, A. M., Friedel, J., E., & Wirth, O. (2018). Executive function and dangerous driving behaviors in young drivers. *Transportation Research Part F*, *52*, 51-61; Fernandes, R., Hatfield, J., Job, S.R.F., 2010. A systematic investigation of the differential predictors for speeding, drink-driving, driving while fatigued, and not wearing a seatbelt, among young drivers. *Transportation Research Part F*, *13*, 179–196; Harbeck, E. L., & Glendon, A. I. (2018). Driver prototypes and behavioral willingness: Young driver risk perception and reported engagement in risky driving. *Journal of Safety Research*, *66*, 195-204; Harbeck, E. L., Glendon, A. I., & Hine, T. J. (2017). Reward versus punishment: Reinforcement sensitivity theory, young novice drivers' perceived risk, and risky driving. *Transportation Research Part F*, *47*, 13–22; Reagan, I. J., McClafferty, J. A., Berlin, S. P., & Hankey, J. M. (2013). Using naturalistic driving data to identify variables associated with infrequent, occasional, and consistent seat belt use. *Accident Analysis and Prevention*, *50*, 600-607; Afghari, A. P., Hezaveh, A. M., & Haque, M. M. (2020). A home-based approach to understanding seatbelt use in single-occupant vehicles in Tennessee: Application of a latent class binary logit model. *Accident Analysis and Prevention*, *146*, 105743; Harbeck, E. L., & Glendon, A. I. (2013). How reinforcement sensitivity and perceived risk influence young drivers' reported engagement in risky driving behaviors. *Accident Analysis and Prevention*, *54*, 73-80; Kelley-Baker, T., Villavicencio, L., Arnold, L. S., Benson, A. J., Anorve, V., & Tefft, B. C. (2021). Risky driving behaviors of drivers who use alcohol and cannabis. *Transportation Research Record*, *2675*(5), 339-344; McCartt, A. T., & Northrup, V. S. (2004). Factors related to seat belt use among fatally injured teenage drivers. *Journal of Safety Research*, *35*, 29-38; Olsen, E. O., Shults, R. A., & Eaton, D. K. (2013). Texting while driving and other risky motor vehicle behaviors among US high school students. *Pediatrics*, *131*, e1708-e1715.

[75] National Highway Traffic Safety Administration. *Seat Belts Save Lives*, https://www.nhtsa.gov/seat-belts/seat-belts-save-lives.

[76] National Highway Traffic Safety Administration. *Seat Belts*, https://www.nhtsa.gov/vehicle-safety/seat-belts.

[77] National Highway Traffic Safety Administration. (2019, March) *Lives saved in 2017 by restraint use and minimum-drinking-age laws* (DOT HS 812 683). US Department of Transportation.

[78] *See, e.g.,* Chaudhary, N. K., Solomon, M. G., & Cosgrove, L. A. (2004). The relationship between perceived risk of being ticketed and self-reported seat belt use. *Journal of Safety Research*, *35*(4), 383-390; Fernandes, R., Hatfield, J., & Job, R. F. S. (2010). A systematic investigation of the differential predictors for speeding, drink-driving, driving while fatigued, and not wearing a seat belt, among young drivers. *Transportation Research Part F*, *13*, 179-196; Hatfield, J., Fernandes, R., & Job, R. F. S. (2014). Thrill and adventure seeking as a modifier of the relationship of perceived risk with risky driving among young drivers. *Accident Analysis and Prevention*, *62*, 223-229; Jans, M., Aremia, M., Killmer, B., Alaittar, L., Molnar, L. J., & Eby, D. W. (2015). Potential mechanisms underlying the decision to use a seat belt: A literature review. Transportation Research Institute, https://deepblue.lib.umich.edu/handle/2027.42/110521; Zabihi, F., Davoodi, S. R., Nordfjaern, T. (2019). The role of perceived risk, reasons for non-seat belt use and demographic characteristics for seat belt use on urban and rural roads. *International Journal of Injury Control and Safety Promotion*, *26*(4), 431-441.

[79] Zabihi, F., Davoodi, S. R., Nordfjaern, T. (2019). The role of perceived risk, reasons for non-seat belt use and demographic characteristics for seat belt use on urban and rural roads. *International Journal of Injury Control and Safety Promotion*, *26*(4), 431-441.
[80] Fernandes, R., Hatfield, J., & Job, R. F. S. (2010). A systematic investigation of the differential predictors for speeding, drink-driving, driving while fatigued, and not wearing a seat belt, among young drivers. *Transportation Research Part F*, *13*, 179-196.
[81] *Id.*
[82] *See* Appendix C: Adult Seat Belt Laws (50 State). *See also* Appendix D: Adult Seat Belt Laws by Primary/Secondary and Seat.
[83] *Id*.
[84] *Id*.
[85] National Highway Traffic Safety Administration and Federal Highway Administration. (2023). *Speed safety camera program planning and operations guide*. U.S. Department of Transportation, https://highways.dot.gov/sites/fhwa.dot.gov/files/Speed%20Safety%20Camera%20Program%20Planning%20and%20Operations%20Guide%202023.pdf.
[86] *Id.*
[87] *Id.*
[88] National Highway Traffic Safety Administration (2023). *Countermeasures that work: A highway safety countermeasure guide for state highway safety offices*. U.S. Department of Transportation, https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-12/countermeasures-that-work-11th-2023-tag_0.pdf.
[89] National Highway Traffic Safety Administration and Federal Highway Administration. (2023). *Speed safety camera program planning and operations guide*. U.S. Department of Transportation, https://highways.dot.gov/sites/fhwa.dot.gov/files/Speed%20Safety%20Camera%20Program%20Planning%20and%20Operations%20Guide%202023.pdf.
[90] 2020 Va. Acts, ch. 1232. House Bill 1442 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1442.
[91] Va. State Police. Report on Photo Speed Monitoring Device Usage by Local and State Law Enforcement, 2022, https://rga.lis.virginia.gov/Published/2022/RD69/PDF.
[92] Virginia Department of Transportation (personal communication, August 24, 2023).
[93] Governors Highway Safety Association. *Drug-impaired driving*, https://www.ghsa.org/issues/drug-impaired-driving.
[94] American Automobile Association. (2022, October 17). *Use of oral fluid to detect drugged drivers: A tool kit for lawmakers toxicologists & criminal justice professionals*, https://newsroom.aaa.com/2022/10/use-of-oral-fluid-to-detect-drugged-drivers/.
[95] Virginia State Crime Commission. (2022). *Driving under the influence (DUI) laws and enforcement*. https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf.
[96] *See, e.g.,* Brogan, M.K. (2023, August 25). VCU forensic science professor hopes a better THC breathalyzer will increase road safety. *VCU News*, https://news.vcu.edu/article/2023/08/vcu-forensic-science-professor-hopes-a-better-thc-breathalyzer-will-increase-road-safety.
[97] *See* Appendix E: Reckless Driving with Enhanced Penalty for Bodily Injury and/or Death.
[98] VA. CODE ANN. § 18.2-852 (2023). Under Virginia law, reckless driving, even if it results in the serious bodily injury of another, is punishable as a Class 1 misdemeanor. VA. CODE ANN. § 46.2-868 (2023).
[99] VA. CODE ANN. § 18.2-51.4 (2023).
[100] *See, e.g.,* National Safety Council (2012, April). *Understanding the distracted brain: Why driving while using hands-free cell phones is risky behavior* [White paper], https://www.nsc.org/getmedia/2ea8fe8b-d7b7-4194-8ea5-306d30a73972/cognitive-distraction-white-paper.pdf.
[101] *Id.*
[102] Ford Motor Company. (2021, May 12). *Are your headphones putting others in danger? Ford's hard hitting sound experiment shows risks* [Press release], https://media.ford.com/content/fordmedia/feu/en/news/2021/05/12/are-your-headphones-putting-others-in-danger--fords-hard-hitting.html.
[103] *Id.*

[104] *Id.*
[105] *See* Appendix F: Use of Earphones while Driving.
[106] VA. CODE ANN. § 46.2-1078 (2023).
[107] *See, e.g.,* NHTSA. (2024, February 5). NHTSA announces $350 million for states to upgrade data collection systems, at https://www.nhtsa.gov/press-releases/nhtsa-announces-350-million-states-upgrade-data-collection-systems.
[108] *See* Appendix B: Virginia Police Crash Report (FR300).
[109] *See, e.g.*, Virginia Department of Health, Office of Emergency Medical Services, (OEMS), *Report: Motor vehicle crashes in Virginia from July 1, 2021 – June 30, 2022,* https://www.vdh.virginia.gov/content/uploads/sites/23/2024/03/MVC-Report-July-2021-June-2022.pdf at pp.7-8. Similar to Virginia Department of Health, OCME data, OEMS data is not directly comparable to highway safety data due to definitional and jurisdictional differences in the incidents counted.
[110] *See, e.g.,* Virginia Department of Health, Office of the Chief Medical Examiner, *Annual report 2021,* https://www.vdh.virginia.gov/content/uploads/sites/18/2023/07/Annual-Report-2021-1.pdf at p.146 and p.148.

APPENDIX A: NUMBER OF DRIVER/PASSENGER, PEDESTRIAN, AND BICYCLE MOTOR VEHICLE TRAFFIC CRASH FATALITIES BY LOCALITY, 2017-2022

Locality	2017	2018	2019	2020	2021	2022	Total
Accomack County	3	6	5	5	7	8	**34**
Albemarle County	12	10	16	17	16	18	**89**
Alexandria City	4	5	5	7	7	5	**33**
Alleghany County	2	3	0	1	5	3	**14**
Amelia County	7	2	2	6	3	2	**22**
Amherst County	4	6	4	3	6	3	**26**
Appomattox County	2	1	7	1	5	4	**20**
Arlington County	5	2	6	4	4	4	**25**
Augusta County	18	12	14	14	18	24	**100**
Bath County	1	1	1	1	0	1	**5**
Bedford County	17	12	16	10	19	11	**85**
Bland County	2	1	2	2	0	1	**8**
Botetourt County	4	9	5	4	10	9	**41**
Bristol City	0	1	2	1	1	2	**7**
Brunswick County	5	5	6	4	13	6	**39**
Buchanan County	6	5	4	2	4	5	**26**
Buckingham County	7	4	5	6	6	3	**31**
Buena Vista City	0	0	0	0	0	0	**0**
Campbell County	8	8	12	8	8	13	**57**
Caroline County	7	13	5	8	11	7	**51**
Carroll County	8	4	5	6	7	7	**37**
Charles City County	0	1	2	5	2	3	**13**
Charlotte County	0	2	3	4	5	6	**20**
Charlottesville City	0	1	2	6	3	1	**13**
Chesapeake City	19	20	17	12	24	13	**105**
Chesterfield County	34	28	22	34	27	34	**179**
Clarke County	3	5	6	3	2	6	**25**
Colonial Heights City	1	0	1	0	3	3	**8**
Covington City	0	0	0	1	0	0	**1**
Craig County	0	2	0	0	0	1	**3**
Culpeper County	5	9	10	9	7	5	**45**
Cumberland County	4	1	1	3	5	1	**15**
Danville City	4	3	4	8	8	7	**34**
Dickenson County	1	2	1	4	0	1	**9**

