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4     SELECT COMMITTEE TO INVESTIGATE THE  
5     JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6     U.S. HOUSE OF REPRESENTATIVES,  
7     WASHINGTON, D.C.

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11    INTERVIEW OF: STEVEN ANDREW SUND  
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15    Wednesday, April 20, 2022

16  
17    Washington, D.C.  
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20    The interview in the above matter was held via Webex, commencing at 10:07 a.m.  
21    Present: Representatives Lofgren and Cheney.

1      Appearances:

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4      For the SELECT COMMITTEE TO INVESTIGATE

5      THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7      [REDACTED] INVESTIGATIVE COUNSEL

8      [REDACTED] SENIOR INVESTIGATIVE COUNSEL

9      [REDACTED] PROFESSIONAL STAFF MEMBER

10     [REDACTED] CHIEF INVESTIGATIVE COUNSEL

11     [REDACTED] INDEPENDENT CONTRACTOR

12     [REDACTED] CHIEF CLERK

13     [REDACTED], PROFESSIONAL STAFF MEMBER

14     [REDACTED] INVESTIGATIVE COUNSEL

15     [REDACTED], SENIOR FINANCIAL INVESTIGATOR

16

17

18     For the UNITED STATES CAPITOL POLICE:

19

20     LISA N. WALTERS

21     Office of General Counsel

22

23     For STEVEN ANDREW SUND:

24

25     LISA BANKS

1 [REDACTED] We'll go on the record at 10:07 a.m.

2 This is an interview of Steven Sund conducted by the House Select Committee to  
3 Investigate the January 6th Attack on the United States Capitol pursuant to House  
4 Resolution 503.

5 Chief Sund, could you please state your full name and spell all of it for the record?

6 Mr. Sund. Yes, sir. My first name is Steven, S-t-e-v-e-n. Middle name is  
7 Andrew. Last name is Sund, S-u-n-d.

8 [REDACTED] Thank you so much.

9 I'd like to ask everyone in the room that they introduce themselves for the record.  
10 I will begin with my colleagues.

11 [REDACTED] Good morning, Chief Sund. [REDACTED] I'm a  
12 senior investigative counsel here on the committee.

13 [REDACTED] I am [REDACTED] senior -- [REDACTED] investigative counsel.

14 [REDACTED] Good morning. I'm [REDACTED] investigative counsel with the  
15 committee.

16 [REDACTED] Hi, Chief Sund. I'm [REDACTED] I'm the chief investigative  
17 counsel for the select committee. Thanks very much for being here.

18 [REDACTED] And also for the committee, online we have [REDACTED] who is an  
19 investigator with the committee. We also have Vice Chairwoman Cheney, who's also on  
20 the call as well. Good morning, ma'am.

21 Ms. Cheney. Good morning. Thank you. And good morning, Chief Sund.

22 Mr. Sund. Good morning, ma'am.

23 [REDACTED] And also Lisa Walters from the United States Capitol Police, Office  
24 of the General Counsel.

25 And I would note, with you, Mr. Sund, I believe we have Ms. Lisa Banks, your

1           counsel. Is that correct?

2           Mr. Sund. Yes.

3           Ms. Banks. Yes. This is Lisa Banks representing Chief Sund.

4           ██████████ Thank you so much.

5           This will be a staff-led interview, and members, of course, may choose to ask  
6           questions during this process.

7           Again, my name is ██████████ Myself and my colleague, ██████████ will be the  
8           primary investigative counsels conducting this inquiry.

9           Before we begin, I'd like to describe a few ground rules. There is an official court  
10          reporter transcribing the record for this deposition. Please wait until each question is  
11          completed before you begin your response. We will try to wait until your response is  
12          complete before we ask our next question.

13          The stenographer cannot record nonverbal responses, such as shaking your head,  
14          so it is important that you answer each question with an audible, verbal response.

15          We ask that you provide complete answers based on your best recollection. If  
16          the question is not clear, please ask for clarification. If you do not know the answer,  
17          please simply say so.

