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SMITH MOUNTAIN LAKE, VIRGINIA ■ WEDNESDAY, APRIL 20, 2022

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16 treated after chlorine gas cloud incident Friday

Forest Fire Department/Contributed



A hazardous situation involving chemicals mixing to create a chlorine gas cloud occurred Friday at the Central Wastewater Treatment Plant on Orange Street in Bedford, resulting in 16 people being treated.

The Bedford County Department of Fire and Rescue called in regional hazmat teams to assist. They worked on decontamination and stabilizing the spill.

At approximately 7:40 a.m. Friday, Bedford Regional Water Authority (BRWA) received a chemical delivery at the Central Wastewater Treatment Plant. According to the Bedford County Fire Marshal and BRWA, there was an inadvertent mixture of two chemicals that led to a hazardous materials situation in the form of a chlorine gas cloud.

Several teams were on site monitoring the air quality of the exterior and interior of the Central Wastewater Treatment Plant to ensure the chlorine gas had dissipated. The Virginia Department of Emergency and Bedford Fire Department also were among the teams that responded.

BRWA stated that staff called 911 and fire and rescue teams. Orange Street was

closed in response. As of around 3:30 p.m. Friday, the hazardous situation was contained, and air quality inside and outside of the plant read 0 parts per million

See **HAZMAT**, Page 12

Engine 51 and Rescue 5 with the Forest Fire Department operated on the hazmat alarm Friday with Bedford Fire Department. Engine 5 responded to a medical and Brush 5 and Tanker 5 took in a brush fire while these guys operated.

Citizens fight to stop sale of nursing home

TAYLOR BERGER
Smith Mountain Eagle

The Bedford County Board of Supervisors held a special called meeting Monday, April 18, for public and council discussion on a resolution authorizing the sale of the Bedford County Nursing Home but didn't move forward with it.

American Healthcare had offered to buy the nursing home

but withdrew its offer. County Administrator Robert Hiss opened the public hearing, which was the main reason for the meeting. Hiss talked about the struggle with locating enough staff for the residents of the facility as is and how the county "would be in the red" if the nursing home is not sold to an interested party for purchase.

See **SALE**, Page 12

Man faces drug, weapon charges

Christopher Ross Kimberling of the Hardy/Roanoke/Salem area is facing several drug- and weapon-related charges in Bedford County, Roanoke City and Roanoke County, according to the Bedford County Sheriff's Office on Monday.

Investigators with the Bedford County Sheriff's Office along with Virginia State Police, Roanoke City Police Department and Roanoke



Kimberling

See **CHARGES**, Page 11

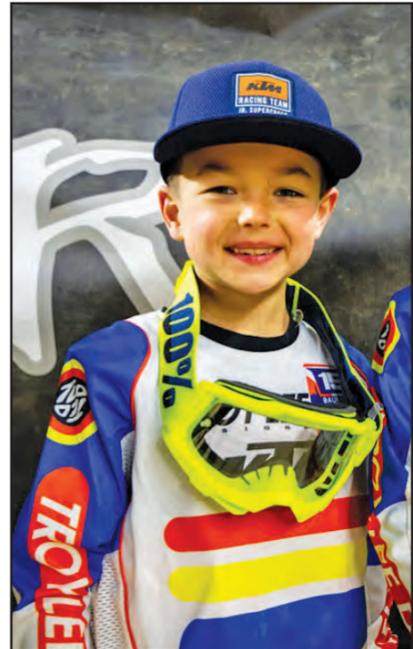


Bedford County Sheriff's Office/Contributed

Several search warrants were executed involving Christopher Ross Kimberling of the Hardy/Roanoke/Salem area, in which a large amount of narcotics, to include approximately 2 pounds of methamphetamine, heroin, cocaine and fentanyl, firearms (both legal and stolen), and over \$50,000 in cash were seized.



In front of 25-30K crowd



Contributed
Shown is 8-year-old Tate Bauer of Moneta, who competed in front of 25,000 to 30,000 people at the KTM Junior Racing Supercross at Ford Field Stadium. At left is his father, David Bauer, helping him get ready on his big day.

8-year-old competes at KTM Junior Racing Supercross

WILLIAM SEIDEL
Smith Mountain Eagle



Eight-year-old Tate Bauer of Moneta has been competing in motocross for about four years and has rode in front of a couple of thousand people before.

