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Gun crimes drop at Virginia bars and restaurants

By Mark Bowes



Virginia's bars and restaurants did not turn into shooting galleries as some had feared during the first year of a new state law that allows patrons with permits to carry concealed guns into alcohol-serving businesses, a Richmond Times-Dispatch analysis found.

The number of major crimes involving firearms at bars and restaurants statewide declined 5.2 percent from July 1, 2010, to June 30, 2011, compared with the fiscal year before the law went into effect, according to crime data compiled by Virginia State Police at the newspaper's request.

And overall, the crimes that occurred during the law's first year were relatively minor, and few of the incidents appeared to involve gun owners with concealed-carry permits, the analysis found.

A total of 145 reported crimes with guns occurred in Virginia bars and restaurants in fiscal 2010-11, or eight fewer than the 153 incidents in fiscal 2009-10. State police track all murders, non-negligent manslaughters, aggravated assaults, forcible sex crimes and robberies in more than two dozen categories, including "bars/nightclubs" and "restaurants."

"The numbers basically just confirm what we've said would happen if the General Assembly changed the law," said Philip Van Cleave, president of the pro-gun Virginia Citizens Defense League, which strongly

lobbied for the law's change that made Virginia one of 43 states to allow concealed guns in restaurants that serve alcohol. "It's sort of a big yawn. So from my point of view, none of this is surprising."

"Keep in mind," Van Cleave added, "what the other side was saying — that this was going to be a blood bath, that restaurants will be dangerous and people will stop going. But there was nothing to base the fear-mongering on."

State Sen. A. Donald McEachin, D-Henrico, who was a strong opponent of the law, said it's not clear what conclusions can be drawn from just a year's worth of data.

"Most folks obey the law, and that's a good thing," said McEachin, who remains staunchly opposed. "But I don't think it takes a rocket scientist to figure out that just like drinking and driving doesn't mix, guns and drinking don't mix."

David Rittgers, an attorney and decorated former Army special forces officer who is now a legal policy analyst at the libertarian Cato Institute, said the growing number of states that are adopting concealed-carry measures like Virginia's have seen no appreciable rise — and in some cases a decline — in violent crime.

"The worst that you can say about these laws is that they are statistically value neutral" in terms of impacting the crime rate, Rittgers said.

Rittgers said states that have enacted such concealed-carry legislation — "even when they've done some relatively restrictive provisions upfront" — have relaxed those over time "because of the lack of violent incidents that might be connected with persons carrying concealed (weapons) with a permit."

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At The Times-Dispatch's request, state police pulled from their computerized database all major crimes at bars and restaurants reported by local law-enforcement agencies across Virginia for two successive fiscal years. The Times-Dispatch then contacted more than a dozen police departments in Virginia for more detailed information on all aggravated assaults, homicides and sexual assaults involving firearms at those businesses.

Reported robberies were not analyzed because they tend to involve premeditated crimes by perpetrators openly displaying guns, and many of the affected businesses are chain restaurants that don't serve alcohol.

Only two fatal shootings occurred during the last fiscal year — one outside a Petersburg nightclub and the other at a Radford restaurant — but neither involved concealed-gun permit holders. And only two of the 18 aggravated assaults reported could be linked definitively to concealed-carry holders.

Several other cases appear to have involved hidden guns, but the suspects either didn't have a concealed permit, or they fled the scene before they could be identified and arrested.

One of the few unambiguous cases of a concealed-gun permit holder breaking the law occurred on July 28, 2010 — 27 days after the law became active — at a deli in York County. In that case, a patron who had been drinking heavily with a gun concealed in his pocket allegedly sexually harassed a female waitress and, at one point, placed his hand over his hidden gun so the waitress could see its outline.

After making a comment the waitress construed as a threat, the man left but was stopped a short time later by police. They recovered a .380-caliber pistol from his pants pocket and charged him with driving under the influence, brandishing a firearm and carrying a concealed weapon.

He was charged with the latter offense — even though he had a permit to carry the gun — because he had been drinking in the deli while in possession of a concealed firearm. The law forbids concealed-gun permit

holders to drink alcohol while they are inside bars and restaurants with guns hidden from view. Patrons who legally carry firearms openly into bars and restaurants can drink freely.

Authorities confiscated the man's concealed-gun permit, but the brandishing and concealed weapon charges were eventually withdrawn by prosecutors. He was convicted of driving while drunk.

In another case closer to home, a Hopewell man with a concealed-carry permit was arrested in June after police said he brandished a gun in the parking lot of a chain restaurant after a verbal dispute escalated into a fight among several patrons. No shots were fired, but punches were thrown.

Although the man pulled a concealed weapon during the fight, the new law didn't really apply because the restaurant where the incident occurred doesn't serve alcohol. The man was convicted last month of brandishing the gun — which he appealed — and a malicious-wounding charge was certified to a Hopewell grand jury.

Aside from the two homicides, the only assault that resulted in a person being shot occurred in February outside a Virginia Beach restaurant and bar. The shooting followed an altercation inside the restaurant. Several unknown men were asked to leave, and the victim was shot and wounded as he walked toward a male in an adjacent parking lot, police said.

But because the suspect was never identified and arrested, police don't know whether the shooter was carrying a concealed gun or whether he had a permit to carry it.

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Tom Lisk, a lobbyist who represents the Virginia Hospitality and Travel Association, still believes it's a bad idea to mix alcohol and firearms, and he says the crime numbers essentially affirm his initial position on the issue.

"We acknowledged during the legislative debate that the vast majority of individuals that hold concealed-weapons permits are indeed law-abiding citizens, and most would not cause any problem," Lisk said. "But at the same time, we also advocated that they in fact were human beings, and some small number would probably be the source of some problem because you're mixing alcohol and firearms.

"And I think that's pretty much borne out by what we've seen," added Lisk, citing the York case as an example. "This was a law-abiding citizen that got a permit, but yet he went in and broke the law by drinking while carrying a concealed firearm."

Lisk also cited another incident publicized last year that involved a concealed-permit holder who accidentally shot himself in the thigh at a Lynchburg restaurant. The gun discharged after the man apparently reached into his pocket to pay the bartender for a beer. He was convicted of recklessly handling a firearm, ordered to pay a \$500 fine and lost his concealed-carry permit for a year. His gun was confiscated.

While the new law has not led to rampant crime or "random bloodshed in restaurants," Lisk said, "certainly we've seen a few incidences of permit holders using bad judgment — drinking and then, in unfortunate circumstances ... shooting themselves or accosting a waitress. So I think in that respect our concerns have been validated."

McEachin echoed that view.

"I promise you that the waitress that had the gun brandished at her by someone who was drunk and sexually aggressive — to her that was a serious offense," he said. "And when someone gives themselves a self-inflicted wound, that just underscores the fact that guns and drinking don't mix. I don't know if there's anything disproven by those numbers."

Rittgers said once concealed-carry laws come into effect, the fears associated with such measures generally are not realized and fade. "None of those predictions, frankly, have come to pass," he said.

A certain amount of unreasonable fear is associated with guns generally because they are used by criminals in committing crimes, Rittgers said. But concealed-carry holders, who Rittgers said tend to be more law-abiding than the general citizenry, "are willing to go through the background checks and the training that is often required" for the permit.

Van Cleave believes he and other supporters of the law deserve an apology — especially those who "screamed the end of the world was coming with this."

"At some point," Van Cleave said, "it would be nice to have some of them admit that they were wrong, that they didn't see any of the horrible things that they thought were going to happen."

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