18          I also want to remind you that it's unlawful to deliberately provide false  
19          information to Congress, and that you and your counsel have an opportunity to review  
20          the transcript of this transcribed interview.

21          Before we begin in earnest, Chief Sund or Ms. Banks, any questions before we  
22          begin?

23          Mr. Sund. No, sir.

24          ██████████ All right. So, Chief, what I'd like to do is give you an outline  
25          of -- sort of a breakdown of what the interview's going to look like, a roadmap, so you

1 kind of know where we're going throughout the process.

2 So I'm going to start with some background information about you professionally,  
3 about your role as the chief of police for the United States Capitol Police, talk about the  
4 organization itself, what are its main functions, roles, and responsibilities, and how it  
5 interplays or interacts with other elements of what I'll call the Capitol complex enterprise,  
6 meaning the House Sergeant at Arms, the Senate Sergeant at Arms, Architect of the  
7 Capitol, Capitol Police Board.

8 We'll then talk about the events leading up to January 6th and sort of what the  
9 Capitol Police's role was during that time. During that portion, we're going to segue  
10 over to my colleague, who's going to spend some time talking about the intelligence  
11 portion of that discussion. And then we'll come back, and we'll talk about the 6th itself.

12 And then we'll have some questions about the summer of 2020 and how that may  
13 or may not have informed any preparations for January 6th, and then conclude, sir, with  
14 any recommendations that you may have for the committee about what we can do -- and  
15 when I say we, I mean the global corporate Federal Government we -- what we can do to  
16 prevent something like this from happening again.

17 So that's the roadmap that we've got going forward.

18 If at any time, sir, you need a break or you want to take a break for a comfort  
19 break or grab some water, we can go off the record and make that happen. So just let  
20 me know.

21 Any questions before we begin?

22 Mr. Sund. No, sir.

23 [REDACTED] All right.

24 EXAMINATION

25 BY [REDACTED]

1           Q     So, Chief, let's start with: When did you serve as the chief of police for  
2     United States Capitol Police?

3           A     Started June -- I'm just -- let's see. June 2019.

4           Q     June 2019. And, sir, can you describe for us your professional experience  
5     that sort of led up to that position as the chief of police for the United States Capitol  
6     Police?

7           A     With the Metropolitan Police Department for a little over 25 years and rose  
8     up through the ranks to the rank of commander, which is equivalent to what's the rank of  
9     a deputy chief, having run their special operation division for approximately 5 years from  
10    2000 -- beginning of 2011 till the end of 2015. And in that role, I handled a lot of the  
11    major events, demonstrations in Washington, D.C.

12          I left there, was out in the private sector for a short time, and was advised of an  
13    opening at the Capitol Police for a operations chief. Was asked to apply for that  
14    position. Went ahead and I thought about it for a little bit, talked to the wife about  
15    getting back into policing, because I did miss it, and joined Capitol Police as their assistant  
16    chief of operations -- at the time, they had one assistant chief over all operations -- in  
17    January of 2017, shortly before the inauguration. And I was in that role up until I  
18    transitioned to the chief's position. Again, I believe it was June of 2019.

19          Q     Thank you, sir.

20          And could you just describe for us briefly a little bit about your educational  
21    background?

22          A     Yes, sir. I have a bachelor's and a master's from Johns Hopkins University,  
23    and a master's from the Naval Postgraduate School.

24          Q     Thank you, sir.

25          I want to talk a little bit about the role of the chief of police for United States

1 Capitol Police and ask you to describe for us sort of what are the primary responsibilities,  
2 roles, and the duties of the chief of the Capitol Police?

3 A Chief of the Capitol Police is kind of a strategic leader for the agency to kind  
4 of set the strategic plans for the department, set some of the goals that we want to have,  
5 long-term goals for the department, and look out for, you know, what are we doing for  
6 personnel, what are we doing for budget, things like that, with the department, and  
7 developing it into, you know, what we envision it to be 5 years from now.