Locality	2017	2018	2019	2020	2021	2022	Total
Dinwiddie County	9	6	14	6	10	4	**49**
Emporia City	0	0	2	0	0	0	**2**
Essex County	3	2	1	1	5	2	**14**
Fairfax City	0	2	2	1	1	2	**8**
Fairfax County	35	47	45	37	50	66	**280**
Falls Church City	0	0	0	0	0	0	**0**
Fauquier County	9	19	11	11	13	21	**84**
Floyd County	1	2	1	2	1	4	**11**
Fluvanna County	6	4	1	4	4	0	**19**
Franklin City	0	0	0	0	0	2	**2**
Franklin County	12	9	16	8	12	16	**73**
Frederick County	22	13	11	14	9	14	**83**
Fredericksburg City	2	1	2	2	3	5	**15**
Galax City	0	0	1	0	0	0	**1**
Giles County	5	2	1	5	5	5	**23**
Gloucester County	7	5	1	6	5	7	**31**
Goochland County	5	9	7	1	3	7	**32**
Grayson County	0	3	2	1	3	8	**17**
Greene County	3	2	3	2	1	2	**13**
Greensville County	2	3	4	4	12	2	**27**
Halifax County	9	8	9	3	5	12	**46**
Hampton City	8	11	13	20	11	15	**78**
Hanover County	13	18	15	18	22	19	**105**
Harrisonburg City	1	4	0	3	3	6	**17**
Henrico County	24	28	26	29	37	32	**176**
Henry County	13	9	10	13	9	13	**67**
Highland County	0	1	1	0	1	2	**5**
Hopewell City	0	0	0	0	6	1	**7**
Isle of Wight County	4	3	11	6	11	11	**46**
James City County	15	2	1	8	11	8	**45**
King and Queen County	4	1	3	3	6	2	**19**
King George County	9	5	2	3	6	7	**32**
King William County	3	3	2	5	3	7	**23**
Lancaster County	3	1	2	1	5	0	**12**
Lee County	3	5	1	4	1	3	**17**
Lexington City	0	0	0	0	0	0	**0**
Loudoun County	22	11	13	12	8	16	**82**
Louisa County	7	9	12	6	10	12	**56**

Locality	2017	2018	2019	2020	2021	2022	Total
Lunenburg County	5	1	4	2	3	2	**17**
Lynchburg City	2	11	4	6	8	2	**33**
Madison County	3	4	2	4	1	0	**14**
Manassas City	2	4	1	1	1	2	**11**
Manassas Park City	0	0	0	0	1	0	**1**
Martinsville City	0	0	1	3	0	0	**4**
Mathews County	2	0	1	2	2	4	**11**
Mecklenburg County	10	10	8	4	16	14	**62**
Middlesex County	2	2	3	5	4	2	**18**
Montgomery County	13	14	8	9	5	8	**57**
Nelson County	4	8	4	5	10	5	**36**
New Kent County	3	3	4	6	15	5	**36**
Newport News City	16	17	17	22	16	16	**104**
Norfolk City	20	16	24	25	28	23	**136**
Northampton County	3	6	1	5	4	5	**24**
Northumberland County	1	1	4	4	2	1	**13**
Nottoway County	3	3	10	5	3	9	**33**
Orange County	8	6	11	8	6	6	**45**
Page County	3	6	7	3	3	8	**30**
Patrick County	6	3	2	4	1	6	**22**
Petersburg City	2	1	5	7	7	7	**29**
Pittsylvania County	14	20	15	17	15	16	**97**
Poquoson City	0	0	1	1	0	0	**2**
Portsmouth City	13	11	6	2	12	14	**58**
Powhatan County	4	5	2	5	8	9	**33**
Prince Edward County	7	3	7	4	7	8	**36**
Prince George County	6	5	11	3	9	11	**45**
Prince William County	22	24	14	18	32	30	**140**
Pulaski County	9	4	7	7	4	8	**39**
Radford City	2	0	2	0	0	0	**4**
Rappahannock County	3	0	1	2	0	1	**7**
Richmond City	21	15	16	26	17	34	**129**
Richmond County	1	2	5	2	3	0	**13**
Roanoke City	12	6	5	13	10	11	**57**
Roanoke County	8	5	11	11	7	11	**53**
Rockbridge County	8	9	7	2	7	8	**41**
Rockingham County	12	8	15	16	12	15	**78**
Russell County	8	2	8	12	8	3	**41**

Locality	2017	2018	2019	2020	2021	2022	Total
Salem City	2	0	3	0	0	0	**5**
Scott County	4	5	7	5	4	5	**30**
Shenandoah County	4	6	4	11	7	9	**41**
Smyth County	3	8	3	5	9	1	**29**
Southampton County	4	6	11	2	7	6	**36**
Spotsylvania County	12	16	22	13	15	23	**101**
Stafford County	9	14	7	7	11	15	**63**
Staunton City	0	0	0	1	0	0	**1**
Suffolk City	18	5	10	8	13	7	**61**
Surry County	1	0	3	4	0	0	**8**
Sussex County	13	7	7	11	6	6	**50**
Tazewell County	5	9	5	8	8	7	**42**
Virginia Beach City	25	37	22	26	34	29	**173**
Warren County	6	3	7	1	4	3	**24**
Washington County	8	11	5	8	8	12	**52**
Waynesboro City	1	1	1	0	4	2	**9**
Westmoreland County	2	3	1	7	5	3	**21**
Williamsburg City	0	0	1	1	0	2	**4**
Winchester City	0	1	0	0	0	0	**1**
Wise County	1	10	6	5	1	4	**27**
Wythe County	10	4	2	8	9	8	**41**
York County	5	6	9	7	7	9	**43**
Total	**843**	**819**	**827**	**847**	**967**	**1,005**	**5,308**

Source: Virginia Department of Motor Vehicles, TREDS Interactive Public Report, as of February 23, 2024.

Revised Report ◯ **APPENDIX B**

Commonwealth of Virginia • Department of Motor Vehicles

Police Crash Report

0 7 0 7 A

FR300P (Rev 1/12)

Page ________ of ________

CRASH

GPS Lat.		GPS Long.	
Crash Date MM DD YYYY	Day of Week	MILITARY Time (24 hr clock)	County of Crash
Official DMV Use			
◯ City of ◯ Town of	City or Town Name	Landmarks at Scene	
Location of Crash (route/street)	Railroad Crossing ID no. (if within 150 ft.)	Local Case Number	
◯ At Intersection With or ______ ☐ Miles ☐ Feet N ◯ S ◯ E ◯ W ◯ of	Location of Crash (route/street)	Mile Marker Number	Number of Vehicles

VEHICLE # ____

DRIVER

Driver Fled Scene ◯

- Driver's Name (Last, First, Middle) — Gender Ⓜ Ⓕ
- Address (Street and Number)
- City — State — ZIP
- Birth Date MM DD YYYY — Drivers License Number — State — DL Ⓨ Ⓝ — CDL Ⓨ Ⓝ
- Safety Equip. Used — Air Bag — Ejected — Date of Death MM DD YYYY — Injury Type — EMS Transport Ⓨ Ⓝ
- Summons Issued As Result of Crash — Offenses Charged to Driver

VEHICLE

- Vehicle Owner's Name (Last, First, Middle) — Same as Driver ◯
- Address (Street and Number)
- City — State — ZIP
- Vehicle Year — Vehicle Make — Vehicle Model — Disabled ◯ — CMV ◯ — Towed ◯
- Vehicle Plate Number — State — Approximate Repair Cost
- VIN — ◯ Oversize ◯ Cargo Spill
- Name of Insurance Company (not agent) — ◯ Override ◯ Underride
- Speed Before Crash — Speed Limit — Maximum Safe Speed — ALL Passengers Age Count: Under 8 — 8-17 — 18-21 — Over 21

PASSENGER (only if injured or killed)

(3 entries, each:)

- Name of Injured (Last, First, Middle) — EMS Transport Ⓨ Ⓝ — Date of Death MM DD YY
- Position In/On Vehicle — Safety Equip Used — Airbag — Ejected — Injury Type — Birthdate MM DD YYYY — Gender Ⓜ Ⓕ

VEHICLE # ____

DRIVER

Driver Fled Scene ◯

- Driver's Name (Last, First, Middle) — Gender Ⓜ Ⓕ
- Address (Street and Number)
- City — State — ZIP
- Birth Date MM DD YYYY — Drivers License Number — State — DL Ⓨ Ⓝ — CDL Ⓨ Ⓝ
- Safety Equip. Used — Air Bag — Ejected — Date of Death MM DD YYYY — Injury Type — EMS Transport Ⓨ Ⓝ
- Summons Issued As Result of Crash — Offenses Charged to Driver

VEHICLE

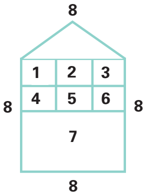
- Vehicle Owner's Name (Last, First, Middle) — Same as Driver ◯
- Address (Street and Number)
- City — State — ZIP
- Vehicle Year — Vehicle Make — Vehicle Model — Disabled ◯ — CMV ◯ — Towed ◯
- Vehicle Plate Number — State — Approximate Repair Cost
- VIN — ◯ Oversize ◯ Cargo Spill
- Name of Insurance Company (not agent) — ◯ Override ◯ Underride
- Speed Before Crash — Speed Limit — Maximum Safe Speed — ALL Passengers Age Count: Under 8 — 8-17 — 18-21 — Over 21

PASSENGER (only if injured or killed)

(3 entries, each:)

- Name of Injured (Last, First, Middle) — EMS Transport Ⓨ Ⓝ — Date of Death MM DD YY
- Position In/On Vehicle — Safety Equip Used — Airbag — Ejected — Injury Type — Birthdate MM DD YYYY — Gender Ⓜ Ⓕ

Codes



POSITION IN/ON VEHICLE
1. Driver
2-6. Passengers
7. Cargo Area
8. Riding/Hanging On Outside
9-98. All Other Passengers

SAFETY EQUIPMENT USED
1. Lap Belt Only
2. Shoulder Belt Only
3. Lap and Shoulder Belt
4. Child Restraint
5. Helmet
6. Other
7. Booster Seat
8. No Restraint Used
9. Not Applicable

AIRBAG
1. Deployed – Front
2. Not Deployed
3. Unavailable/Not Applicable
4. Keyed Off
5. Unknown
6. Deployed – Side
7. Deployed – Other (Knee, Air Belt, etc.)
8. Deployed – Combination

EJECTED FROM VEHICLE
1. Not Ejected
2. Partially Ejected
3. Totally Ejected

SUMMONS ISSUED AS A RESULT OF CRASH
1. Yes
2. No
3. Pending

INJURY TYPE
1. Dead
2. Serious Injury
3. Minor/Possible Injury
4. No Apparent Injury
6. No Injury (driver only)

Investigating Officer	Badge/Code Number	Agency/Department Name and Code	Reviewing Officer	Report File Date

Officer Initials_____ Badge # _____

Commonwealth of Virginia • Department of Motor Vehicles

Police Crash Report

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CRASH

Crash Date MM DD YYYY	MILITARY Time (24 hr clock)	County of Crash	◯ City of ◯ Town of	Local Case Number