However, Bauer got the experience of a lifetime by riding in front of 25,000 to 30,000 people at Ford Field Stadium, home of the Detroit Lions, at the KTM Junior Racing Supercross in March. This event gives motocross riders who are 7 and 8 years old the experience of being treated like a factory rider.

The participants that get picked are randomly selected. Tate Bauer's dad, David Bauer, said that he and his wife Brittany Bauer have tried two years to

See **RACING**, Page 13



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Soccer

Continued from Page 5

assists in the match. The Ospreys offense got going at times, combining for four shots throughout the match. Two made it into the back of the net, while Ellie Kate Beaumont saved two shots for Faith Christian.

SMLCA opened up the month of April with another road match in Roanoke, this one against Roanoke Valley Christian on April 1. RVCHS scored four goals each in the first and second halves on the way to an 8-0 triumph over the Ospreys. Ella Grace King, Karizma Wofford, and Abby Newman all scored two goals each in the victory, while Tess Carroll and Breanna Florman also tallied goals in the win for the Eagles. Newman and Florman also contributed assists in the win. Smith Mountain Lake Christian Academy managed two shots on goal over

the course of the match, but both shots were saved.

On Monday, April 4, the Ospreys faced off against Southwest Virginia Home School, which is also based in Roanoke. With Colby Cummings, Katy Schemm, and Emily Carril each scoring two goals, Southwest Virginia Home School went on to a 9-0 triumph. Caelin Rich, Sophia Vaughn and Abby Jackson also scored goals for the victorious Conquerors, while Anna Dooley saved four shots on goal attempted by the Ospreys.

Although SMLCA's first four matches were difficult ones, the team refused to give up and showed considerable improvement over its next two matches. On April 7, the Ospreys traveled to Danville to face off against Westover Christian Academy. SMLCA played the Bulldogs tough in the first half, scoring two goals to trail by a 3-2 score at halftime. Unfortunately

for the Ospreys, however, Westover Christian scored three unanswered goals in the second half on their way to a 6-2 triumph, which dropped the Ospreys to 0-5 on the season.

Amaiya Dillon was the star of the game, scoring five goals for Westover Christian, while Reagan Massingale also found the back of the net. SMLCA had its best game offensively of the season up to that point, combining for 11 shots on goal as they continually attacked the Bulldogs defense. Erin Saunders managed nine saves for Westover Christian.

On April 11, the Ospreys traveled to Madison Heights to face Temple Christian. SMLCA played its best game of the season thus far, scoring four goals, but came up on the short end of a 5-4 final score. Despite the loss, however, the Ospreys proved not only that they're improving, but that they're not giving up

despite a winless start to the spring season.

This week, the Ospreys return to action with an away match at Faith Christian on Thursday, April 21, followed by another match at Faith Christian on Friday, April 22. The Ospreys will participate in the Virginia Association of Christian Athletics (VACA) State Tournament the first week

of May. The Ospreys are scheduled to challenge Temple Christian on Tuesday, May 3, in their first match of the regional tournament.

"While our 0-6 season may not reflect a winning season, we are extremely proud of the effort and progress this young team has made," Phillips said. "Our more recent games

have shown much improvement in both final score and skill level. We are seeing so much development in each of our players. As a coach, I am thankful for the way this team has been able to take what we cover in practice and apply it to the games they play. We are thankful for this season and extremely excited about our prospective future seasons."

Sale

Continued from Page 1

Hiss mentioned how an entire wing of the facility is empty and that they (Bedford County government) must outsource for nurses and staff, thus "losing money," according to Hiss. His concluded his speech by saying that American Healthcare withdrew their offer to purchase the facility. This was met with applause by those in attendance.

The remainder of the meeting was to discuss if the Bedford County Nursing Home needed to be sold or not. This led to a plethora of citizens voicing their concerns and pleas to not sell the facility to a private, for-profit buyer.

One of the speakers, Bill Vickery, a nurse at the nursing home, was reached for additional comments. Vick-

ery, a nurse at the nursing home, spoke on his disapproval of the possibility of selling the facility because it is a part of Falling Creek Park and has been a part of the Bedford community since 1830.

Vickery stated that, "... I'm primarily against the sale because ... private for-profit companies typically can't provide the same level of care as nonprofits can."

