

Evan Goodenow Public Safety Writing W17

Triggered: Gun sales, carry permit applications shoot up

**By Evan Goodenow
The Winchester Star**

WINCHESTER — Standing a few feet apart, brothers Michael and Roger Smith of Stephens City gripped semi-automatic pistols and slowly raised them at their target.

The guns weren't loaded, and the target was a wall at the Frederick County Public Safety Building. The brothers were learning proper shooting technique as part of a gun safety class held by the county Sheriff's Office on Feb. 20. The brothers, who needed to complete the class to obtain their concealed carry pistol permits, are among a skyrocketing number of Americans who applied for permits or purchased guns last year.

In a nation of 330 million people, the U.S. leads the world in gun ownership, with civilians owning 393 million in 2018, according to the Small Arms Survey, a global study by the Graduate Institute of International and Developmental Studies in Geneva, Switzerland. But after cooling in the last few years, America's romance with guns heated up in 2020 amid fear about coronavirus pandemic-related shortages, crime and nationwide uprisings about race and unjustified police violence. Last year, a record-setting 21 million background checks were conducted by the FBI for gun sales, up 60% from 2019, according to the National Shooting Sports Foundation, a gun industry lobbying group.

Gun sales often spike over fear of confiscation or new gun laws after mass shootings such as the Sandy Hook school massacre in Connecticut in 2012. Or when Democratic presidents, who tend to favor stricter gun laws than Republicans, are elected. But sales spiked last year despite the gun-friendly Trump administration being in power.

Analyzing FBI background check statistics, a June study by the Brookings Institution, a Washington, D.C., think tank, found gun sales spiked in March after COVID-19 was declared a pandemic and President Donald Trump declared a national emergency. Sales stabilized in April and May, but spiked again in June shortly after protests began over the May 25 death of George Floyd under the knee of Minneapolis police Officer Derek Michael Chauvin.

A.J. Williams, general manager of Stonewall Arms in Winchester, said annual gun sales at his store increased roughly 50% last year. He said sales began increasing after the state elections in November of 2019, when Democrats won control of the General Assembly for the first time in a generation.

But sales — which have exacerbated a nationwide shortage in ammunition — ballooned after the coronavirus was declared a pandemic in March.

Williams said many customers were first-time gun buyers. The NSSF estimates there were 8.4 million first-time gun buyers in 2020, accounting for about 40% of all sales. About 40% of buyers were women, and Black people bought guns at a rate 58% higher than in 2019.

"It's opened up a whole new sector of firearms retail that just wasn't there before," Williams said. "A lot of people are buying guns that wouldn't ordinarily."

Stonewall Arms, which opened in 2002, sells handguns and long guns, but Williams said the majority of sales are pistols. He said most customers said they were buying guns for personal protection.

Although the local crime rate is low, Williams, a Frederick County deputy from 1999-2012, said some customers were concerned that police responses might be delayed due to staffing shortages because of the virus.

Williams said the biggest new sales were for pistols and shotguns. The latter is ideal for home protection and can be used to hunt. "I had several people tell me, 'I want a gun I can protect my house with and I can kill food with if I need to,'" Williams said.

The spike in gun sales led to ballooning applications for concealed carry pistol permits, which are good for five years. Applications, which include renewal applications, increased 51% statewide in 2020 compared to the annual average for 2015-19, and the percentages were even higher locally. In Winchester, applications increased 83%. In Clarke and Frederick counties, the increases were 62% and 73%, respectively.

The Smith brothers applied for permits in December. Neither has purchased a gun yet, but said when they do, it will be to protect their families.

"I've got three daughters," said Roger Smith, 30. "I would rather have a way to protect my family versus not being able to. Especially in this day and age."

Michael Smith, 25, said he wants to protect his young son and learn how to keep a gun safely stored in a home with children.

"I want him to know how to react in a situation in case there is a gun involved," he said. "You never know in this day and age. The more informed I am, the better I can inform him."

Danielle Smith, Michael Smith's wife, and Whitney Smith, Roger Smith's wife, also attended the class and have applied for permits.

While property and violent crime have hit historic lows in the last generation, fatal shootings in some large cities were up last year, raising fears of crime. Danielle Smith acknowledged crime is low in Frederick County, but said the shootings in large cities unnerved her.

"With what's going on in the world, I want to make sure that I'm safe and can protect the people that are around me," she said. "Times have changed so much and if I get [a gun] I will feel a lot safer. Especially because I have a little [child]."