DRIVER INFORMATION

Veh | Veh

Driver's Action P1

N/A | N/A

1. No Improper Action
2. Exceeded Speed Limit
3. Exceeded Safe Speed But Not Speed Limit
4. Overtaking On Hill
5. Overtaking On Curve
6. Overtaking at Intersection
7. Improper Passing of School Bus
8. Cutting In
9. Other Improper Passing
10. Wrong Side of Road – Not Overtaking
11. Did Not Have Right-of-Way
12. Following Too Close
13. Fail to Signal or Improper Signal
14. Improper Turn – Wide Right Turn
15. Improper Turn – Cut Corner on Left Turn
16. Improper Turn From Wrong Lane
17. Other Improper Turn
18. Improper Backing
19. Improper Start From Parked Position
20. Disregarded Officer or Flagger
21. Disregarded Traffic Signal
22. Disregarded Stop or Yield Sign
23. Driver Distraction
24. Fail to Stop at Through Highway – No Sign
25. Drive Through Work Zone
26. Fail to Set Out Flares or Flags
27. Fail to Dim Headlights
28. Driving Without Lights
29. Improper Parking Location
30. Avoiding Pedestrian
31. Avoiding Other Vehicle
32. Avoiding Animal
33. Crowded Off Highway
34. Hit and Run
35. Car Ran Away – No Driver
36. Blinded by Headlights
37. Other
38. Avoiding Object in Roadway
39. Eluding Police
40. Fail to Maintain Proper Control
41. Improper Passing
42. Improper or Unsafe Lane Change
43. Over Correction

Condition of Driver Contributing to the Crash P2

N/A | N/A

1. No Defects
2. Eyesight Defective
3. Hearing Defective
4. Other Body Defects
5. Illness
6. Fatigued
7. Apparently Asleep
8. Other
9. Unknown

Veh | Veh

Driver Vision Obscured P3

N/A | N/A

1. Not Obscured
2. Rain, Snow, etc. on Windshield
3. Windshield Otherwise Ob scured
4. Vision Obscured by Load on Vehicle
5. Trees, Crops, etc.
6. Building
7. Embankment
8. Sign or Signboard
9. Hillcrest
10. Parked Vehicle(s)
11. Moving Vehicle(s)
12. Sun or Headlight Glare
13. Other
14. Blind Spot
15. Smoke/Dust
16. Stopped Vehicle(s)

Type of Driver Distractions P4

N/A | N/A

1. Looking at Roadside Incident
2. Driver Fatigue
3. Looking at Scenery
4. Passenger(s)
5. Radio/CD, etc.
6. Cell Phone
7. Eyes Not on Road
8. Daydreaming
9. Eating/Drinking
10. Adjusting Vehicle Controls
11. Other
12. Navigation Device
13. Texting
14. No Driver Distraction

Drinking P5

N/A | N/A

1. Had Not Been Drinking
2. Drinking – Obviously Drunk
3. Drinking – Ability Im paired
4. Drinking – Ability Not Impaired
5. Drinking – Not Known Whether Impaired
6. Unknown

Method of Alcohol Determination (by police) P6

N/A | N/A

1. Blood
2. Breath
3. Refused
4. No Test

Drug Use P7

N/A | N/A

1. Yes
2. No
3. Unknown

VEHICLE INFORMATION

Veh | Veh

Vehicle Maneuver V1

N/A | N/A

1. Going Straight Ahead
2. Making Right Turn
3. Making Left Turn
4. Making U-Turn
5. Slowing or Stopping
6. Merging Into Traffic Lane
7. Starting From Parked Position
8. Stopped in Traffic Lane
9. Ran Off Road – Right
10. Ran Off Road – Left
11. Parked
12. Backing
13. Passing
14. Changing Lanes
15. Other
16. Entering Street From Parking Lot

Skidding Tire/Mark V2

N/A | N/A

1. Before Application of Brakes
2. After Application of Brakes
3. Before and After Application of Brakes
4. No Visible Skid Mark/Tire Mark

Vehicle Body Type V3

N/A | N/A

1. Passenger car
2. Truck – Pick-up/Passenger Truck
3. Van
4. Truck – Single Unit Truck (2-Axles)
7. Motor Home, Recreational Vehicle
8. Special Vehicle – Oversized Vehicle/Earthmover/Road Equipment
9. Bicycle
10. Moped
11. Motorcycle
12. Emergency Vehicle (Regardless of Vehicle Type)
13. Bus – School Bus
14. Bus – City Transit Bus/ Privately Owned Church Bus
15. Bus – Commercial Bus
16. Other (Scooter, Go-cart, Hearse, Bookmobile, Golf Cart, etc.
18. Special Vehicle – Farm Machinery
19. Special Vehicle – ATV
21. Special Vehicle – Low-Speed Vehicle
22. Truck – Sport Utility Vehicle (SUV)
23. Truck – Single Unit Truck (3 Axles or More)
25. Truck – Truck Tractor (Bobtail-No Trailer)

Veh | Veh

Vehicle Damage V4

N/A | N/A

1. Unknown
2. No damage
3. Overturned
4. Motor
5. Undercarriage
6. Totaled
7. Fire
8. Other

Vehicle Condition V5

N/A | N/A

1. No Defects
2. Lights Defective
3. Brakes Defective
4. Steering Defective
5. Puncture/Blowout
6. Worn or Slick Tires
7. Motor Trouble
8. Chains In Use
9. Other
10. Vehicle Altered
11. Mirrors Defective
12. Power Train Defective
13. Suspension Defective
14. Windows/Windshield Defective
15. Wipers Defective
16. Wheels Defective
17. Exhaust System

Special Function Motor Vehicle V6

N/A | N/A

1. No Special Function
2. Taxi
3. School Bus (Public or Private)
4. Transit Bus
5. Intercity Bus
6. Charter Bus
7. Other Bus
8. Military
9. Police
10. Ambulance
11. Fire Truck
12. Tow Truck
13. Maintenance
14. Unknown

EMV in service V7

N/A | N/A

1. Yes
2. No

Truck Cover V8

N/A | N/A

1. Yes
2. No

Officer Initials_____ Badge # _____

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CRASH

Crash Date MM DD YYYY	MILITARY Time (24 hr clock)	County of Crash	○ City of ○ Town of	Local Case Number

CRASH INFORMATION

Location of First Harmful Event in Relation to Roadway C1

○ 1. On Roadway
○ 2. Shoulder
○ 3. Median
○ 4. Roadside
○ 5. Gore
○ 6. Separator
○ 7. In Parking Lane or Zone
○ 8. Off Roadway, Location Unknown
○ 9. Outside Right-of-Way

Weather Condition C2

○ 1. No Adverse Condition (Clear/Cloudy)
○ 3. Fog
○ 4. Mist
○ 5. Rain
○ 6. Snow
○ 7. Sleet/Hail
○ 8. Smoke/Dust
○ 9. Other
○ 10. Blowing Sand, Soil, Dirt, or Snow
○ 11. Severe Crosswinds

Light Conditions C3

○ 1. Dawn
○ 2. Daylight
○ 3. Dusk
○ 4. Darkness –Road Lighted
○ 5. Darkness –Road Not Lighted
○ 6. Darkness –Unknown Road Lighting
○ 7. Unknown

Traffic Control Device C4

○ 1. Yes – Working
○ 2. Yes – Working and Obscured
○ 3. Yes – Not Working
○ 4. Yes – Not Working and Obscured
○ 5. Yes – Missing
○ 6. No Traffic Control Device Present

Traffic Control Type C5

○ 1. No Traffic Control
○ 2. Officer or Flagger
○ 3. Traffic Signal
○ 4. Stop Sign
○ 5. Slow or Warning Sign
○ 6. Traffic Lanes Marked
○ 7. No Passing Lines
○ 8. Yield Sign
○ 9. One Way Road or Street
○ 10. Railroad Crossing With Markings and Signs
○ 11. Railroad Crossing With Signals
○ 12. Railroad Crossing With Gate and Signals
○ 13. Other
○ 14. Pedestrian Crosswalk
○ 15. Reduced Speed – School Zone
○ 16. Reduced Speed – Work Zone
○ 17. Highway Safety Corridor

Roadway Alignment C6

○ 1. Straight – Level
○ 2. Curve – Level
○ 3. Grade – Straight
○ 4. Grade – Curve
○ 5. Hillcrest – Straight
○ 6. Hillcrest – Curve
○ 7. Dip – Straight
○ 8. Dip – Curve
○ 9. Other
○ 10. On/Off Ramp

Roadway Surface Condition C7

○ 1. Dry
○ 2. Wet
○ 3. Snowy
○ 4. Icy
○ 5. Muddy
○ 6. Oil/Other Fluids
○ 7. Other
○ 8. Natural Debris
○ 9. Water (Standing, Moving)
○ 10. Slush
○ 11. Sand, Dirt, Gravel

Roadway Surface Type C8

○ 1. Concrete
○ 2. Blacktop, Asphalt, Bituminous
○ 3. Brick or Block
○ 4. Slag, Gravel, Stone
○ 5. Dirt
○ 6. Other

Roadway Description C9

○ 1. Two-Way, Not Divided
○ 2. Two-Way, Divided, Unprotected Median
○ 3. Two-Way, Divided, Positive Median Barrier
○ 4. One-Way, Not Divided
○ 5. Unknown

Roadway Defects C10

○ 1. No Defects
○ 2. Holes, Ruts, Bumps
○ 3. Soft or Low Shoulder
○ 4. Under Repair
○ 5. Loose Material
○ 6. Restricted Width
○ 7. Slick Pavement
○ 8. Roadway Obstructed
○ 9. Other
○ 10. Edge Pavement Drop Off

Relation to Roadway C11

Interchange Area:

○ 1. Main-Line Roadway
○ 2. Acceleration/Deceleration Lanes
○ 3. Gore Area (Between Ramp and Highway Edgelines)
○ 4. Collector/Distributor Road
○ 5. On Entrance/Exit Ramp
○ 6. Intersection at end of Ramp
○ 7. Other location not listed above within an interchange area (median, shoulder and roadside)

Intersection Area:

○ 8. Non-Intersection
○ 9. Within Intersection
○ 10. Intersection-Related - Within 150'
○ 11. Intersection-Related - Outside 150'

Other Location:

○ 12. Crossover Related
○ 13. Driveway, Alley-Access - Related
○ 14. Railway Grade Crossing
○ 15. Other Crossing (Crossings for Bikes, School, etc.)

