


From: Buchwald, Shayne E. (BA) (FBI) sebuchwald@fbi.gov 
Subject: RE: Fox News Response
Date: May 16, 2018 at 11:53 AM
To: johnrlott crimeresearch.org johnrlott@crimeresearch.org

John,

The FBI appreciates the interest shown by the Crime Prevention Research Center in FBI Active Shooter information reports. The selection of cases for inclusion in these reports is the result of a consensus vote of analysts and Law Enforcement professionals using the methodology stated in the original 2013 study. In some cases, a level of interpretation is required with which all may not agree. The FBI notes your differing opinion in the stated cases.

Thank you,
Shayne

From: johnrlott crimeresearch.org [mailto:johnrlott@crimeresearch.org]
Sent: Wednesday, May 16, 2018 7:36 AM
To: Buchwald, Shayne E. (BA) (FBI) <sebuchwald@fbi.gov>
Subject: Re: Fox News Response

Dear Shayne:

Thanks very much for getting me the response yesterday evening. I greatly appreciate your time. I have put together responses to your notes that I would appreciate you looking at.

The report that looked at the years from 2000 to 2013 provided a more detailed definition of active shootings than the one paragraph that you quoted from. It was this more detailed definition that I used

- [This is not a study of mass killings or mass shootings](#), which involve at least several people being killed. An “active” shooter case may possibly occur any time a gun is fired, even if no one is injured or killed.
- The FBI includes only shootings in “[public places](#)” such as: commercial areas (malls, stores and other businesses); schools and colleges; open spaces; government properties (including military bases and civilian offices); houses of worship; and healthcare facilities.
- They also exclude: “[shootings that resulted from gang or drug violence](#),” occurred in the commission of another ongoing crime such as robbery, a case arising primarily from self-defense, primarily a domestic dispute, and a barricade/hostage situation.

Thank you.
John

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On Tuesday, May 15, 2018, at Tuesday, May 15, 5:27 PM, Buchwald, Shayne E. (BA) (FBI) <sebuchwald@fbi.gov> wrote:

Mr Lott,
Please see the response below.
Best,
Shayne

From the 2016 - 2017 report:

The FBI defines an active shooter as one or more individuals actively engaged in killing or attempting to kill people in a populated area. Implicit in this definition is the shooter's use of one or more firearms. The active aspect of the definition inherently implies that both law enforcement personnel and citizens have the potential to affect the outcome of the event based upon their responses to the situation. This report supplements two previous publications: A Study of Active Shooter Incidents in the United States Between 2000 and 2013 and Active Shooter Incidents in the United States in 2014 and 2015. The methodology articulated in the 2000-2013 study was applied to the 2016 and 2017 incidents to ensure consistency.

From the 2014 - 2015 Report:

The methodology to identify incidents is the same as articulated in A Study of Active Shooter Incidents in the United States Between 2000 and 2013.

From the 2013 Study:

This is not a study of mass killings or mass shootings, but rather a study of a specific type of shooting situation law enforcement and the public may face. Incidents identified in this study do not encompass all gun-related situations; therefore caution should be taken when using this information without placing it in context. Specifically, shootings that resulted from gang or drug violence—pervasive, long-tracked, criminal acts that could also affect the public—were not included in this study. In addition, other gun-related shootings were not included when those incidents appeared generally not to have put others in peril (e.g., the accidental discharge of a firearm in a school building or a person who chose to publicly commit suicide in a parking lot). The study does not encompass all mass killings or shootings in public places and therefore is limited in its scope. Nonetheless, it was undertaken to provide clarity and data of value to both law enforcement and citizens as they seek to stop these threats and save lives during active shooter incidents.

As for the specific incidents mentioned, a preliminary review of the incidents by the active shooter research team yielded the following results:

1. Arlington, Texas, incident): Does not meet the FBI definition. The shooter had previously complained about the manager to his cousin. Subject knew the manager prior and only shot the manager, no one else.

Our response: There are plenty of similar cases in the FBI's list of active shooters where an attacker had a grudge against someone. Take the shooting at the Crawford County Courthouse in Girard, Kansas on September 13, 2011. Jesse Ray Palmer, the killer, "inquired about the location of a specific judge, who was not in the building, and then shot and wounded the judge's secretary. No one was killed; one person was wounded." It wasn't even necessary that others be shot at for that case to be included in the list. Or take a shooting at another bar. On November 7, 2009, at the Sandbar Sports Grill in Vail, Colorado. "Before the attack, Moreau had an argument inside the bar and was escorted out by security." He returned to the bar and killed the person who he had the argument with.

Nor is it obvious why it matters that the attacker "only shot the manager, no one else." In the Courthouse example above, only one person was shot. There are also many examples in the FBI's list of active shooters where no one was either killed or wounded. Here are some examples.