'Treat all weapons as if they're loaded'

Like Danielle Smith, most people buy guns for safety, but they can be dangerous in the wrong hands. In 2019, the latest year statistics were available, there were nearly 40,000 gun deaths in the U.S., including about 1,000 in Virginia, according to the Centers for Disease Control and Prevention. About 30,000 were suicides, and there are 450-500 accidental fatal shootings annually, according to an analysis of CDC statistics by the Pew Research Center.

Many accidental shootings involve children, but they can also involve experienced gun owners. Like the Winchester gun store owner in 2019 who accidentally fired a round through a wall of his store while cleaning a pistol he thought was unloaded. No one was hurt, but the bullet struck a gas line of a car dealership next door.

Williams said he talked some customers out of buying guns for the first time until they underwent training, which Stonewall Arms offers. He said shooting is a "perishable skill" and practice and training are essential for safety.

Sheriff's Office Capt. Aleck Beeman, who instructed the class on Feb. 20, knows all it takes is a moment of carelessness for an accidental shooting to occur.

Beeman, an officer since 1979 and a Sheriff's Office employee since 2000, told the 14 people in the class that every gun should be handled as if it was loaded, and fingers should never be placed on triggers except to fire a weapon.

He noted a few police cadets — none from the Sheriff's Office — have wounded themselves holstering weapons at the Skyline Regional Justice Academy in Middletown. And he said guns should be stored with trigger locks or in gun safes in homes where children live or visit.

"There's nothing worse than a child being killed with your weapon," he said. "Treat all weapons as if they're loaded."

Beeman also addressed misconceptions about shooting. Unlike in some TV shows and movies, people who get shot don't always fall down and can fire back when wounded. So Beeman discussed the need to be a moving target after firing and to seek concealment and preferably cover if forced to shoot. Cover, meaning a place bullets can't fully penetrate like a concrete wall, is preferable to concealment, which doesn't offer protection from being shot.

A shooter must always be able to clearly identify their target before opening fire, and Beeman stressed that the decision to shoot should be a last resort. He cited the Hines v. Commonwealth state Supreme Court ruling in 2016 about when a shooting is legal.

The decision overturned a voluntary manslaughter conviction against a defendant who fatally shot an armed man in his home in 2011. The court found that a claim of deadly force in self-defense is legitimate if the defendant "reasonably feared death or bodily injury at the hands of his victim" and the defendant can show he or she was in "imminent danger of harm."

Beeman noted that the definition of "imminent danger" or a reasonable fear of death is subjective and concealed carry permit holders must consider that they can be prosecuted criminally or sued civilly if they open fire.

"The decision to use deadly force is the most important decision you make as a person. Once that trigger is pulled, it's irreversible," he said. "If it happens, you're the one who has to figure out, did I do the right thing and can I live with it?"

Sidebar: Vehicles an easy target for gun thefts

By Evan Goodenow

The Winchester Star

When a boy was wounded in an accidental shooting last August on Virginia Avenue in Winchester, it was with a pistol stolen from an unlocked vehicle earlier that year, according to Winchester police.

In November, the teen-aged boy suspected of stealing the pistol in January allegedly stole three rifles left in an unlocked vehicle overnight. Three weeks later, one of the rifles was accidentally fired in a Frederick County home by a youth, according to a search warrant affidavit.

No one was hurt in the county shooting, and the suspect in the thefts has been charged with possession of a firearm by a juvenile, larceny of a firearm and reckless handling of a firearm. "[The suspect] is known for having firearms and tries to sell firearms by posting them on Instagram," Winchester Police Department Detective Marti L. Ivins wrote in the affidavit.

The shootings are part of a continuing problem locally and nationally involving guns stolen from vehicles:

- In 2019 a boy shot himself in the hand in Winchester with a gun stolen from a car believed to have been unlocked.
- In 2018, a pistol stolen from a car in Frederick County was used in a fatal shooting in Wilton, New York, when a man was shot through a hotel wall. The shooter was convicted of negligent homicide in 2019.
- In 2016, a gun stolen from an unlocked car in Frederick County in 2015 was used in the death of D'Londre Minifield after a police chase in Winchester. The death was ruled a suicide, although Minifield's family has disputed the circumstances of the case in a federal lawsuit.

Because some gun owners don't report that their guns have been stolen, it's difficult to track gun thefts. However, between 2016 through last year, 53 guns were reported stolen from vehicles in Frederick County and 51 in Winchester, according to the Sheriff's Office and Winchester police. Berryville reported one theft and Clarke County reported three, according to law enforcement in those jurisdictions.