8 I think any chief wants to always leave a agency in a better position in which they  
9 found it, and I think the role the -- of a chief, and especially a good chief, is to kind of set a  
10 roadmap to reach those goals. So that's kind of how I looked at my role as the chief.

11 Q Thank you, sir.

12 Would it be fair to say that the chief is -- is the leader of the senior leadership  
13 team within the Capitol Police?

14 A Yes, sir. Within the Capitol Police, yes, the chief is the -- you know, even  
15 though we have lots of chiefs, the chief is the chief of the department, yes.

16 Q Thank you, sir.

17 And you've described sort of the role from a strategic standpoint, which makes a  
18 lot of sense to me. As a chief of police, did you have any operational role in terms of the  
19 direction of movement or operations, either from a planning perspective and/or in the  
20 actual execution of an event?

21 A When you talk about planning a operational role, so when we were planning  
22 some of the MAGA rallies, like the MAGA I rally, I reviewed -- you know, I've got  
23 experience -- I've handled a couple of demonstrations, but I reviewed some of the fencing  
24 layout for the MAGA I and made some recommendations for some changing -- changes in  
25 those areas.

1           So I'm trying to think of any other operational. But, you know, I kind of try to do  
2 my best to look over and see, you know, the operation plan and make sure it's being  
3 executed, or see, you know, that we have a decent one put together.

4           Q     Copy that, sir.

5           So it sounds like you have experience both to sort of put the ops plan together,  
6 and then it may come to you for sort of a final review or input before it's executed. Is  
7 that a fair assessment?

8           A     Yeah. Yes. Yeah, sometimes, yes, yeah.

9           Q     And do you recall, sir, if that happened specifically with respect to  
10 January 6th? I know you mentioned the MAGA -- one of the MAGA marches. Do you  
11 recall if that also happened with respect to January 6th?

12          A     When you say that, having an operational role?

13          Q     Yeah. I'm sorry. Let me clarify. So you described for us how your team  
14 puts together an op plan, and then you review that op plan. I guess I'm wondering, did  
15 the team put together an op plan for you for January 6th that you had the opportunity to  
16 review and provide input?

17          A     So the team put together a -- an operations plan. So you have really two  
18 events on January 6th. You have the outside demonstrations that are taking place  
19 outside the Capitol, and inside the Capitol, you have the Joint Session of Congress. So  
20 you really have two different plans taking place.

21          The ops plan had been developed for the assistant chief of operations, for  
22 uniformed operations. He actually was on leave, I want to say, the last week of  
23 December. So one of the deputy chiefs -- I guess he had advised one of the deputy  
24 chiefs to forward it over to me for review. I had reviewed it. We had talked about -- a  
25 little bit about some of the CDU deployment.

1           But when Chief Thomas returned, we had some further discussions about our  
2 personnel -- number of personnel that we had on it. We expanded to the maximum  
3 amount of CDU personnel that we could have deployed on the 6th. I activated the most  
4 amount of resources available at my disposal to put on the event.

5           And then they wrote a second -- that's when we had a second CDU plan that came  
6 out. I think we're in -- January 5th was the date of the second CDU plan. And I did  
7 some review of fencing with the two assistant chiefs -- fencing, the metal barricades that  
8 would -- metal crowd-control barriers, where we had them placed, and made some  
9 recommendations on where those barriers should be placed to provide better coverage  
10 for some parts of the Capitol.

11          Q      I appreciate that, sir. And I definitely want to spend some time diving into  
12 that a little deeper later on in our conversation, but that's a very good overview, so I  
13 appreciate that.

14          Switching now from the primary duties and functions of the chief of police for the  
15 United States Capitol Police, likewise, from sort of a 30,000-foot view, what are the  
16 primary roles and responsibilities of the Capitol Police organization itself?