Another concern Vickery had was the possibility of the facility being sold to another provider a year or two from now, if sold to a for-profit company. Vickery said that he feels that the board is using the withdrawal of American Healthcare's offer to not have to cast a vote right. Withdrawal was "a relief to the board," Vickery believes.

Vickery said "any private company that wants to buy will run into a buzzsaw of community opposi-

tion." During the meeting, Vickery pleaded to the board to form a committee to aid the nursing home, not simply selling it.

Vickery talked about how one good thing that came out of the meeting is that it showed that the community values the nursing home and respects the land that was given to Bedford County to help people, and if it is sold, it would go against that and it should not waiver from that since it's the county's responsibility.

Members of the board of supervisors voiced their opinions on the matter. The board reiterated their appreciation of the public's "passion" on this matter and how they "were not trying to pull one" of the citizens of Bedford County. For more info on this ongoing matter, contact the Bedford County Town Clerk at 540-587-6001.



Forest Fire Department/Contributed

Shown are various teams that responded to a hazardous situation involving chemicals mixing to create a chlorine gas cloud occurred Friday at the Central Wastewater Treatment Plant on Orange Street in Bedford.

Hazmat

Continued from Page 1

for chlorine gas, according to a joint statement from BRWA, Bedford County officials and the Town of Bedford. BRWA staff re-entered the plant to assess the situation to ensure proper measures were taken moving forward.

Due to this incident, four people were transported to Bedford Memorial Hospital, where they were treated and released. Twelve people were evaluated and treated on the scene. All people have been released from care.

Bedford Police Department went door-to-door alerting 46 resident homes and seven businesses Friday morning to inform them about the situation and suggest they evacuate. Downtown Bedford was not affected in this evacuation.

Blue Ridge Community Church opened a shelter for anyone needing a place to go, but as of 3:30 p.m. Friday, no people had uti-

lized this shelter.

This was an isolated situation at the Central Wastewater Treatment Plant and no water or wastewater services were disrupted, according to BRWA. The drinking water system was not impacted, and the water from the potable system is safe to drink.

A hotline has been created for citizens to call with any questions or concerns at 540-587-6060.

"The BRWA is grateful for the prompt response of our community to help with this situation. It shows the power of the Bedford community in coming together with a united force when situations occur that impact our citizens," said BRWA Executive Director Brian Key.

This response effort was a united front from the local and regional area of these agencies:

- Bedford County Department of Fire and Rescue
- Bedford Fire Department
- Bedford Police Department

- Bedford Public Works
- Bedford Regional Water Authority
- Bedford County Sheriff's Office
- Centra Health Transport
- Forest Fire Department
- Life Care Ambulance Service
- Moneta Fire Department
- Salem Hazardous Material
- Roanoke Hazardous Material
- Virginia Department of Emergency Management
- W.E.L. (Cleanup Services)

The Bedford Regional Water Authority provides water and wastewater services to the residents and businesses in Bedford County and the Town of Bedford; additionally, the BRWA partners with the Western Virginia Water Authority to serve customers surrounding Smith Mountain Lake in both Bedford and Franklin County.

For more information, visit the BRWA's website at www.brwa.com.

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County responds to Uvalde shooting

TAYLOR BERGER
Smith Mountain Eagle

During the Franklin County Board of Supervisors meeting Tuesday, June 21, Franklin County Public Schools (FCPS) Director of Operations Jason Guilliams addressed what Franklin County will do to better protect students because of the Uvalde, Texas, shooting. Guilliams said that “our goal is to never evaluate what happened somewhere else but to evaluate how are we prepared.” Guilliams highlighted the importance between the relationship between the sheriff’s office and schools, and how that relationship has strengthened and will only continue to grow. Deputies are going to the schools and checking on safety, such as if doors are locked. Active shooter training is

ongoing for school faculties, and participation has been required for years. There are fire drills, lockdown drills, and crisis and threat teams in place in schools in an effort to help students in emergency situations.

Technological safety also is a priority as systems such as the ability to call 911 and the call being traced as legitimate are being discussed.

After Guilliams finished his update, Sheriff W.Q. Overton addressed school safety and agreed with Guilliams on all he presented before the board as it pertained to ensuring the safety of students. Overton talked about how a survey was conducted and students did in fact fear for their safety, and that shouldn’t be the case, according to Overton.