Intersection Type C12

○ 1. Not at Intersection
○ 2. Two Approaches
○ 3. Three Approaches
○ 4. Four Approaches
○ 5. Five-Point, or more
○ 6. Roundabout

Work Zone C13

○ 1. Yes
○ 2. No

Work Zone Workers Present C14

○ 1. With Law Enforcement
○ 2. With No Law Enforcement
○ 3. No Workers Present

Work Zone Location C15

○ 1. Advance Warning Area
○ 2. Transition Area
○ 3. Activity Area
○ 4. Termination Area

Work Zone Type C16

○ 1. Lane Closure
○ 2. Lane Shift/Crossover
○ 3. Work on Shoulder or Median
○ 4. Intermittent or Moving Work
○ 5. Other

School Zone C17

○ 1. Yes
○ 2. Yes - With School Activity
○ 3. No

Type of Collision C18

○ 1. Rear End
○ 2. Angle
○ 3. Head On
○ 4. Sideswipe – Same Direction
○ 5. Sideswipe – Opposite Direction
○ 6. Fixed Object in Road
○ 7. Train
○ 8. Non-Collision
○ 9. Fixed Object – Off Road
○ 10. Deer
○ 11. Other Animal
○ 12. Pedestrian
○ 13. Bicyclist
○ 14. Motorcyclist
○ 15. Backed Into
○ 16. Other

Officer Initials________ Badge # __________

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Police Crash Report

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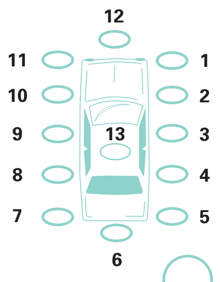
CRASH

Crash Date (MM DD YYYY)	MILITARY Time (24 hr clock)	County of Crash	◯ City of ◯ Town of	Local Case Number

CRASH DIAGRAM

VEHICLE # ____

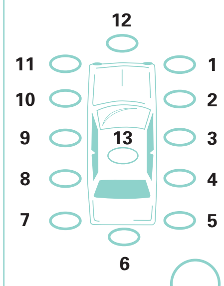
Fill In Impact Area(s).
Initial Impact. ____



Veh Dir of Travel–N/S/E/W

VEHICLE # ____

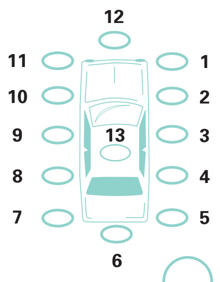
Fill In Impact Area(s).
Initial Impact. ____



Veh Dir of Travel–N/S/E/W

VEHICLE # ____

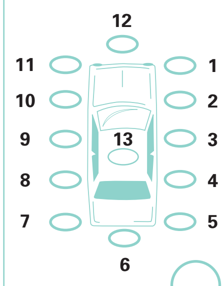
Fill In Impact Area(s).
Initial Impact. ____



Veh Dir of Travel–N/S/E/W

VEHICLE # ____

Fill In Impact Area(s).
Initial Impact. ____



Veh Dir of Travel–N/S/E/W

Indicate North by Arrow

DAMAGE TO PROPERTY OTHER THAN VEHICLES

Approx. Repair Cost	Object Struck (Tree, Fence, etc.)	Property Owners Name (Last, First, Middle)	Address (Street and Number)	VDOT Property ◯ Yes ◯ No

CRASH DESCRIPTION

CRASH EVENTS

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event

First Harmful Event of Entire Crash that Results in First Injury or Damage.

COLLISION WITH FIXED OBJECT

1. Bank Or Ledge
2. Trees
3. Utility Pole
4. Fence Or Post
5. Guard Rail
6. Parked Vehicle
7. Tunnel, Bridge, Underpass, Culvert, etc.
8. Sign, Traffic Signal
9. Impact Cushioning Device
10. Other
11. Jersey Wall
12. Building/Structure
13. Curb
14. Ditch
15. Other Fixed Object
16. Other Traffic Barrier
17. Traffic Sign Support
18. Mailbox

COLLISION WITH PERSON, MOTOR VEHICLE OR NON-FIXED OBJECT

19. Pedestrian
20. Motor Vehicle In Transport
21. Train
22. Bicycle
23. Animal
24. Work Zone Maintenance Equipment
25. Other Movable Object
26. Unknown Movable Object
27. Other

NON-COLLISION

28. Ran Off Road
29. Jack Knife
30. Overturn (Rollover)
31. Downhill Runaway
32. Cargo Loss or Shift
33. Explosion or Fire
34. Separation of Units
35. Cross Median
36. Cross Centerline
37. Equipment Failure (Tire, etc)
38. Immersion
39. Fell/Jumped From Vehicle
40. Thrown or Falling Object
41. Non-Collision Unknown
42. Other Non-Collision

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CRASH

Crash Date MM DD YYYY	MILITARY Time (24 hr clock)	County of Crash	◯ City of ◯ Town of	Local Case Number

COMMERCIAL MOTOR VEHICLE SECTION

This form is being completed because the vehicle is:

◯ A Truck or Truck Combination Rating Greater Than 10,000 lbs. (GVWR/GCWR)	◯ Any Motor Vehicle That Seats 9 or More People, Including the Driver	◯ A Vehicle of Any Type with a Hazardous Materials Placard Regardless of Weight

AND The crash resulted in:

A fatality: any person(s) killed in or outside of any vehicle (truck, bus, car, etc.) involved in the crash or who dies within 30 days of the crash as a result of an injury sustained in the crash	**OR**	An injury: any person(s) injured as a result of the crash who immediately receives medical treatment away from the crash scene	**OR**	A tow-away: any motor vehicle (truck, bus, car, etc.) disabled as a result of the crash and transported away from the scene by a tow truck or other vehicle

VEHICLE

Vehicle Configuration V10

- ◯ 1. Passenger Car (Only if Vehicle Has Hazardous Materials Placard)
- ◯ 2. Light Truck (Only if Vehicle Has Hazardous Materials Placard)
- ◯ 3. Bus (Seats 9-15 People, Including Driver)
- ◯ 4. Bus (Seats for 16 People or More, Including Driver)
- ◯ 5. Single Unit Truck (2 Axles, 6 Tires)
- ◯ 6. Single Unit Truck (3 or More Axles)
- ◯ 7. Truck Trailer(s) [Single-Unit Truck Pulling Trailer(s)]
- ◯ 8. Truck Tractor (Bobtail)
- ◯ 9. Tractor/Semi-trailer (One Trailer)
- ◯ 10. Tractor/Doubles (Two Trailers)
- ◯ 11. Other Truck Greater Than 10,000 lbs. (Not Listed Above)

Cargo Body Type V11

- ◯ 1. Bus (Seats 9-15 People, Including Driver)
- ◯ 2. Bus (Seats For 16 People or More, Including Driver)
- ◯ 3. Van/Enclosed Box
- ◯ 4. Cargo Tank
- ◯ 5. Flatbed
- ◯ 6. Dump
- ◯ 7. Concrete Mixer
- ◯ 8. Auto Transporter
- ◯ 9. Garbage/Refuse
- ◯ 10. Grain/Chips/Gravel
- ◯ 11. Pole-Trailer
- ◯ 12. Vehicle Towing Another Motor Vehicle
- ◯ 13. Intermodel Container Chassis
- ◯ 14. Logging
- ◯ 15. Other Cargo Body (Not Listed Above)
- ◯ 16. Not Applicable/ No Cargo Body

License Class P8

- ◯ Class A
- ◯ Class B
- ◯ Class C
- ◯ Class DRL (regular drivers license)
- ◯ Class M

Commercial Endorsement P9

- ◯ T–Double Trailer
- ◯ P–Passenger Vehicle
- ◯ N–Tank Vehicle
- ◯ H–Required To Be Placarded for Hazardous Materials
- ◯ X–Combined Tank/HAZMAT
- ◯ 0–Other

GVWR/ GCWR V12

- ◯ 1. 10,000 lbs. or Less
- ◯ 2. 10,001–26,000 lbs.
- ◯ 3. Greater Than 26,000 lbs.

Hazardous Material

Hazardous Material Placard: (Y) (N)

HM 4–Digit	HM Placard Name	HM Class	HM Cargo Present (Y) (N)	HM Cargo Released (Y) (N)

Carrier Identification

Commercial Motor Carrier Name	Address (P.O. Box if No Street Address)		
Carrier's ID Number US DOT# / State (Intrastate Only)	City	State	Zip

Commercial/Non-Commercial V13

- ◯ 1. Interstate Carrier
- ◯ 2. Intrastate Carrier
- ◯ 3. Not in Commerce-Government (Trucks and Buses)
- ◯ 4. Not in Commerce-Other Truck (Over 10,000 lbs.)

VEHICLE

Vehicle Configuration V10

- ◯ 1. Passenger Car (Only if Vehicle Has Hazardous Materials Placard)
- ◯ 2. Light Truck (Only if Vehicle Has Hazardous Materials Placard)
- ◯ 3. Bus (Seats 9-15 People, Including Driver)
- ◯ 4. Bus (Seats for 16 People or More, Including Driver)
- ◯ 5. Single Unit Truck (2 Axles, 6 Tires)
- ◯ 6. Single Unit Truck (3 or More Axles)
- ◯ 7. Truck Trailer(s) [Single-Unit Truck Pulling Trailer(s)]
- ◯ 8. Truck Tractor (Bobtail)
- ◯ 9. Tractor/Semi-trailer (One Trailer)
- ◯ 10. Tractor/Doubles (Two Trailers)
- ◯ 11. Other Truck Greater Than 10,000 lbs. (Not Listed Above)

Cargo Body Type V11

- ◯ 1. Bus (Seats 9-15 People, Including Driver)
- ◯ 2. Bus (Seats For 16 People or More, Including Driver)
- ◯ 3. Van/Enclosed Box
- ◯ 4. Cargo Tank
- ◯ 5. Flatbed
- ◯ 6. Dump
- ◯ 7. Concrete Mixer
- ◯ 8. Auto Transporter
- ◯ 9. Garbage/Refuse
- ◯ 10. Grain/Chips/Gravel
- ◯ 11. Pole-Trailer
- ◯ 12. Vehicle Towing Another Motor Vehicle
- ◯ 13. Intermodel Container Chassis
- ◯ 14. Logging
- ◯ 15. Other Cargo Body (Not Listed Above)
- ◯ 16. Not Applicable/ No Cargo Body

License Class P8

- ◯ Class A
- ◯ Class B
- ◯ Class C
- ◯ Class DRL (regular drivers license)
- ◯ Class M

Commercial Endorsement P9

- ◯ T–Double Trailer
- ◯ P–Passenger Vehicle
- ◯ N–Tank Vehicle
- ◯ H–Required To Be Placarded for Hazardous Materials
- ◯ X–Combined Tank/HAZMAT
- ◯ 0–Other

GVWR/ GCWR V12

- ◯ 1. 10,000 lbs. or Less
- ◯ 2. 10,001–26,000 lbs.
- ◯ 3. Greater Than 26,000 lbs.

Hazardous Material

Hazardous Material Placard: (Y) (N)

HM 4–Digit	HM Placard Name	HM Class	HM Cargo Present (Y) (N)	HM Cargo Released (Y) (N)

Carrier Identification

Commercial Motor Carrier Name	Address (P.O. Box if No Street Address)		
Carrier's ID Number US DOT# / State (Intrastate Only)	City	State	Zip

Commercial/Non-Commercial V13

- ◯ 1. Interstate Carrier
- ◯ 2. Intrastate Carrier
- ◯ 3. Not in Commerce-Government (Trucks and Buses)
- ◯ 4. Not in Commerce-Other Truck (Over 10,000 lbs.)