Nationally, an estimated 1.8 million guns, including about 43,000 in Virginia, were stolen between 2012-17, according to an analysis of FBI statistics by the Center for American Progress, a liberal think tank. Virginia had the 15th highest number of stolen guns in the nation. Nearly 25% of stolen guns nationally were taken from vehicles, according to an

analysis of police statistics by The Trace, an online news organization that investigates gun violence and Everytown for Gun Safety, a nonprofit group lobbying for stricter gun laws.

Like the suspect in Winchester, the CAP analysis noted gun thieves frequently try to sell them, and stolen guns are often used in crimes. Crimes involving stolen guns include the murders of five Alabama police officers in 2019. "Stolen guns also create challenges for law enforcement officers working to solve gun-related crimes as these guns become untraceable following the theft and cannot be linked to any potential user of the gun," the report said.

To reduce thefts from cars, Everytown recommends only concealed carry pistol permit holders be allowed to carry guns in vehicles. In Virginia, a permit isn't required to carry a gun in a vehicle if the gun is plainly visible to police on the front console during a traffic stop.

Since taking office in 2016, Frederick County Sheriff Lenny Millholland has been trying to discourage people from leaving guns in vehicles. He said in an email that he supports passage of a safe-storage-of-guns-in-vehicles law in Virginia to reduce thefts. However, Millholland said a law shouldn't be necessary because it's a commonsense issue.

"We support the Second Amendment and know that people love their guns," he said. "We want them to keep loving their guns and not leave them in a vehicle or an area where people can steal it and accidentally shoot or kill someone. Or sell it for quick money and have that weapon used to cause fear, injury or to kill."

Teen charged with killing grandmother

**By Evan Goodenow
The Winchester Star**

HAYFIELD — John Daniels said he worried about his girlfriend Dianna Lynne Swaner being around her grandson because of David Austin Rowe's violent history.

On Saturday, Daniels' worst fears were realized. Police accused the 18-year-old Rowe of beating the 63-year-old Swaner to death and charged him with second-degree murder. Police said Rowe — who had been temporarily living in a trailer next to Swaner's house — confessed to killing Swaner in her home in the 1300 block of Quail Run Lane after he went inside to get a can of beans and she stopped him.

"Rowe stated he then punched Swaner in the head with his left hand, then grabbed Swaner from her chair and rammed her head into the television," Brandon J. Hazelwood, a Frederick County Sheriff's Office investigator, wrote in a criminal complaint. "Rowe stated he then escorted Swaner's head rapidly into the corner of a fireplace where Rowe then struck Swaner in the head with a glass-jarred candle."

The killing occurred less than a week after Rowe was put under an emergency custody order for allegedly making death threats at the Winchester Rescue Mission where he had been staying, according to the mission's Executive Director the Rev. Brandan Thomas.

It also occurred less than six months after Rowe was accused of beating Swaner and a passerby who came to her aid in the 2200 block of Valley Avenue in Winchester on April 9, according to a Winchester police criminal complaint. In that incident, he was charged with assault and battery and assault and battery of a family member. And on July 5, Rowe was charged with assault and battery after a man said Rowe began acting erratically and then attacked him at a water cooler.

Daniels, who had dated Swaner since 2001, said Rowe had been in the custody of the Department of Social Services since 2015 when his mother died. He said Rowe — who was being held without bond at the Northwestern Regional Adult Detention Center on Monday night — is mentally ill and has a hair-trigger temper that has led to a history of violence at DSS group homes.

"That's all he knew. If he had a confrontation with somebody or he didn't know how to deal with an emotional issue, he just wanted to fight," Daniels said on Monday. "She was scared of him."

Swaner had a 72-hour temporary protection order placed against Rowe after his April 9 arrest, according to the Frederick/Winchester Juvenile and Domestic Relations Court, but she didn't renew it.

Nonetheless, Michael Swaner said his mother remained afraid of her grandson.

"He was always short-tempered," said Michael Swaner, who is Rowe's uncle. "But she always tried to help him out the best she could."

Thomas said Rowe stayed at the mission from July 19 to Aug. 24 when he was put under the custody order after threatening to kill shelter staff. An ECO lasts eight hours during which time a person is evaluated for whether they should be put under a temporary detention order, which is for people deemed likely to cause "substantial harm" to themselves or others. A TDO lasts up to 72 hours before a person must go before a special magistrate who decides whether it should be renewed.

While under the ECO, Rowe was taken to the Crisis Intervention Training Assessment Center at Winchester Medical Center. Because he had been in a manic state for 24 hours, Thomas said Rowe slept through his evaluation time and didn't exhibit behavior that would've led to a TDO. While at CITAC, Rowe was diagnosed with the coronavirus.