Board member Ronald

Mitchell then presented a passion-filled speech on how action needs to be done about protecting students and how merely talking about what needs to be done needs to cease.

Chairman Ronnie Thompson agreed but told Mitchell that it’s not that easy and things “have to be worked out.”

FCPS Superintendent Dr. Bernice Cobbs approached the board and mentioned how there are four safety officers who are currently unarmed, and a total of 12 schools are without proper security.

Overton mentioned the difficulty of having officers present at these schools.

Thompson told Cobbs and Overton to have something in place and have proposals instead of just talking about it. The other members agreed.

Guilliams provides facilities update

TAYLOR BERGER
Smith Mountain Eagle

With it being hot outside, Franklin County Public Schools (FCPS) Director of Operations Jason Guilliams gave an update during the Franklin County Board of Supervisors meeting Tuesday, June 21, on elementary schools and addressed the recent tragedy in Uvalde, Texas.

Guilliams gave a facilities update on Snow Creek, Burnt Chimney, Glade Hill and Sontag elementary schools. All are on schedule to be finished before or on Aug. 10, before school resumes. More secure entrances for Snow Creek and Burnt Chimney have begun.

Snow Creek updates are “more extensive,” according to Guilliams. Also, cafeteria air condition unit

upgrades at Glade Hill and Sontag have begun and are going according to plan. Boiler replacement at Glade Hill have begun as well.

Guilliams also reported that the requests for HVAC upgrades for Benjamin Franklin Middle School are ongoing and are due back by July 14.

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BHS HOSTING CAT ADOPTION EVENT SATURDAY
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BEST-SELLING AUTHOR DAVID BALDACCI WILL BE AT SML
Page 2



SML DEMOCRATS DONATE BOOKS TO LOCAL CHILDREN
Page 6

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William Seidel/
Smith Mountain
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Shown is the home of Chelsae L. Clevenger-Kirk, 29, on the 100 block of Afton Lane in the community of Goodview that went up in flames before Clevenger-Kirk allegedly exited with a weapon and was gunned down by law enforcement.



Ex-sheriff Wells dies

Carl Holland Wells, 86, of Bedford, who is known for serving as the Bedford County sheriff for 21 years, died Tuesday, July 12.

He served as sheriff from 1974 to 1995 and was a deputy sheriff for many years prior to his election as sheriff.

"The men and women of the Bedford County Sheriff's Office are saddened to announce the

See **WELLS**, Page 8



Wells

CA: Officer shooting death of Goodview woman 'justified'

The Bedford County Commonwealth Attorney's Office has determined that law enforcement officers "acted appropriately and with justifiable use of lethal force" when shooting Chelsae L. Clevenger-Kirk, 29, of Goodview on Nov. 7, 2021, according to a report released Monday.

Therefore, no charges will be brought against officers involved in the incident.

According to previous reports, the incident began at approximately 5:30 p.m. Nov. 6, 2021, when a Virginia Department of Wildlife Resources Conservation Police Officer attempted to stop

Kirk, who was riding a motorcycle without wearing a helmet. Kirk did not stop and continued to a residence in the 100 block of Afton Lane in Goodview, then went inside.

After two other officers arrived,

See **KIRK**, Page 9

Man charged with attempted murder of officer

A Bedford County man was charged with assault on a family member and attempted capital murder of a law enforcement officer, according to the Bedford County Sheriff's Office last Wednesday.

The Bedford County Sheriff's Office stated that the office received a call at approximately 10:16 p.m. Tuesday, July 12, for a domestic related disturbance in the 2000 block of Woodshire

See **CHARGES**, Page 6



Lewis

111 indicted in drug busts in 1st half of year

The Franklin County Sheriff's Office stated Tuesday, July 12, that from January to June 2022, the Narcotics Division with the Franklin County Sheriff's Office has continued an extended drug investigation that has led to 111 individuals receiving 214 indictments directly related to drug activity.

"The Franklin County Sheriff's Office remains dedicated to the aggressive pursuit of illegal use and sale of dangerous, illicit drugs in an effort to protect all within this community," the sheriff's office stated.