Officer Initials________ Badge # __________

Revised Report ◯

Commonwealth of Virginia • Department of Motor Vehicles

Police Crash Report

0 7 0 7 F

FR300P (Rev 1/12)

Page _______ of _______

CRASH

Crash Date (MM DD YYYY)	MILITARY Time (24 hr clock)	County of Crash	◯ City of ◯ Town of	Local Case Number

PEDESTRIAN

Name of Injured (Last, First, Middle)				
Address (Street and Number)				
City		State	ZIP	
Driver's License #			State	
Gender (M) (F)	EMS Transport (Y) (N)	Injury Type	Birthdate MM DD YYYY	Date of Death MM DD YYYY

PEDESTRIAN

Name of Injured (Last, First, Middle)				
Address (Street and Number)				
City		State	ZIP	
Driver's License #			State	
Gender (M) (F)	EMS Transport (Y) (N)	Injury Type	Birthdate MM DD YYYY	Date of Death MM DD YYYY

Ped # Ped # Ped # Ped # Ped # Ped # Ped # Ped #

N/A N/A Pedestrian Actions P10

1. Crossing At Intersection With Signal
2. Crossing At Intersection Against Signal
3. Crossing At Intersection No Signal
4. Crossing At Intersection Diagonally
5. Crossing Not At Intersection – Rural
6. Crossing Not At Intersection – Urban
7. Coming From Behind Parked Cars
8. Getting Off Or On School Bus
9. Playing In Roadway
10. Getting Off Or On Another Vehicle
11. Hitching On Vehicle
12. Walking In Roadway With Traffic – Sidewalks Available
13. Walking In Roadway With Traffic – Sidewalks Not Available
14. Walking In Roadway Against Traffic – Sidewalks Available
15. Walking In Roadway Against Traffic – Side Walks Not Available
16. Working In Roadway
17. Standing In Roadway
18. Lying In Roadway
19. Not In Roadway
20. Other

N/A N/A Pedestrian Drinking P11

1. Had Not Been Drinking
2. Drinking-Obviously Drunk
3. Drinking -Ability Impaired
4. Drinking -Ability Not Impaired
5. Drinking -Not Known Whether Impaired

N/A N/A Condition of Pedestrian Contributing to the Crash P12

1. No Defects
2. Eyesight Defective
3. Hearing Defective
4. Other Body Defects
5. Illness
6. Fatigued
7. Apparently Asleep
8. Other

N/A N/A Method of Alcohol Determination by Police P13

1. Blood
2. Breath
3. Refused
4. No Test

N/A N/A Pedestrian Drug Use P14

1. Yes
2. No
3. Unknown

N/A N/A Pedestrian Wear Reflective Clothing P15

1. Yes
2. No

Use sections below for additional passengers.

VEHICLE

PASSENGER (only if injured or killed)

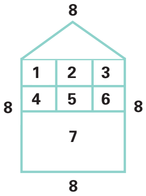
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)

VEHICLE

PASSENGER (only if injured or killed)

Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)

Codes



POSITION IN/ON VEHICLE

1. Driver
2-6. Passengers
7. Cargo Area
8. Riding/Hanging On Outside
9-98. All Other Passengers

SAFETY EQUIPMENT USED

1. Lap Belt Only
2. Shoulder Belt Only
3. Lap and Shoulder Belt
4. Child Restraint
5. Helmet
6. Other
7. Booster Seat
8. No Restraint Used
9. Not Applicable

AIRBAG

1. Deployed – Front
2. Not Deployed
3. Unavailable/Not Applicable
4. Keyed Off
5. Unknown
6. Deployed – Side
7. Deployed – Other (Knee, Air Belt, etc.)
8. Deployed – Combination

EJECTED FROM VEHICLE

1. Not Ejected
2. Partially Ejected
3. Totally Ejected

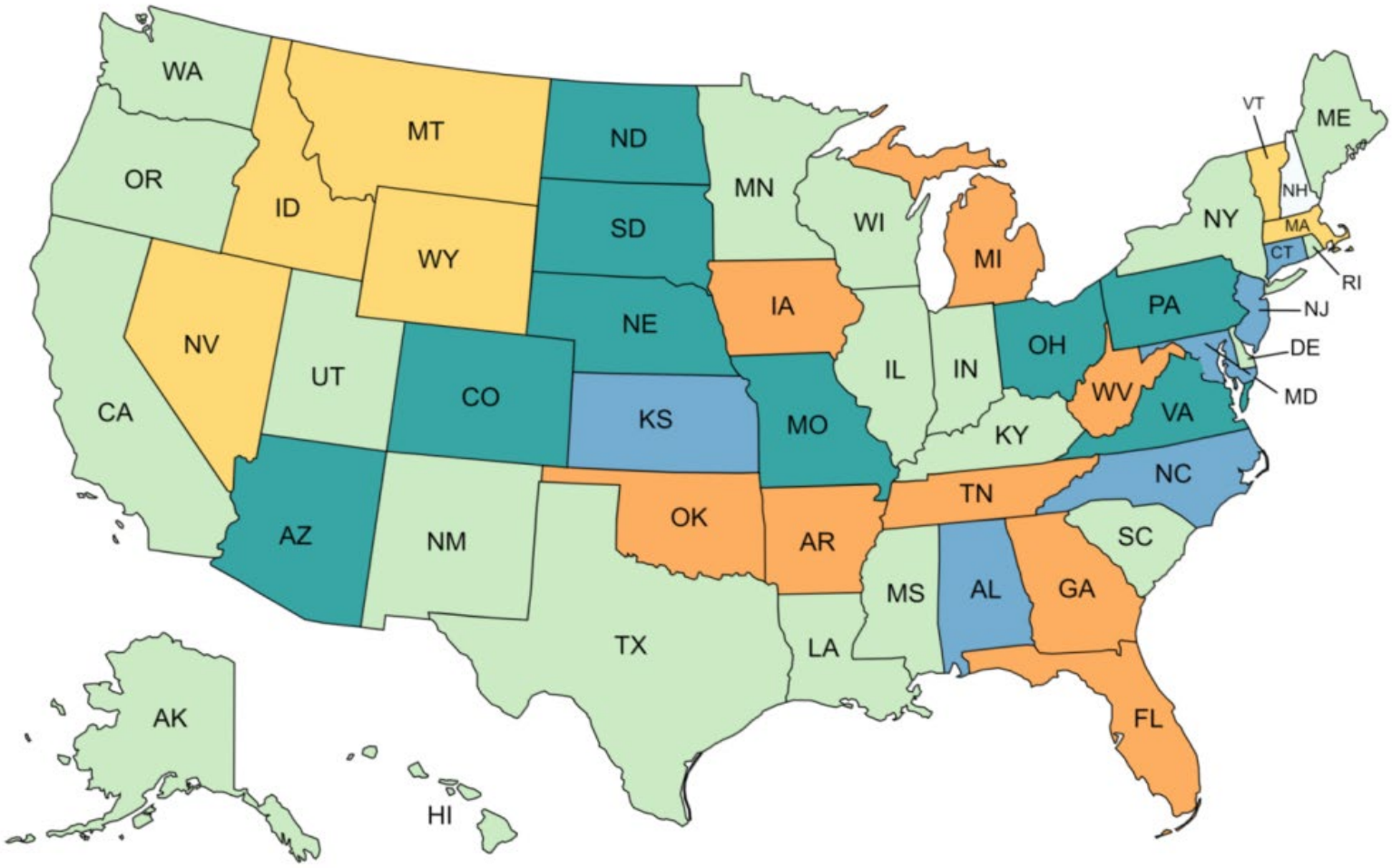
SUMMONS ISSUED AS A RESULT OF CRASH

1. Yes
2. No
3. Pending

INJURY TYPE

1. Dead
2. Serious Injury
3. Minor/Possible Injury
4. No Apparent Injury

APPENDIX C: ADULT SEAT BELT LAWS (50 STATE)



- **Primary** enforcement for <u>all</u> seats (20)
- **Primary** enforcement for <u>front</u> seat AND **Secondary** enforcement for <u>rear</u> seat (6)
- **Primary** enforcement for <u>front</u> seat only (8)
- **Secondary** enforcement for <u>all</u> seats (6)
- **Secondary** enforcement for front seat only (9)
- No law (1)

Map prepared by Crime Commission staff.

APPENDIX C – Continued –

State	Statute
Alabama	Ala. Code § 32-5B-4
Alaska	Alaska Stat. § 28.05.095
Arizona	Ariz. Rev. Stat. § 28-909
Arkansas	Ark. Code Ann. § 27-37-702
California	Cal. Veh. Code § 27315
Colorado	Colo. Rev. Stat. § 42-4-237
Connecticut	Conn. Gen. Stat. § 14-100a
Delaware	Del. Code Ann. tit. 21, § 4802
Washington, D.C.	D.C. Code § 50-1802
Florida	Fla. Stat. Ann. § 316.614
Georgia	Ga. Code Ann. § 40-8-76.1
Hawaii	Haw. Rev. Stat. § 291-11.6
Idaho	Idaho Code § 49-673
Illinois	625 Ill. Comp. Stat. Ann. 5/12-603.1
Indiana	Ind. Code Ann. § 9-19-10-2
Iowa	Iowa Code § 46.2-1094
Kansas	Kan. Stat. Ann. § 8-2503
Kentucky	Ky. Rev. Stat. Ann. § 189.125
Louisiana	La. Stat. Ann. § 32:295.1
Maine	Me. Stat. tit. 29-A, § 2081
Maryland	Md. Code Ann., Transp. § 22-412
Massachusetts	Mass. Ann. Laws ch. 90, § 13A
Michigan	Mich. Comp. Laws § 257.710e
Minnesota	Minn. Stat. § 169.686
Mississippi	Miss. Code Ann. § 63-2-1
Missouri	Mo. Rev. Stat. § 307.178
Montana	Mont. Code Ann. § 61-13-103
Nebraska	Neb. Rev. Stat. Ann. § 60-6,270
Nevada	Nev. Rev. Stat. Ann. § 484D.495
New Hampshire	No Adult Seat Belt Law
New Jersey	N.J. Rev. Stat. § 39:3-76.2f
New Mexico	N.M. Stat. Ann. § 66-7-372
New York	N.Y. Veh. & Traf. § 1229-c
North Carolina	N.C. Gen. Stat. § 20-135.2A
North Dakota	N.D. Cent. Code § 39-21-41.4
Ohio	Ohio Rev. Code Ann. § 4513.263

State	Statute
Oklahoma	Okla. Stat. tit. 47, § 12-417
Oregon	Or. Rev. Stat. § 811.210
Pennsylvania	75 Pa. Cons. Stat. § 4581
Rhode Island	31 R.I. Gen. Laws § 31-22-22
South Carolina	S.C. Code Ann. § 56-5-6520
South Dakota	S.D. Codified Laws § 32-38-1
Tennessee	Tenn. Code Ann. § 55-9-603
Texas	Tex. Transp. Code Ann. § 545.413
Utah	Utah Code Ann. § 41-6a-1803
Vermont	Vt. Stat. Ann. tit. 23, § 1259
Virginia	Va. Code Ann. § 46.2-1094
Washington	Wash. Rev. Code Ann. § 46.61.688
West Virginia	W. Va. Code Ann. § 17C-15-49
Wisconsin	Wis. Stat. § 347.48
Wyoming	Wyo. Stat. Ann. § 31-5-1402

Table based on Crime Commission staff legal analysis as of May 2023.