Citing medical privacy, Tamara Green, DSS director, said she couldn't comment on Rowe. However, Thomas said the mission was working with DSS to find housing for Rowe after his release. But he couldn't return to the shelter while contagious with COVID-19 because he refused to wear a mask. Thomas said the mission was willing to take Rowe back after he finished quarantining and DSS allowed Rowe to stay in the trailer until then.

Daniels said he picked Rowe up in Dianna Swaner's vehicle from WMC where Rowe had an appointment on Saturday and dropped him off on her property around 10 a.m. He said he gave the vehicle's keys to Swaner and left.

At 10:48 a.m., police said Rowe called 911 and said he found Swaner lying on the floor of her home and she appeared dead. A cause of death was unavailable on Monday from the Virginia Medical Examiner's Office, but investigators quickly determined there was foul play, according to a Sheriff's Office news release.

Despite his history with her, Thomas said Rowe had frequently told shelter staff he loved Swaner. Thomas said Swaner's death, which comes amid a national mental health crisis due to a lack of beds and treatment, is shocking, but not surprising.

TDO's have spiked from 3.7 patients daily in the 2013 fiscal year to about 18 per day now — a 392% increase, according to the Virginia Department of Behavioral and Mental Health Services. Last month, five of Virginia's eight psychiatric hospitals froze admissions. They included Western State Hospital in Staunton where local patients are sent.

National and state laws are designed to prevent people from being institutionalized against their will except when there is real potential for violence. But Thomas said laws need to be made more flexible so people who are clearly a danger to themselves or others get the help they need. He said people tried to get Rowe help, but the system failed Rowe and Swaner.

"Austin didn't get the help Austin needed and now his grandmother is dead," Thomas said. "I knew all this was coming. I'm just heartbroken and devastated."

Swaner, a mother of two, was a fabricator at ZM Sheet Metal in Winchester from 1978 until retiring last year. Daniels and Michael Swaner described her as a kind and generous person who gave money to homeless people and donated money to local fire departments.

"She was a great, loving, fun person," Daniels said. "I truly loved her."

Hidden deaths: Gun suicides frequent, but rarely discussed

**By Evan Goodenow
The Winchester Star**

Editor's note: With guns the leading manner of suicides locally, statewide and nationally, The Winchester Star analyzed about a dozen police reports on local gun suicides in recent years to give readers better perspective on a problem rarely discussed because of the pain and stigma surrounding suicide.

Even in the dry, straightforward language of police reports, the stories are heartbreaking.

A woman who was angry with her boyfriend.

A man who believed his wife was cheating on him.

A man who stopped taking his psychiatric medication.

A woman depressed about being alone and overweight.

A man in agony from a disease.

While their reasons for suicide varied, the one common denominator was they killed themselves with guns. At 50.4%, guns are the leading suicide method in the U.S., followed by suffocation at 28.6% and poisoning at nearly 14%, according to the Suicide Prevention Resource Center, which analyzed Centers for Disease Control and Prevention statistics.

And while gun homicides receive more attention, gun suicides occur far more often. In 2019, the CDC reported 14,861 gun homicides. At 23,041, there were about 61% more gun suicides that year.

In Virginia between 2016-19, there were 2,674 gun suicides, according to the Virginia Center for Public Safety, based on Virginia Department of Health statistics. The number was nearly 87% higher than the 1,428 gun homicides for the same time period.

Local numbers are comparable. Gun suicides exceeded overall homicides in Winchester and Clarke and Frederick counties the last five years. Most homicides also involved guns.

Andrew Goddard, the Virginia Center for Public Safety's legislative director who has been studying gun deaths since the 2007 Virginia Tech massacre that killed 32, said 90% of people who attempt suicide with guns succeed, citing a report by Harvard University's T.H. Chan School of Public Health. The percentages are far lower for other types of suicide attempts.

"If somebody didn't have a gun they would be greatly increasing their likelihood of surviving," said Goddard. "If they're taking pills or doing something else, there's always a chance they'll have second thoughts and dial 911 and say, 'Help me out of this.' But once the trigger's pulled, there's no going back."

A record number of guns were purchased last year — new concealed carry permit applications and renewal applications skyrocketed locally, mirroring a national trend. There are approximately 393 million guns in America — outnumbering the U.S. population of about 330 million.