These indictments include the

following:

- Possession and/or sale of schedule I or II drugs
- Possession and/or sale of schedule III drugs
- Possession and/or sale of schedule IV drugs
- Possession with intent to manufacture schedule I/II
- Manufacture/distribute schedule I/II drugs
- Distribution of schedule IV drugs
- Distribution of schedule VI drugs
- Distribute meth greater than

See **DRUGS**, Page 9

Citizens rally over LGBTQIA+ display removed at library

TAYLOR BERGER
Smith Mountain Eagle

Each month, the staff at the Forest library puts books on display in the children's section that discusses different heritages or holidays, and during the month of June, a display was created for Pride Month but later taken down per order of the Bedford County Board of Supervisors due to public complaints.

However, during the board of supervisors meeting Monday, July 11, many citizens of the community spoke up voicing disagreement of the board removing the Pride Month display, thus impacting those of the LGBTQIA+ community.

LGBTQIA stands for "les-

bian, gay, bisexual, transgender, queer/questioning (one's sexual or gender identity), intersex, and asexual/aromantic/agender," according to the Merriam-Webster dictionary.

Allison Clark, who was first to speak during the citizens comment portion, voiced her frustration toward the board and various groups who also support the removal. Clark stated that "you cannot control it ... You cannot stop the flow of information" when referring to those trying to stop students knowing of LGBTQIA-related resources.

When discussing how the board can rectify this situation, Donna St. Claire said it was like

See **LIBRARY**, Page 9



Jeff Reid/Smith Mountain Eagle

Lakegoers battle it out with water at the Crazy Horse Marina on Saturday morning as part of Pirate Days.

Pirate Days full of fun, sun, celebration on SML

ADAM POWELL
Smith Mountain Eagle

The annual Pirate Days returned with a bang on Smith Mountain Lake this past weekend, as thousands descended on the area for three days of fun, sun, and celebration.

Smith Mountain Lake was blessed with ideal weather, which made Pirate Days and its various attractions a must-see experience.

The majority of the boat water battles, which are a staple of Pirate Days, were held Saturday at Crazy Horse Marina. Chris Bechtler, who manages the marina, was pleased with the turnout this year.

See **PIRATES**, Page 11



Jeff Reid/Smith Mountain Eagle

Chris and Pat Bechtler of Crazy Horse Marina pose for a photo on a golf cart that has been converted to a pirate ship on Sunday morning.

Vol. 38, No. 29

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SMITH MOUNTAIN EAGLE

DWR encourages lifejacket wear while boating

The Virginia Department of Wildlife Resources (DWR) is reminding all boaters to stay safe this summer and always wear a life jacket while on the water.

“A good day on the water can turn tragic in seconds,” DWR stated. “No matter where you boat, kayak, paddleboard, or canoe — from large lakes and rivers to small farm ponds — wearing a life jacket is essential for safety!”

If venturing out on any type of paddlecraft, operators and passengers are required to have wearable, U.S. Coast Guard approved life jackets on board.

Make sure required equipment is on board the boat before leaving the dock, and tell someone where you are going and expected to return.

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- Navigation Lights –

Power Driven Vessels

- Navigation Lights – Sailing Vessels

DWR has a full list of what’s required on its website: dwr.virginia.gov/boating/boating-safety.

While getting ready for the boating season, boaters should make sure they have U.S. Coast Guard-approved life jackets in good condition that fit every occupant of the boat, including children. Inspect gear, including inflatable life

jacket before adventuring on the water. Inflatable life jackets make it easy for adults to “Wear It” while enjoying their time on the water and being a good role model for young people on their boats. Also, have a plan to re-board the boat in case the unexpected happens and one ends up in the water.

Weather conditions and a marine forecast can be found on the National Weather Service website.

The United States Geological Survey has water temperatures for inland lakes.

To learn more about boating laws in Virginia and information on boating, boating education and water safety, visit: dwr.virginia.gov/boating.

“Remember, everyone wants to have a safe, enjoyable day on the water,” DWR stated. “Do your part by wearing your life jacket and taking a boating safety education course.”

Drugs

Continued from Page 1

or equal to 10g

- Firearms possession related to drug activity
 - Child abuse related to drug activity
 - Malicious wounding
 - Receive/buy stolen goods greater than \$1,000
- “Sheriff (Bill) Overton would like to recognize

the significant hard work, dedication, and time that members of this office give to this cause each and every day,” the sheriff’s office stated. “Many of these cases go unseen to the general public, although they are very important interventions. This office will continue to work diligently to combat the substance abuse concerns throughout Franklin County.”