APPENDIX D: ADULT SEAT BELT LAWS BY PRIMARY/SECONDARY AND SEAT

State	Primary (All Seats)	Primary (Front Seat) Secondary (Rear Seat)	Secondary (All Seats)	Primary (Front Seat Only)	Secondary (Front Seat Only)
Alabama		Y			
Alaska	Y				
Arizona					Y
Arkansas				Y	
California	Y				
Colorado					Y
Connecticut		Y			
Delaware	Y				
Washington, D.C.	Y				
Florida				Y	
Georgia				Y	
Hawaii	Y				
Idaho			Y		
Illinois	Y				
Indiana	Y				
Iowa				Y	
Kansas		Y			
Kentucky	Y				
Louisiana	Y				
Maine	Y				
Maryland		Y			
Massachusetts			Y		
Michigan				Y	
Minnesota	Y				
Mississippi	Y				
Missouri					Y
Montana			Y		
Nebraska					Y
Nevada			Y		
New Hampshire*					
New Jersey		Y			
New Mexico	Y				
New York	Y				
North Carolina		Y			
North Dakota					Y

State	Primary (All Seats)	Primary (Front Seat) Secondary (Rear Seat)	Secondary (All Seats)	Primary (Front Seat Only)	Secondary (Front Seat Only)
Ohio					Y
Oklahoma				Y	
Oregon	Y				
Pennsylvania					Y
Rhode Island	Y				
South Carolina	Y				
South Dakota					Y
Tennessee				Y	
Texas	Y				
Utah	Y				
Vermont			Y		
Virginia					Y
Washington	Y				
West Virginia				Y	
Wisconsin	Y				
Wyoming			Y		

*New Hampshire does not have an adult seat belt law. Table based on Crime Commission staff legal analysis as of May 2023.

APPENDIX E: RECKLESS DRIVING WITH ENHANCED PENALTY FOR BODILY INJURY AND/OR DEATH

State	Statute
Arkansas	Ark. Code Ann. § 27-50-308
California	Cal. Veh. Code § 23104
District of Columbia	D.C. Code § 50-2201.04
Florida	Fla. Stat. § 316.192
Illinois	625 Ill. Comp. Stat. 5/11-503
Indiana	Ind. Code § 9-21-8-52
Michigan	Mich. Comp. Laws § 257.626
Minnesota	Minn. Stat. § 169.13
Missouri	Mo. Rev. Stat. § 304.012
Montana	Mont. Code Ann. § 61-8-715
North Dakota	N.D. Cent. Code Ann. § 38-08-03
Vermont	Vt. Stat. Ann. tit. 23, § 1091
West Virginia	W. Va. Code § 17C-5-3
Wisconsin	Wis. Stat. Ann. § 346.65

Table based on Crime Commission staff legal analysis as of October 2023.

APPENDIX F: USE OF EARPHONES WHILE DRIVING

State	Statute	Single ear (any purpose)	Single ear (phone calls)	Single ear (hearing or GPS)	Single ear (GPS only)
Alaska	Alaska Admin. Code tit. 13, § 04.260			X	
California	Cal. Veh. Code § 27400	X			
Colorado	Colo. Rev. Stat. § 42-4-1411		X		
Florida	Fla. Stat. § 316-304		X		
Georgia	Ga. Code Ann. § 40-6-250		X		
Illinois	625 Ill. Comp. Stat. 5/12-610		X		
Louisiana	La. Stat. Ann. § 32:295.2	X			
Maryland	Md. Code Ann., Transp. § 21-1120	X			
Massachusetts	Mass. Gen. Laws ch. 90, § 13.				X
Minnesota	Minn. Stat. § 169.471	X			
New York	N.Y. Veh. & Traf. Law § 375 (24-a)	X			
Ohio	Ohio Rev. Code Ann. § 4511.84	X			
Pennsylvania	75 Pa. Cons. Stat. § 3314		X		
Rhode Island	31 R.I. Gen. Laws § 31-23-51		X		
Virginia	Va. Code Ann. § 46.2-1078	X			
Washington	Wash. Rev. Code Ann. § 46.37.480		X		

Table based on Crime Commission staff legal analysis as of June 2023.

UPDATE: EXPUNGEMENT AND SEALING OF CRIMINAL RECORDS

UPDATE: EXPUNGEMENT AND SEALING OF CRIMINAL RECORDS

LEGISLATIVE HISTORY

In 2020, the Executive Committee of the Crime Commission directed staff to review expungement in Virginia and criminal record relief in other states, with a focus on the automatic sealing of criminal charges and convictions.[1] When the study began, the only criminal record relief process available in Virginia was the expungement of charges that concluded without a conviction (non-convictions).[2] The Virginia Code did not include a process to expunge or seal criminal convictions, except in very narrow circumstances involving actual innocence claims.[3]

Legislation was enacted during the 2021 Special Session I to create an automatic process to seal specific convictions, specific deferred dismissals,[4] and all non-convictions, as well as a petition-based process to seal a wide variety of convictions and deferred dismissals.[5] Additionally, separate legislation enacted during that same Session legalized the recreational possession of marijuana and created automatic and petition-based expungement processes for certain marijuana offenses.[6]

During the 2023 Regular Session, legislation was enacted to improve technical components of the sealing processes.[7] Additionally, this legislation reconciled conflicts between the sealing and marijuana expungement processes by repealing the marijuana expungement Code sections and moving the marijuana offenses that were eligible for such relief into the sealing statutes.[8] The legislation did not reduce or expand the availability of these sealing or expungement processes.

PROGRESS ON THE IMPLEMENTATION OF THE SEALING PROCESSES

The 2021 sealing legislation directs the Office of the Executive Secretary of the Supreme Court of Virginia (OES) and the Virginia State Police (VSP) to submit annual reports to the Crime Commission on their progress in implementing the automated systems needed to exchange information for the sealing of criminal records.[9] Per the 2023 reports, both OES and VSP are on track for implementing these systems by July 1, 2025, as directed in the 2021 sealing legislation.

OES significantly increased the amount of time and resources allocated to the implementation of the sealing processes and was awarded a two-year grant in the amount of $1.5 million to supplement the implementation costs. As of November 2023, of the 45 electronic databases

managed by OES, 13 had been fully analyzed and appear ready to handle the sealing processes, 25 were being examined to determine the scope of the project, and 7 had either not been analyzed or OES was awaiting information from an external agency. Additionally, OES was working to integrate VSP's new Criminal Rap Back Information System into the courts' electronic systems and databases. Finally, the Fairfax County Circuit Court had tentatively decided to have OES serve as the gateway for the electronic transfer of sealing information between itself and VSP; however, the vendor for Fairfax's case management and imaging system could not meet with OES until January 2024. Therefore, while OES appears to be on schedule for implementation by July 1, 2025, any substantive changes to the sealing processes will require additional time and resources.[10]

VSP continues to work towards implementing its new criminal history records system. VSP selected a vendor (GCOM) and, as of September 2023, completed the knowledge transfer of legislative and system requirements to GCOM. Additionally, VSP has made progress on automating the review of out-of-state criminal records to determine sealing eligibility.[11]

The 2021 sealing legislation also directs the Virginia Court Clerks Association (VCCA) to submit an annual report to the Crime Commission on the necessary staffing and technology costs for implementing the provisions of the sealing legislation.[12] The 2023 VCCA report is substantially similar to the previous year's report, with VCCA requesting approximately $33 million annually to assist the circuit court clerks with their implementation of the criminal record sealing processes. The report also includes a list of recommendations for consideration. The General Assembly has not provided any funding to circuit court clerks to implement the sealing processes.[13]

During the 2024 Regular Session of the General Assembly, the Governor proposed a budget amendment to remove funding for the Virginia Department of Motor Vehicles (DMV) to implement the sealing legislation. The Governor's proposed budget amendment specifically stated that the "DMV has the authority and ability to perform this [sealing and expungement] with existing resources."[14]

Finally, the FY2025 to FY2026 budget included an allocation of $100,000 in the second year from the general fund to the Sealing Fee Fund, which is intended to pay the fees for court-appointed counsel to assist indigent individuals with the petition-based sealing process.[15]

REMAINING SEALING ISSUES

While the sealing processes remain on track for implementation by July 1, 2025, there are still many remaining process and policy issues to be resolved. These issues fall under four broad categories: the scope of sealing, court-appointed counsel for indigent sealing petitioners, public awareness of sealing, and inconsistencies between sealing and expungement.

Scope of Sealing

- Uncertainty exists as to how sealing applies to the records of entities beyond VSP, OES, DMV, and circuit courts (e.g., Department of Corrections, Department of Forensic Science, Office of the Attorney General, local law enforcement, Commonwealth's Attorneys, Indigent Defense Commission, local and regional jails, and community corrections programs).[16]
- Ancillary matters (e.g., pretrial and post-trial violations, bond appeals, failures to appear, and case transfers) will remain publicly available even after an offense is sealed.
- Possession of marijuana offenses that were not transmitted to the Central Criminal Records Exchange (CCRE) will not be automatically sealed.[17]
- Possession of marijuana convictions under Virginia Code § 4.1-1100 are not eligible for automatic sealing and cannot be automatically sealed because the defendant is not fingerprinted and a report is not made to the CCRE.
- The sealing statutes restrict OES' ability to share case file information that is required by statute or necessary in the normal course of business.[18]
- A conflict exists in the petition-based sealing statute as to whether a circuit court's ruling on a sealing petition should be treated as an appeal of right to the Court of Appeals.[19]
- The petition-based sealing statute does not prohibit persons required to register with the Sex Offender and Crimes Against Minor Registry (Virginia Code § 9.1-902) from having their registration conviction sealed.[20]
- A determination will need to be made on whether any other agencies or entities will have access to sealed records, and if so, who will make that determination.[21]
- The sealing statutes may require OES and circuit court clerks to seal information beyond the primary criminal case file (co-defendant files, civilly docketed restitution, etc.).[22]
- No process exists to address instances when a conviction is eligible for automatic sealing, but the conviction is not automatically sealed for some reason (e.g., the record was not transmitted to the CCRE, a clerical error, etc.).

- No remedy exists to seal a non-conviction that was not ordered to be sealed immediately upon the conclusion of the criminal proceeding.[23]
- The sealing statutes do not speak to the role of counsel or an appellate process for instances when a court seals or refuses to seal an offense immediately upon an acquittal, *nolle prosequi*, or dismissal.[24]

Court-Appointed Counsel for Indigent Sealing Petitioners

- The petition-based sealing statute provides court-appointed counsel to indigent petitioners[25] and allows these indigent individuals to file a sealing petition without paying filing fees;[26] however:
    - No mechanism exists to determine indigency or screen out petitioners who are ineligible for sealing before appointing counsel and waiving filing fees;
    - Counsel's obligations are unclear when an indigent individual is ineligible to petition under the statute;[27]
    - The statute does not specifically articulate whether counsel is required to continue representing an indigent individual on appeal, and if so, how that attorney will be compensated;[28] and,
    - The statute sets a cap of $120 on court-appointed counsel compensation;[29] whereas, legislation enacted during the 2024 Regular Session increased compensation for court-appoint counsel in felony, misdemeanor, and probation violation cases.[30]

Public Awareness of Sealing

- No plan has been developed to educate the general public on the new sealing laws.
- No process exists for a person to easily determine whether they qualify for sealing.
- Individuals are not notified when certain offenses on their criminal records are automatically sealed and must pay a fee to obtain their record and determine if an offense was sealed.[31]
- No centralized resource exists to educate criminal practitioners on the sealing statutes and train court-appointed counsel to assist with sealing petitions.
- The sealing statutes do not require collection or reporting of the number of sealed records as a metric to evaluate their effectiveness.
- VSP may need to provide guidance to business screening services on how the process of electronically receiving copies of sealing orders will be implemented and function.[32]

