

Jason Nixon Testimony
Criminal Incident Information Subcommittee of the
Virginia Freedom of Information Advisory Council
11/17/2020

Thank you for your work on this issue. Getting this bill right is important to my family, and to make sure what we went through doesn't happen to any other family.

On May 31st, 2019, my wife Kate left for work at the Virginia Beach Municipal Building. She never came home. A city employee came to her office with a gun and started shooting. Kate was a hero and she tried to stop the gunman. She is one of 12 people killed that day. My three little girls lost their mom, and I lost my best friend.

The Virginia Beach police conducted an investigation but has refused to release its full report. The victims' families have pleaded with them, but the department said it was too traumatic for us. Who are they to say that? The real trauma is what the police have put us through in hiding the truth.

What the police are doing is perfectly legal, because Virginia's law gives them total power over whether or not to release this information. This is MY family and police know more about what happened to my wife than I do. My daughters deserve to know why their mom was killed. Virginians deserve to know what can be done differently to protect other innocent people like my wife.

There is one major problem with the draft bill. It still has the old definition of "ongoing investigation" as "more than three years have not yet elapsed from when a decision to take no action was made (Page 4, Lines 101-102). The definition should be replaced with: "Ongoing case" refers to a case that has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and the case would be jeopardized by the premature release of that evidence. There is no reason why victims should have to wait three years for answers. Most agencies never make a formal decision to stop investigating, so that language could undermine the whole bill.

I hope you will make that change. Thank you for your work fixing this law so that families like mine can get closure and peace.

The draft bill would make the law fair and allow victims to have closure.

I said goodbye to my wife Kate before she left for her job at the Virginia Beach Municipal Building. That is the last time I would ever see her. A city employee came to her office with a

gun and started shooting. Kate acted heroically to stop him and paid with her life. She is one of 12 people who were killed that day.