17          A      So the Capitol Police organization, it's -- it's the only law enforcement agency  
18 for the legislative branch. Their job is to provide protection, security for the  
19 congressional office buildings, anyone coming into and out of the buildings for providing  
20 screening, providing protection for the Members of Congress, the visitors on the Hill, the  
21 employees on the Hill, as well as investigating criminal activity that may occur either on  
22 Capitol Grounds or affecting any members or a Member of Congress. And we also have  
23 a dignitary protection division that provides protection to the designated leadership  
24 positions.

25          And so at a high level, we provide for the security of the congressional complex.

1           Q     Thank you, sir.

2           And would it be fair to say that would include the people and the -- for lack of a  
3     better term, the infrastructure that's all part of the Capitol complex?

4           A     Yes.

5           Q     Thank you, sir.

6           How does the Capitol Police interplay or interact with, or what is its relation to  
7     other parts of what I call the Capitol -- the Capitol complex enterprise? So, specifically,  
8     the House Sergeant at Arms, the Senate Sergeant at Arms, the Architect for the Capitol,  
9     and the Capitol Police Board. And I know that's a lot, so let's just start with, first, what's  
10    the relationship between the Sergeant at Arms both for the House and Senate to the  
11    Capitol Police?

12          A     Okay. I was trying to think of -- going back and patching it to the Capitol  
13    Police Board, but -- so the House and Senate Sergeant at Arms -- so you have a House  
14    Sergeant at Arms that's in charge of everything. He's called the chief law enforcement  
15    officer for the House of Representatives. And you have the Senate Sergeant at Arms,  
16    who is considered the chief law enforcement officer for the Senate.

17          They're really in charge of the two -- two halves of the Capitol complex -- the  
18    staff -- you know, if you were to take it and kind of slice it right down the middle, right  
19    down the dome, and say, you know, those on the north side, you're the Senate, and those  
20    on the south side, you're the House, they're in charge of kind of all the security apparatus  
21    of those two parts of the Capitol complex when it comes to law enforcement type of  
22    activity.

23          So our interaction is, as the chief, I would regularly interact with the two Sergeant  
24    at Arms. We would talk on a regular basis if we had anything that was law enforcement  
25    focused. It was always the discussions with the two Sergeant at Arms.

1           So that's kind of how the role played. We -- you know, it was interesting to work  
2 between the two halves, but, you know, that's how you had to work it.

3           Q     Understood, sir.

4           And earlier in our discussion, you described that part of your responsibilities as  
5 the chief was to provide strategic direction for the department. Did either the House or  
6 the Senate Sergeant at Arms have any role in that as well? Did they also provide  
7 strategic input?

8           So I'm trying to understand sort of their -- you mentioned that they are the chief  
9 law enforcement officer for their respective halves. So in terms of how the Capitol  
10 Police organization ran as an organization, did they provide strategic input, operational  
11 input, that sort of thing?

12          A     Yes to -- yes to both of those. So let's go back to the strategic input. Yes,  
13 they would regularly provide strategic input. But just to give you an example, in  
14 October 2020 -- I believe it was published, and it is still available online -- was the  
15 strategic plan for the department.

16          We put together the strategic plan and then had to shop it around for the input as  
17 we were putting it together, getting the input from the members of the Capitol Police  
18 Board, which included the two Sergeant at Arms, and my oversight. I knew that  
19 intelligence played a big role in that, so you'll see intelligence weaved throughout that,  
20 but they played a big role in that.

21          Operational, yeah, we'd have very similar discussions, whether it was January 6th,  
22 you know, a Supreme Court nomination, a different demonstration come up, healthcare,  
23 immigration. There was often discussions with the two Sergeant at Arms about what  
24 security protocols would be implemented around the campus. A lot of it often had to  
25 do with how we'd be securing the east plaza where the Members would often park.

1           Q     Understood, sir. Appreciate that.

2           And if there's ever a disagreement about how the Capitol Police Department's  
3     going to conduct its business, sort of how is that resolved? Does the chief have the sort  
4     of final say as to what the department is going to do, or does that rest with either the  
5     House or Senate Sergeant at Arms, or is it sort of a collective discussion?