About 42% of adult Americans say they live in homes with guns and 67% of gun owners cite personal protection as the main reason they own them, according to a 2017 study by the Pew Research Center. A 2020 study by Stanford University of 26 million Californians over 12 years found that handgun owners are at far higher risk of gun suicides compared to people who don't own them. The study found male handgun owners were eight times more likely to commit suicide with a gun than those who didn't own pistols. Female handgun owners were 35 times more likely to commit gun suicides than women who didn't own pistols.

"Suicide attempts are often impulsive acts, driven by transient life crises," wrote the authors of the study, which was published in the New England Journal of Medicine. "Most attempts are not fatal and most people who attempt suicide do not go on to die in a future suicide. Whether a suicide attempt is fatal depends heavily on the lethality of the method used — and firearms are extremely lethal."

Red flag laws

To try to reduce gun suicides and overall gun violence, 19 states, including Virginia and the District of Columbia, have passed red flag laws to remove guns from people deemed by the courts to be a danger to themselves or others, according to the Pew Center. Most of the laws were passed since 2018, so more time is needed to gauge their long-term effect.

Virginia's law, which took effect on July 1, 2020, allows police to temporarily take guns away from people deemed a threat to themselves or others. A court hearing must be held within 14 days of the guns being turned in or confiscated. If the person is deemed a risk, the maximum the guns can be held is 180 days before another hearing is held.

Del. Wendy W. Gooditis, D-Clarke County, co-sponsored the law. Gun suicides are an excruciatingly personal issue for her. Her brother, Brian Wallace, who had post-traumatic stress disorder from being sexually abused as a child, died in 2017 at age 57 from injuries he received from shooting himself with a pistol months earlier.

He had given the pistol to a Clarke County Sheriff's Office deputy who had responded to a call about him being suicidal. But because he appeared calm and not suicidal, Gooditis said the deputy told her the law required him to return the gun. A few weeks later her brother shot himself in Frederick County. Gooditis has discussed her brother's death frequently in public as part of suicide prevention efforts, but she still cries when discussing him.

"He's part of the reason I ran in the first place," said Gooditis, who took office in 2017. "My surviving brother and I have agreed if there's anything in his story that will help save others, we will use it."

Opponents of the law worry it could be used to unjustly remove guns, but Gooditis counters that the law has safeguards and suicide doesn't discriminate between Democrats and Republicans. For instance, people making false accusations to get guns taken away could be charged with filing a false statement to police, and Emergency Substantial Risk Orders (ESRO) require court hearings. But many Republicans have been critical of the law and campaigned against it earlier this year.

Lt. Gov.-elect Winsome Sears of Frederick County, who is a Marine veteran, tweeted in April that, "Marines know how to use guns and I won't ever support a red flag law."

Opposition to the law has made some police chiefs and sheriffs reluctant to use it, Gooditis said.

Its passage comes after a generation of de-institutionalization and under funding of mental health treatment, leading to a national mental health crisis. In July, five of Virginia's eight state mental hospitals froze admissions due to overcrowding, under staffing and increasing patient-on-staff attacks. Police say the situation has forced officers to become de facto mental health counselors.

In its first year on the books, the law has been used roughly 170 times statewide, according to Virginia State Police statistics. It has been used once each by police and prosecutors in Winchester and Clarke and Frederick counties.

In Winchester and Clarke County, guns were taken from men who police said made suicidal threats verbally or in writing, but that was not renewed after 180 days. In Frederick County, a man got his guns back after his father and son, who'd accused him of pulling a pistol on the son in their home, failed to show up for the hearing. Frederick County Sheriff Lenny Millholland noted police must make independent investigations before requesting judges or magistrates issue the risk orders.

"The ESRO is just another tool that law enforcement can use in order to help protect a victim who is at risk to themselves or others," Millholland wrote in an email. "It is no one's intention to permanently deprive someone of their 2nd Amendment right to legally possess a firearm, but when you are dealing with the safety of other people, it may be needed."

Millholland, Winchester Police Chief John R. Piper, Clarke County Sheriff Tony Roper and Berryville Police Chief Neal White all said politics doesn't influence how the law is enforced.

"Having the ability to obtain a substantial risk order is important in the protection of public safety," Piper said in an email. "However, each incident has to be looked at individually to determine whether the totality of the circumstances warrants petitioning for a substantial risk order."

Gooditis said she expects the law will be repealed or watered down next year when Republicans take control of the governorship and House of Delegates.

"I'm very concerned," she said.

Gooditis acknowledged that it is difficult to assess the effectiveness of the law because it's new and it's hard to prove that someone's life was saved because their guns were taken away.

"Statistics are very, very valuable, but only go so far," she said. "Whether or not we are able to get statistics that show results, we have to try things that save lives. We have to try things that help people."