Inconsistencies between Sealing and Expungement

- Unlike petition-based sealing, court-appointed counsel is not provided and filing fees are not waived for indigent expungement petitioners.[33]
- Private businesses that provide background checks will receive notice when an offense has been sealed, but they will not receive notice when an offense has been expunged.[34]
- Sealed records cannot be considered in the sale or rental of a dwelling or in an application for insurance; however, there is no explicit prohibition against the use of expunged records for such purposes.[35]

EXPUNGEMENT ELIGIBILITY

In addition to the sealing issues, a substantive change recently occurred within expungement case law. In April 2023, the Virginia Supreme Court issued an opinion in the case of *Williams v. Commonwealth* which addressed how the phrase "otherwise dismissed" is defined for purposes of expungement.[36]

Per the expungement statute, three case outcomes are eligible for expungement: acquittal, *nolle prosequi*, and otherwise dismissed.[37] While the definitions of the first two terms are clear, the phrase "otherwise dismissed" is not defined in the expungement statute and has been debated by Virginia courts for decades. Virginia courts have ruled that "otherwise dismissed" includes charges dismissed without any finding that the evidence was sufficient to establish guilt.[38] Virginia courts have also held that "otherwise dismissed" does not include charges dismissed after completion of a first offender program,[39] charges concluded in a plea of *nolo contendere*,[40] and charges dismissed following a defendant being found not guilty by reason of insanity.[41]

The *Williams* opinion focuses on cases where a person is convicted of a different offense than the one with which they were originally charged (e.g., a person charged with felony accessory-to-murder but convicted of misdemeanor obstruction of justice). Prior to the *Williams* decision, the Virginia Supreme Court had developed a fairly bright-line approach to determine whether the original charge could be considered "otherwise dismissed." If the defendant pled guilty to a lesser-included offense (e.g., a person originally charged with felony assault on law enforcement but convicted of misdemeanor assault and battery),[42] the dismissed charge was not "otherwise dismissed" and was therefore ineligible for expungement.[43] However, if the defendant pled guilty to a non-lesser-included offense, the dismissed charge was "otherwise dismissed" and was therefore eligible for expungement. For example, in its 2013 *Dressner* decision, the Virginia

Supreme Court held that a charge of possession of marijuana which was amended to and concluded as a conviction for reckless driving was "otherwise dismissed", and therefore the possession of marijuana charge was eligible for expungement.[44] The *Dressner* decision allowed for a "partial expungement" where the initial charge could be expunged, but not the ultimate conviction.

The Virginia Supreme Court's bright-line approach was overturned by the *Williams* decision. Now, instead of determining whether a defendant was convicted of a lesser-included offense, courts must use a new "completely separate and unrelated" charges test. This is a two-part test which requires a court to "(1) compare the conceptual similarities and differences between the original charge and the amended charge and (2) examine whether the two charges share a common nucleus of operative facts."[45]

As noted in the concurring opinion in *Williams*, this new test is more complex than the previous lesser-included offense analysis, and it may place a heavy burden on expungement petitioners.[46] The new test is not part of Virginia's expungement statute, and other states' expungement statutes which contain the term "otherwise dismissed" do not require any kind of "factual-relatedness test" to determine the connection between the original charge and the conviction.[47] Because of the complexity of the new test and the lack of clarity within Virginia's expungement statute, the concurring opinion concludes by asking the General Assembly clarify the term "otherwise dismissed" in the expungement statute.[48] If the General Assembly does not clarify the meaning of "otherwise dismissed," Virginia courts will continue to craft the definition.

ENDNOTES

[1] Virginia State Crime Commission. (2021). *2020 Annual report: Expungement and sealing of criminal records*, http://vscc.virginia.gov/2021/VSCC%202020%20Annual%20Report%20Expungement%20and%20Sealing.pdf.
[2] VA. CODE ANN. §§ 19.2-392.1 to 19.2-392.4 (2023). A non-conviction may include such final dispositions as an acquittal, *nolle prosequi*, dismissal, or deferred dismissal. *See also* VA. CODE ANN. § 19.2-298.02(D) (2021). Under Virginia's general criminal deferred disposition statute, a charge which has been deferred and dismissed may be expunged if both the Commonwealth's Attorney and the defendant agree that the dismissed charge is eligible for expungement. This statute was enacted during the 2020 Special Session I of the Virginia General Assembly.
[3] Virginia law does allow for criminal conviction relief if a person can prove that they are "actually innocent" of certain felony convictions. *See* VA. CODE ANN. §§ 19.2-327.2 *et. seq.* and 19.2-327.10 *et. seq.* (2020). *See also* 2024 Va. Acts, ch. 755. Senate Bill 20 (2024 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+SB20, which amends VA. CODE ANN. § 19.2-298.02(D) to specify that a charge can be expunged if the original charge was reduced or was dismissed after a plea or stipulation of the facts that would justify a finding of guilt.
[4] A deferred dismissal refers to a circumstance where a charge is dismissed after the defendant completes certain terms or conditions ordered by the court.
[5] 2021 Va. Acts, Sp. Sess. I, chs. 524 and 542. House Bill 2113 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2113. Senate Bill 1339 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1339.
[6] 2021 Va. Acts, Sp. Sess. I, chs. 550 and 551. House Bill 2312 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2312. Senate Bill 1406 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1406.
[7] 2023 Va. Acts chs. 554 and 555. House Bill 2400 (2023 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?231+sum+HB2400. Senate Bill 1402 (2023 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?231+sum+SB1402. *See also* Virginia State Crime Commission. (2023). *2022 Annual report: Update: Expungement and sealing of criminal records*, https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20Update%20on%20Expungement%20and%20Sealing%20of%20Criminal%20Records.pdf.
[8] *Id*.
[9] *See* 2021 Va. Acts, Sp. Sess. I, chs. 524 and 542. House Bill 2113 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2113. Senate Bill 1339 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1339.
[10] Office of the Executive Secretary of the Supreme Court. (2023, November 1). *Criminal sealing project status: 2023 progress report to the Crime Commission,* https://vscc.virginia.gov/2023/Supreme%20Court%20of%20Virginia%202023%20Sealing%20Progress%20Report.pdf.
[11] Virginia Department of State Police. (2023, October). *Automated out-of-state record checks, Progress on development feasibility and cost: A report to the Virginia State Crime Commission*, https://vscc.virginia.gov/2023/VSP%202023%20Sealing%20Progress%20Report.pdf.
[12] *See* 2021 Va. Acts, Sp. Sess. I, chs. 524 and 542. House Bill 2113 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2113. Senate Bill 1339 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1339.
[13] Virginia Court Clerks Association. (2023, November 1). *HB 2113 and SB 1339 sealing and expungement legislation*, https://vscc.virginia.gov/2023/Virginia%20Court%20Clerks%20Association%20Sealing%20Progress%20Report%202023.pdf.
[14] House Bill 30 (2024 Sess.). Governor's amendments, Amendment 178, Item 426, https://budget.lis.virginia.gov/amendment/2024/1/HB30/Enrolled/GR/.

[15] 2024 Va. Acts, Sp. Sess. I, ch. 2. House Bill 6001 (2024 Sp. Sess. I), Item 33(J), https://budget.lis.virginia.gov/item/2024/2/HB6001/Chapter/1/33/. *See also* VA. CODE ANN. § 19.2-392.12(L) (2023).

[16] VA. CODE ANN. § 19.2-392.13(A) (2023) ("Upon receipt of such electronic notification [that a court has ordered a record to be sealed], the Department of State Police shall electronically notify *those agencies and individuals known to maintain or to have obtained such a record* that such record has been ordered to be sealed and may only be disseminated for purposes set forth in this section and pursuant to rules and regulations adopted pursuant to § 9.1-128 and procedures adopted pursuant to § 9.1-134. Any records maintained electronically that are transformed or transferred by whatever means to an offline system or to a confidential and secure area inaccessible from normal use within the system in which the record is maintained shall be considered sealed, provided that such records are accessible only to the manager of the records or their designee.") (emphasis added).

[17] *See* VA. CODE ANN. §§ 19.2-392.6 and 19.2-392.7 (2023). In order to automatically seal a criminal record, that record must have been transmitted to the CCRE.

[18] With a few exceptions, VA. CODE ANN. § 19.2-392.13 provides that a court order is required before a sealed court record can be disseminated. This may hinder OES' ability to fulfill its statutory obligations, such as the requirement in VA. CODE ANN. § 19.2-349 for OES to provide monthly reports on fines, costs, forfeitures, penalties, and restitution owed by defendants to several entities.

[19] *See* VA. CODE ANN. §§ 17.1-405(A)(3), 17.1-407(B), and 19.2-392.12(H) (2023). The petition-based sealing statute provides that any aggrieved party may appeal a ruling on a sealing petition as provided by law in civil cases. Therefore, it appears that a ruling on a sealing petition is an appeal of right to the Court of Appeals. *But see* VA. CODE ANN. § 392.-12(E) (2023), which provides that a person's criminal history record used for purposes of ruling on a sealing petition shall be destroyed unless an appeal is noted to the Supreme Court of Virginia.

[20] *See* VA. CODE ANN. § 19.2-392.12 (2023).

[21] *See* VA. CODE ANN. § 19.2-392.13(C) (2023). Sealed records can be disclosed for 25 specified reasons. If access to such records is to be expanded, a decision will need to be made as to who will determine the scope of the expansion, such as the General Assembly, VSP, or some other agency or entity.

[22] VA. CODE ANN. § 19.2-392.13(A) (2023) ("Upon electronic notification that a court order for sealing has been entered pursuant to § 19.2-392.7, 19.2-392.8, 19.2-392.11, or 19.2-392.12, the Department of State Police shall not disseminate any criminal history record information contained in the Central Criminal Records Exchange, including *any records relating to an arrest, charge, or conviction*, that was ordered to be sealed, except for purposes set forth in this section and pursuant to rules and regulations adopted pursuant to § 9.1-128 and procedures adopted pursuant to § 9.1-134.") (emphasis added).

[23] *See* VA. CODE ANN. § 19.2-392.8 (2023).

[24] *See* VA. CODE ANN. § 19.2-392.8 (2023).

[25] *See* VA. CODE ANN. § 19.2-392.12(L) (2023).

[26] *See* VA. CODE ANN. § 19.2-392.12(B) (2023).

[27] *See* VA. CODE ANN. § 19.2-392.12(A) (2023). A person can petition to seal certain offenses, "…provided that such person has (a) never been convicted of a Class 1 or 2 felony or any other felony punishable by imprisonment for life, (b) not been convicted of a Class 3 or 4 felony within the past 20 years, and (c) not been convicted of any other felony within the past 10 years of his petition."

[28] *See* VA. CODE ANN. §§ 17.1-405(A)(3), 17.1-407(B), and 19.2-392.12(H) (2023). The petition-based sealing statute provides that any aggrieved party may appeal a ruling on a sealing petition as provided by law in civil cases. Therefore, it appears that a ruling on a sealing petition is an appeal of right to the Court of Appeals. *See also* VA. CODE ANN. § 19.2-392.12(L) (2023), which sets a cap of $120 on court-appointed attorney compensation from the Sealing Fee Fund.

[29] VA. CODE ANN. § 19.2-392.12(L) (2023).