Library

Continued from Page 1

“putting toothpaste back in its tube.” St. Claire said that both black history and women’s history months are in the crosshairs now and that nothing can be spotlighted that may make white people feel left out. Everyday is white, straight, male day, according to a

commenter, said St. Claire.

To close, Mary Bennett, a member of one of the groups who were for the removal of the display, thanked the board for removing it and protecting the children. Bennett believes it is the parent’s timing for when their children learning about sexuality, and how the materials should have been relocated to the adult’s section, not displayed in the children’s section.

On June 16, the Bedford Public Library System released a public statement about the controversy, stating that “the library must include a broad spectrum of viewpoints, even on issues with which they disagree” but should be cautious on placement.

“The library must be sensitive to current events, the public mood, and issues shaping our daily lives and

opinions,” the statement read in part. “We understand the presentation of materials should reflect that. We must not censor materials simply because of strong public opinions about a current topic — sexuality, politics, gender, race or whatever — but we must be careful not to present those materials in a manner that suggests we are promoting or opposing certain viewpoints.”

Kirk

Continued from Page 1

shots were heard from the residence and backup was called. A six-hour standoff ensued as Kirk livestreamed the incident on Facebook, and a fire was started in the residence. Kirk later exited the building at approximately 1 a.m. Nov. 8 with a gun and was shot by officers.

She allegedly was under emotional stress, had prior diagnoses of multiple mental health issues and was battling substance abuse addictions, according to Monday’s report. A subsequent autopsy and toxicology of her blood showed that, at the time of her death, her blood alcohol content was over a .18. Her blood was also found to contain both marijuana and amphetamines.

“Law enforcement interaction with the mentally ill far too often results in injury or death,” Commonwealth’s Attorney W. Wesley wrote in an addendum. “Although the use of force in this instance was justified under the laws of Virginia, this in not to conclude that such instances should not be examined and learned from. It is paramount that new tactics, training, and education be invested in to increase the likelihood of non-lethal outcomes for such encounters. Especially in cases in which the disturbed individual is armed or likely to be armed, this task will consistently be assigned to law enforcement to deal with. Thus, it is incumbent on lawmakers and other stakeholders to assist, outfit and prepare law enforcement with the most up to date training and techniques to allow for peaceful resolutions to mental health crises.”

The following comes from the report by Nance titled “Factual Findings and Allegations by the Kirk Family”:

In preparation for the review of the actions of law enforcement, this office met with family members of Ms. Kirk-Clevenger, hereinafter referred to as Kirk. Over the course of that meeting the Kirk family made numerous allegations concerning law enforcement actions on the night in question. They questioned the location of where the shooting took place, who started the fire that destroyed Kirk’s trailer, when that fire began, and the motive of law enforcement in using deadly force as opposed to non-lethal options.

Thus, it was important to determine the accuracy of the statements provided by the law enforcement agents present at the scene. This was done by separately interviewing each officer, deputy, conservation officer, or trooper. These interviews were done by special agents not affiliated with any of the

responding officers. Nearby citizen witnesses were interviewed as well. Audio of law enforcement communications along with the written reports, taken in real time by dispatchers, were also collected. Physical evidence was collected or photographed as were body cameras of Bedford County Sheriff’s Deputies, and the in-car camera of one Virginia State Trooper. Portions of a Facebook livestream produced by Kirk were preserved on YouTube and reviewed to see whether they were consistent with the other evidence collected. Additionally, the lead special agent attempted to speak to individuals whose names were provided by the Kirk family. Those that could be located either did not reply to multiple attempts to speak to them or acknowledged that they did not witness any interaction between Kirk and law enforcement. Finally, the report of the medical examiner, and the toxicology report produced from Kirk’s blood, were also considered in making the factual determinations of this report.

The collection and review of all the evidence validates the general timeline provided by law enforcement. Those individuals were from four separate agencies: the Bedford County Sheriff’s Office, the Town of Bedford Police Department, the Virginia State Police, and the Department of Wildlife Resources. Having separate agencies respond to the scene further indicates the lack of a coverup or a conspiratorial motive for the events of that night. As with any event with multiple participants, there are some minor factual inconsistencies between the many individuals there. These inconsistencies include confusion about the number of persons in Kirk’s trailer. This inconsistency is determined to be due to the distance the officers remained from the home in the initial stages of the incident. This distance caused some officers to believe they saw a male in an orange-colored shirt in the trailer. This was later determined to have been Kirk, wearing a pink colored shirt, who was misidentified due to the distance involved. Other than slight observational errors, law enforcement from multiple agencies provided a similar timeline of events. This timeline was corroborated by their real time observations shared with dispatchers and caught on body-worn cameras and a car camera that actively recorded the audio of the event. These videos were collected that same night and could not have been changed, edited, or falsified to support a conspiratorial effort to conceal the actual events. Additionally, the narrative from Kirk’s Facebook livestream follows a

similar pattern of events even as her perception of them was radically impacted from intoxication and her mental health crisis.