6           A     It's -- it's a very sensitive collective discussion, because, you know,  
7     they -- they're the next rung up the chain for me. You know, so if your boss is telling you  
8     this is what he -- you know, he wants done, whether it's securing the east front or not  
9     securing the east front, that's where we -- you know, we'd usually run into the conflict.  
10        And, you know, I'm usually going to listen to what the -- what my boss is telling me.

11        It's -- you know, you'd also run into the problem where there's conflict between  
12     the two of them, and they'd have to work that out between the two of them.

13        Q     Understood, sir. I appreciate that.

14        So now let's shift the discussion to the Architect of the Capitol. And, again, for  
15     the benefit of people like me who are not familiar with sort of the organization as a  
16     whole, meaning the Capitol complex enterprise, what interplay or interaction, if any, does  
17     the Capitol Police have with the Architect of the Capitol?

18        A     So, you know, if -- in talking to somebody like you had described that doesn't  
19     really have a -- an understanding of how this works, so the Capitol Police Board, being an  
20     oversight board over the Capitol Police Department, you have three -- you have really  
21     four people within the Capitol Police Board, but you have the Architect of the Capitol, the  
22     Senate Sergeant at Arms, and the House Sergeant at Arms that are considered to be what  
23     is considered voting members. And then you have the chief that's considered a  
24     nonvoting member of the board. So they kind of oversee, you know, the department  
25     from a Capitol -- from a board perspective.

1           The interactions I always had with the Architect, if I ever had a question that had  
2 anything to do with Member protection, security of the campus during an event, or  
3 security of the campus just in general, my first discussion was always with the two  
4 Sergeant at Arms. The only time the discussion really included the Architect was when it  
5 included a physical security aspect that -- excuse me -- if we're doing something that  
6 required the installation of any kind of physical security structure, alarm systems,  
7 cameras, stuff like that that would affect the facade, the architecture of the Capitol, that's  
8 where the Architect of the Capitol played a role and was -- would be asked for their input.  
9 Those come to mind.

10           Q     I didn't mean to cut you off. I'm sorry. I appreciate that, sir.

11           So that answers a good segue to the Capitol Police Board. So you mentioned in  
12 your answer that -- to my previous question, that the Capitol Police Board is an oversight  
13 board that is composed of four members, three of which are voting -- the House,  
14 Senate -- House Sergeant at Arms, Senate Sergeant at Arms, the Architect of the Capitol,  
15 and the chief of police, right? And the chief of police of the Capitol Police is the  
16 nonvoting member.

17           Do I have that correct?

18           A     Yes, sir.

19           Q     Thank you, sir.

20           And, I guess, first describe for me, where is the Capitol Police Board in the  
21 hierarchy? So you mentioned earlier that your immediate boss is the -- the Sergeant at  
22 Arms, and they both sit on the Capitol Police Board. So does the Capitol Police Board  
23 sort of sit above all of you collectively, or sort of where is it in the organizational tree, so  
24 to speak?

25           A     So if you would look at the Capitol Police Department as, you know, any

1 other police department, it's a very complex agency. You've got your bureaus. You've  
2 got your different ranks: lieutenant, captain, inspector, deputy chiefs. It all creates a  
3 hierarchical structure. I sit at the pyramid of the Capitol Police structure. Above that is  
4 where you'd see the Capitol Police Board.

5 Q Understood, sir.

6 And what kind of oversight function does the Capitol Police Board provide? Is it  
7 strategic? Is it operational? Sort of what is the operational role -- excuse me -- the  
8 oversight role that the board serves?

9 A Say it's a little of both. A little strategic, a little operational. They, you  
10 know, play a key role in looking at, you know, what kind of programs we may be  
11 implementing for security on the Hill, for security for events coming up, long  
12 term -- long-term plans.