- Memorial Middle School in Joplin, Missouri, October 9, 2006
- Larose-Cut Off Middle School in Cut Off, Louisiana, May 18, 2009
- Farm King Store in Macomb, Illinois, February 3, 2010
- School board meeting in the Nelson Administrative Building in Panama City, Florida, December 14, 2010

In the case we point to, the killer here not only shot at the manager, Zona Caliente, but he also shot at the front door as people were trying to escape. The manager was not near the front door. The police spokesman said that the permit holder's quick actions prevented "further loss of life," so there is at least the police believed that others would have been harmed.

2. Lyman, South Carolina, incident: Does not meet FBI definition. Was the result of an altercation. (The shooter got into an argument with someone then fired indiscriminately into the crowd.)

Our response: There are other cases in the previous FBI reports on active shooters that involve an altercation or arguments. For example, take the Perry Hall High School shooting in Baltimore, Maryland on August 27, 2012. "The shooter had an altercation with another student before the shooting began. He left the cafeteria and returned with a gun." In this case, only the person that the attacker was arguing with was injured, no one was killed. As to firing indiscriminately into a crowd, there is nothing in the FBI definition of active shooters that makes this a disqualifying characteristic. Indeed, the first FBI report on the data from 2000 to 2013 mentions (p. 44): "Because the risk to civilians in active shooter incidents appears to do with the apparent randomness of so many victims . . ."

3. Winston Ohio, incident: Does not meet our definition. Domestic dispute

3. Winston Ohio, incident: Does not meet our definition. Domestic dispute.

Our response: This was **nota** domestic dispute. It was an interaction between neighbors in public on the street. It was not "contained" in a residence. Multiple people were shot at. In any case, there were multiple shootings described as "neighborhood" shootings.

-- October 31, 2015: Noah Jacob Harpham "began shooting people as he walked down the street in a Colorado Springs, Colorado, neighborhood." Harpham lived in the neighborhood and just walked down the street. Two of the women who were killed were sitting on their front porch.

4. Conyers, Georgia incident: The FBI did not come across this incident during its research back in 2015, but it does meet the FBI's active shooter definition. As stated in the 2013 Study Methodology, FBI active Shooter reports do not encompass all mass killings or shootings in public places and therefore are limited in their scope. Nonetheless, these reports are undertaken to provide clarity and data of value to both law enforcement and citizens as they seek to stop these threats and save lives during active shooter incidents. There is no reporting requirement for Law Enforcement agencies to report potential active shooter incidents to the FBI, so some cases will be missed.

6. Philadelphia, Pennsylvania incident: Does not meet FBI definition. Result of an altercation. The shooter got into an argument with another person inside the shop. The shooter took out his gun and opened fire on the barber.

Our response: Again, there are other cases in the previous FBI reports on active shooters that involve an altercation or arguments. For example, take the Perry Hall High School shooting in Baltimore, Maryland on August 27, 2012. "The shooter had an altercation with another student before the shooting began. He left the cafeteria and returned with a gun." In this case, only the person that the attacker was arguing with was injured, no one was killed. As to firing indiscriminately into a crowd, there is nothing in the FBI definition of active shooters that makes this a disqualifying characteristic. Indeed, that is the hallmark of many mass public shootings.

Given the FBI definition, the only thing that might disqualify including this case would be if it primarily arose primarily from self-defense. No story discusses it involving self-defense.

7. Portland, Oregon incident: Does not meet FBI definition. Shooter just went after the bouncer who had ejected him from the nightclub earlier in that evening.

Our response: Yes, the shooter was ejected and then returned later to shoot the bouncer, but there are multiple cases already discussed where there was apparently one primary target (such as the judge case). In addition, there was the fear that this attacker could have shot others, especially when it looked like he was turning when he got outside the front door, but the permit holder stopped the attacker before that could happen. It isn't clear how this case is different from other ones that are included on the FBI list. For example, the Sandbar Sports Grill case on November 7, 2009, is very similar. The attacker there was escorted out of the bar by security before the attack. Both cases involve the attacker retrieving a gun and

then returning later to do the attack.

While those two cases involve a person being forced to leave a bar by a bouncer/security, the Atlantis Plastics Factory case (June 25, 2008) involved an employee being "reprimanded by a supervisor" and "escorted from the plant." Similarly, the Kraft Foods Factory case on September 9, 2010, involved an employee being "escorted from the building." Again, in these cases, the attacker returned with a gun to shoot people.

5. New Holland, Wisconsin incident: Does not meet FBI definition. The suspect didn't shoot at anyone. Shot in the air and shot his own car.

Our response:

The people at the scene felt threatened and they believed that the permit holders saved the lives of the children and the firefighters. The attacker pointed his gun at people for "lengthy periods of time." There are plenty of cases on the FBI's list of active shootings where no one was injured or killed in the shooting.