The incident began on the evening of November 6, 2021, when a conversation police officer observed Kirk riding a motorcycle on a public road without a helmet. The officer attempted to initiate a traffic stop but Kirk disregarded those attempts and increased her speed. She was aware of the officer’s presence because she turned, looked at the officer, and even gestured once to him. Kirk did not stop until she reached her residence on Afton Lane. She then ignored his verbal commands to stop and instead went inside the residence. The conservation officer, unfamiliar with Kirk, requested back up. He then spoke through the door to Kirk. He told her he was not going to arrest her, but simply issue her a summons. Shortly thereafter, another conservation officer and an investigator familiar with Kirk arrived. The investigator attempted to get Kirk to come to the door since he had a prior interaction with her. Kirk still refused to come to the door. The investigator then announced that they were going to leave and seek charges with the magistrate. As the officers turned to leave, all three advised they heard what they recognized as several gunshots coming from the residence. The closest law enforcement officer advised he heard Kirk shout “You caused this death!” This wording, or very similar statements, were repeated by Kirk numerous times during her Facebook livestreams throughout the night. At this point, the three officers did not know if Kirk had shot towards them or if there were other individuals in the home that could have been injured. Thus, they were obligated to determine why the shots were fired and if Kirk posed an immediate risk to the community. Consequently, they requested backup and remained at the residence. Initially the additional responding law enforcement agents remained out of sight of Kirk to not escalate the situation. As Kirk continued her erratic behavior throughout the evening and into the night, law enforcement set up a perimeter around the home to contain the threat that Kirk posed and to not allow others into the area to be harmed. During the initial hours of the situation, Kirk came out of the residence on several occasions. She was armed with a firearm, discharged it into the air, held it to her own head, and brandished it towards multiple officers and troopers. She also yelled for law enforcement to shoot her and directed threats to them as well.

Kirk’s family takes issue with law enforcement keeping them from enter-

ing the area and attempting to calm Kirk. They believe that they could have brought a peaceful end to the situation and convinced Kirk to surrender. The law enforcement agencies, however, could not allow any citizen to enter the immediate area while Kirk was armed and emotionally disturbed. The risk of injury or death to those citizens wanting to act as mediators was too great to allow untrained citizens into an armed standoff.

Kirk’s volatility was demonstrated multiple times throughout her Facebook live streams. Although the timeline is not able to be pieced together in the multiple videos, the overall tenseness of the situation, and her emotional fragility are readily apparent. Kirk went back and forth from being belligerent to despondent multiple times in the videos. She made multiple statements that indicated she intended to have law enforcement take her life. Such statements include: “I welcome death,” “There’s going to be a large newscast about a suicide,” “Put a bullet through my head, I’m ready to die,” “I’m about to take my last breath,” “Y’all getting ready to watch a death right on Facebook,” “I’m never leaving here, you’re either gonna kill me or I’m gonna kill myself.” These are not the only examples of such declarations from the livestream. Additionally, Kirk made direct threats to the officers’ lives on several occasions, urging biker gangs to kill law enforcement officers or their families, “(Racial slur), I’ll shoot you in your face!” “Kill them (law enforcement) all, shoot them in the head!” She also called for third parties to kill a neighbor of hers with whom she had an ongoing dispute.

Kirk’s emotional distress was caused by a variety of factors. She had prior diagnoses of multiple mental health issues and was battling substance abuse addictions. She referenced drinking alcohol during the standoff, and her speech was heavily slurred during multiple portions of her livestream. A subsequent autopsy and toxicology of her blood showed that, at the time of her death, her blood alcohol content was over a .18. Her blood was also found to contain both marijuana and amphetamines.