[30] 2024 Va. Acts, chs. 714 and 770. House Bill 102 (2024 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?ses=241&typ=bil&val=hb102. Senate Bill 356 (2024 Sess.), https://lis.virginia.gov/cgi-

bin/legp604.exe?241+sum+SB356. For example, compensation for adult felonies punishable by less than 20 years will be up to $834 and adult misdemeanors (other than DUI-related) up to $330.

[31] *See* VA. CODE ANN. § 19.2-389(11) (2023).

[32] *See* VA. CODE ANN. § 19.2-392.16(C) (2023).

[33] VA. CODE ANN. § 19.2-392.2(L) (2023). The expungement statute only allows for the refund of certain costs to the petitioner if the expungement petition is granted.

[34] *See* VA. CODE ANN. § 19.2-392.16 (2023).

[35] *See* VA. CODE ANN. §§ 19.2-392.4 (expunged record protections) and 19.2-392.15 (sealed record protections) (2023).

[36] *Williams v. Commonwealth*, 302 Va. 172, 885 S.E.2d 457 (2023).

[37] *See* VA. CODE ANN. § 19.2-392.2(A) (2023).

[38] *Brown v. Commonwealth*, 278 Va. 92, 677 S.E.2d 220 (2009).

[39] *Gregg v. Commonwealth*, 227 Va. 504, 316 S.E.2d 741 (1984).

[40] *Commonwealth v. Jackson*, 255 Va. 552, 499 S.E.2d 276 (1998).

[41] *Eastlack v. Commonwealth*, 282 Va. 120, 710 S.E.2d 723 (2011).

[42] A lesser-included offense is a "crime that is composed of some, but not all, of the elements of a more serious crime and that is necessarily committed in carrying out the greater crime." *Black's Law Dictionary* 1187 (9th ed. 2009).

[43] *See Necaise v. Commonwealth*, 281 Va. 666, 708 S.E.2d 864 (2011).

[44] *Dressner v. Commonwealth*, 285 Va. 1, 736 S.E.2d. 735 (2013).

[45] *Williams,* 885 S.E.2d at 461.

[46] *Id.* at 465 n.6.

[47] *Id.* at 462-463. The concurrence cites the "otherwise dismissed" language in expungement statutes in Iowa (IOWA CODE § 901C.2 (2023)), Delaware (DEL. CODE ANN. TIT. 11, § 4372 (2023)), and Maryland (MD. CODE ANN., CRIM. PROC. §§ 10-105 & 10-107 (LexisNexis 2023)).

[48] *Id.* at 462 and 467.

APPENDIX A: CRIMINAL RECORD RELIEF PROCESSES IN VIRGINIA *(as of 7/1/24)*

Process[1]	Eligible Offenses	Waiting Period	Criteria for Relief	Access and Disclosure	Court-Appointed Counsel[2]	Filing Fees[3]	3rd Party Notice[4]
Expungement (Non-Convictions)	Non-convictions[5]	None	Manifest Injustice[6]	3 specific purposes[7]	No	Refunded if granted[8]	No
Automatic Sealing (Convictions)	7 specified Virginia Code sections[9]	7 years[10]	No Virginia CCRE reportable or out-of-state convictions[11]	25 specific purposes[12]	N/A	N/A	Yes
Automatic Sealing (Misdemeanor Non-Convictions - 7/1/25 Onward)	Any misdemeanor non-conviction, excluding Title 46.2 traffic infractions[13]	None[14]	Must seal unless any of the 6 disqualifying criteria apply[15]	25 specific purposes[16]	On underlying criminal case[17]	N/A	Yes
Automatic Sealing (Felony Non-Convictions - 7/1/25 Onward)	Any felony concluding in an acquittal or dismissal with prejudice[18]	None[19]	Concurrence of Commonwealth's Attorney[20]	25 specific purposes[21]	On underlying criminal case [22]	N/A	Yes
Automatic Sealing (Misdemeanor Non-Convictions Retroactively)	Any misdemeanor non-conviction[23]	None[24]	No Virginia CCRE reportable charges in the past 3 years[25]	25 specific purposes[26]	N/A	N/A	Yes
Petition-Based Sealing (Convictions and Deferred Dismissals)	Misdemeanors, Class 5 and 6 felonies, grand larceny, or any felony larceny offense (excludes DUI-related and domestic assault)[27]	7 years for misdemeanors; 10 years for felonies[28]	Criteria to petition based on criminal record[29] Criteria to grant can based on various factors[30]	25 specific purposes[31]	Yes[32]	Not required if indigent[33]	Yes

[1] Expungement is the only process currently available in Virginia. *But see* VA. CODE ANN. §§ 19.2-327.2 *et. seq.* and 19.2-327.10 *et. seq.* (2023). Virginia law does allow for criminal conviction relief if a person can prove that they are "actually innocent" of certain felony convictions. The sealing processes will take effect beginning July 1, 2025, or sooner if the new automated systems are operational prior to that date. *See also* VA. CODE ANN. § 19.2-392.17 (2023). One additional sealing process, the statutory sealing of traffic infractions, is not included in this list. Traffic infractions will be sealed by law after 11 years unless federal law prohibits the Virginia Department of Motor Vehicles from sealing the infraction.
[2] Denotes whether an indigent person is provided court-appointed counsel to assist with the criminal record relief process.
[3] Denotes whether a petitioner is required to pay court filing fees as part of the criminal record relief process.
[4] Denotes whether a third-party business screening service is provided notice if the criminal record relief is granted. *See* VA. CODE ANN. § 19.2-392.16 (2023). A business screening service is defined as "a person engaged in the business of collecting, assembling, evaluating, or disseminating Virginia criminal history records or traffic history records on individuals" but "does not include any government entity or the news media." Business screening services will be provided notice of sealed records but not expunged records.
[5] VA. CODE ANN. § 19.2-392.2(A) (2023). *But see* VA. CODE ANN. § 19.2-298.02(D) (2023). Under Virginia's general criminal deferred disposition statute, a charge which has been deferred and dismissed may be expunged if both the Commonwealth's Attorney and the defendant agree that the dismissed charge is eligible for expungement. Additionally, 2024 Va. Acts, ch. 755. Senate Bill 20 (2024 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+SB20, amends VA. CODE ANN. § 19.2-298.02(D) to specify that a charge can be expunged if the original charge was reduced or dismissed after a plea or stipulation of the facts that would justify a finding of guilt.
[6] VA. CODE ANN. § 19.2-392.2(F) (2023).
[7] VA. CODE ANN. § 19.2-392.3 (2023). An expunged record can be accessed with a court order for purposes of an employment application with a law-enforcement agency or for a pending criminal investigation. Beginning July 1, 2025, the person who was charged with the expunged offense can petition for a court order to access their expunged records.
[8] VA. CODE ANN. § 19.2-392.2(L) (2023).
[9] VA. CODE ANN. § 19.2-392.6(A) (2023). The 7 specified code sections are VA. CODE ANN. §§ 18.2-96 (petit larceny), 18.2-103 (larceny by concealing), 18.2-119 (trespass), 18.2-120 (instigating trespass by others), 18.2-134 (trespass on posted property), misdemeanor violations of 18.2-248.1 (distribution of marijuana), and 18.2-415 (disorderly conduct). Additionally, per VA. CODE ANN. § 19.2-392.6(D), violations of former VA. CODE ANN. § 18.2-250.1 (possession of marijuana) will be automatically sealed after July 1, 2025, regardless of the final disposition and without a waiting period or any other criteria., if such records are in the Central Criminal Records Exchange (CCRE), the electronic criminal records database maintained by Virginia State Police.
[10] VA. CODE ANN. § 19.2-392.6(B) (2023). The waiting period begins on the date of conviction.
[11] *Id.* Per VA. CODE ANN. § 19.2-392.6(C) (2023), an offense will not be automatically sealed if the person was convicted of a non-eligible offense on the same date as the conviction for the eligible offense.
[12] VA. CODE ANN. §§ 19.2-392.7(F) and 19.2-392.13(C) (2023).
[13] VA. CODE ANN. § 19.2-392.8(A) (2023).
[14] *Id.*
[15] *Id.*
[16] VA. CODE ANN. §§ 19.2-392.8(E) and 19.2-392.13(C) (2023).
[17] *See* VA. CODE ANN. §§ 19.2-159 and 19.2-163.3 (2023). The decision whether to seal an offense under this process is made immediately upon the conclusion of the criminal case; however, court-appointed counsel and public defenders on the criminal case are not explicitly permitted to assist with the civil sealing processes.

[18] VA. CODE ANN. § 19.2-392.8(B) (2023).
[19] *Id.*
[20] *Id.*
[21] VA. CODE ANN. §§ 19.2-392.8(E) and 19.2-392.13(C) (2023).
[22] *See* VA. CODE ANN. §§ 19.2-159 and 19.2-163.3 (2023). The decision whether to seal an offense under this process is made immediately upon the conclusion of the criminal case; however, court-appointed counsel and public defenders on the criminal case are not explicitly permitted to assist with the civil sealing processes.
[23] VA. CODE ANN. § 19.2-392.11(A) (2023).
[24] *Id*. The Virginia State Police must review the Central Criminal Records Exchange on at least an annual basis for eligible offenses.
[25] *Id.*
[26] VA. CODE ANN. §§ 19.2-392.11(F) and 19.2-392.13(C) (2023).
[27] VA. CODE ANN. § 19.2-392.12(A) (2023). The offenses excluded from petition-based sealing are VA. CODE ANN. §§ 18.2-36.1 and 18.2-36.2 (DUI involuntary manslaughter), VA. CODE ANN. §§ 18.2-51.4 and 18.2-51.5 (DUI maiming), VA. CODE ANN. § 18.2-57.2 (domestic assault and battery), and VA. CODE ANN. §§ 18.2-266 and 46.2-341.24 (DUI).
[28] VA. CODE ANN. § 19.2-392.12(F)(1) (2023). The waiting period begins on the date of the deferred dismissal, conviction, or release from incarceration, whichever date occurred latest in time.
[29] VA. CODE ANN. § 19.2-392.12(A) (2023). In order to be eligible to petition for sealing, a person can (1) never have been convicted of a Class 1 or 2 felony or any other felony punishable by life in prison, (2) not have been convicted of a Class 3 or 4 felony within the past 20 years, and (3) not have been convicted of any other felony within the past 10 years.
[30] VA. CODE ANN. § 19.2-392.12(F) (2023). In order to qualify to have an offense sealed, a person must (1) not have any in-state convictions reportable to the CCRE or any out-of-state convictions, excluding traffic infractions, during the waiting period, (2) demonstrate their rehabilitation if the offense involved the use or dependence on alcohol or drugs, and (3) show a manifest injustice. Additionally, a person is limited to having two sealing petitions granted in their lifetime. However, VA. CODE ANN. § 19.2-392.12(C) provides two exceptions to this limit: violations of VA. CODE ANN. § 4.1-305 (underage alcohol) and VA. CODE ANN. § 18.2-265.3(A) (marijuana-related drug paraphernalia).
[31] VA. CODE ANN. §§ 19.2-392.12(M) and 19.2-392.13(C) (2023).
[32] VA. CODE ANN. § 19.2-392.12(L) (2023). *See also* VA. CODE ANN. § 17.1-205.1 (2023). Court-appointed counsel will be paid from the Sealing Fee Fund.
[33] VA. CODE ANN. § 19.2-392.12(B) (2023).


VIRGINIA STATE
CRIME COMMISSION