Despite this very volatile situation, law enforcement employed nonlethal measures for over six hours. Multiple trained negotiators were used throughout the evening and into the night. They used both a bullhorn and cell phone to communicate with Kirk. Eventually, Kirk stopped responding to calls to her phone. Both female and male negotiators were used to try and convince Kirk to surrender peacefully. Additionally, officers with prior

experience with Kirk attempted to reason with her to no avail. On several occasions, Kirk requested that law enforcement stop their communications so that she could think, and law enforcement ceased communications and calls to her for periods of time. Eventually, the Bedford County Sheriff’s Office used two different types of powder projectiles to attempt to have Kirk leave the residence. These devices are not capable of igniting, nor have combustible components. They expel a fine powder, not smoke or gas, and can be eliminated as a cause of the fire at the residence. Despite numerous projectiles being launched into the residence, Kirk refused to exit.

At one point, Kirk stated that if law enforcement gave her fifteen minutes, she would leave the trailer voluntarily. As the agencies waited, officers from several different agencies saw a small flame in the area of the trailer’s bathroom. This flame was apparently a lighter or candle used to light the bathroom curtains on fire. Law enforcement’s sequence of events is corroborated by a citizen witness who, when interviewed, told special agents that law enforcement warned him that the trailer across the street was on fire. It was only after the citizen was told this, and went back to bed, that he was woken again by the sound of gunfire. Additionally, there is recorded radio chatter of the fire starting, and fire personnel being advised of the fire, well before the final confrontation in Kirk’s front yard. Thus, there is no merit to the Kirk family’s claim that the fire started by law enforcement after Kirk was killed. Although there was an investigation of the fire by the Virginia State Police, a definitive origin of the fire could not be independently verified because of the amount of damage to the residence. The projectiles and a lightning strike were eliminated as likely causes, although accident, an electrical origin, along with an intentional setting of the fire could not be eliminated. Thus, with the observations of several law enforcement officers from different agencies, an intentional fire started by Kirk is overwhelming the most likely origin.

The Kirk family also alleged that Ms. Kirk was killed because she was exposing secrets on Facebook, and thus was killed to silence her. In reviewing the videos that still exist, no such secrets were found. Kirk does identify individual citizens as being involved in illegal drug distribution. Additionally, she repeatedly referenced Operation Pain Train. That operation, prosecuted in Federal Court between 2009 and 2015, involved Bedford County law enforce-

ment. Further, there were allegations of misconduct by a Bedford deputy during that investigation that Kirk repeatedly referenced. Such alleged misconduct has been exhaustively reported and documented in open court and in the media. Thus, in the videos reviewed in preparation for this report, no new allegations of misconduct were alleged by Ms. Kirk that could be inferred as motivation for her being killed.

As the fire quickly grew, smoke and flame filled the trailer. It was only then that Kirk exited the residence. Multiple officers immediately began to order Kirk to show her hands. Those commands were captured by the in-car camera of a Virginia State Trooper. Those commands changed to orders not to go for the gun before multiple officers fired their weapons. This corroborates statements by law enforcement that Kirk came out initially with a beer bottle in her hand. She was then seen taking her right hand to the small of her back and retrieving a handgun. She brought the weapon up and brandished it directly at law enforcement. Multiple officers discharged their firearms, causing Kirk to be struck and fall back toward the burning structure. Immediately officers rushed to her, pulled her away from the structure, and attempted life saving measures. They were unsuccessful. A subsequent autopsy and ballistics evaluation could not determine which of the five service weapons collected, inflicted Kirk’s fatal wound. For that reason, and for the legal analysis that follows, those five law enforcement officers will not be named in this report.

Thus, cross referencing multiple forms of evidence, I find no factual merit to the claims of the Kirk family. The timeline provided by multiple law enforcement agencies is consistent with real time notes made by law enforcement and dispatch. It is further supported by the physical evidence, audio and video recordings, and the real time statements made by Ms. Kirk. Any inconsistencies from one individual to the other can be explained by different observation points, the perceptions of each individual, or the inherent stress of this incident.

The report continued with the legal standard of lethal force in Virginia and an analysis of the events in relation to the law.

“Thus, it is the final decision of the Bedford County Commonwealth Attorney’s Office that the officers acted appropriately and with justifiable use of lethal force against Chelsea Kirk on November 7, 2021,” the report concluded. “There will be no charges sought against any officer for their actions taken during the performance of their duties on that date.”