13 If we're talking about our hiring, they'll review our -- you know, our hiring,  
14 attrition, things like that. If we're looking to implement a new program, like when I  
15 became chief, I wanted to get more less lethal capabilities into the hands of my officers.  
16 We weren't using the electronic control device, and we often are faced with various  
17 mental health consumers that are coming up to the Hill to voice their grievances. And I  
18 wanted my officers to have more opportunity to deal with them rather than move to  
19 higher levels of less lethal or lethal force.

20 So I implemented a program to say let's, you know, pilot the electronic control  
21 devices, which sometimes people hear referred to as tasers. That had to be shopped  
22 through, get the approval, run everything through, and coordinate kind of how we do  
23 that with the Capitol Police Board.

24 So that gives you an idea of just how -- one of the programs I worked with them.

25 Q Appreciate that, sir.

1           And putting January 6th aside as a specific date for my next question and just  
2 asking more generally from a process standpoint, if, for example, the Capitol Police want  
3 to partner with or use the National Guard, is that a decision that typically would go  
4 through the House Sergeant at Arms, the Capitol Police Board? How would that process  
5 work, generally speaking?

6           A     Generally speaking, that is a -- oh, first of all, it's -- you know, it's a very  
7 delicate process. It's a process where the National Guard is only rarely used to support  
8 major events up on the Hill. And the process that would take would be a process where  
9 it would be first taken to the two Sergeant at Arms to get their input, to get their  
10 concurrence, before moving forward with what would be called a emergency declaration  
11 that would require the three voting members to approve an emergency declaration for  
12 me to call in Federal resources.

13          Q     Copy that, sir. I appreciate that. That will be helpful when we get to the  
14 more specific discussion about January 6th.

15          So I think I have a good understanding of how the Capitol Police interacts within  
16 the Capitol complex enterprise.

17          How does the Capitol Police -- well, let me ask the question this way: Does the  
18 Capitol Police regularly interact with interagency partners, either at the Federal, State,  
19 local, or Tribal level, and just sort of generally speaking, who do you normally interact  
20 with and under what circumstances?

21          A     Yes. Usually, you know, Washington, D.C., it's small. You know, and  
22 considering some other jurisdictions, a small jurisdiction. You have a number of law  
23 enforcement agencies within close proximity to everybody down here, so there's usually  
24 a fairly decent working relationship.

25          It usually consists of some of the coordination with regular -- MPD would usually

1       do regular conference calls with some of the partner agencies in coordinating either  
2       sharing of information or planning for an upcoming event. We have -- I have a special  
3       events branch within the Capitol Police. They'll often talk to special events units with  
4       the Park Police and Metropolitan, because a lot of times we have the same people that  
5       are applying for our permits with us or marches or runs taking place -- will take place  
6       through those various jurisdictions because of the close proximity. So they'll talk among  
7       themselves with special events branch.

8                   So that's kind of how some of the coordination works.

9                  Q      Copy that, sir.

10                 And as compared to when the Capitol Police interact with the National Guard, is it  
11                 a similar process in terms of officially involving them or is there a different avenue or a  
12                 mechanism for involving other law enforcement agencies?

13                 A      The National Guard, I don't -- I don't recall the National Guard participating  
14                 like in the regular conference calls that MPD would put together. It would be a rarity for  
15                 that. I'm trying to think of when they -- when they did. Usually the -- any coordination  
16                 with the National Guard would be specific to an event or a specific request.

17                 I'm trying to think of some of the things. Like, maybe if we were doing air  
18                 evacuation, some of the assistance with some of the assets to do drills and exercise for air  
19                 evacuation. We'd just go directly with the National Guard once -- you know, once that's  
20                 all approved by the Capitol Police Board -- you know, by the two Sergeant at Arms, with  
21                 the Capitol Police Board, to conduct the exercise, and we'd go direct with the National  
22                 Guard.

23                 I don't know. Does that answer your question?

24                 Q      Yes, sir. And I apologize. Like, the question is probably a little confusing.

25                 I guess what I'm trying to understand is, if the Capitol Police make a decision that,

1       hey, because of event X, we're going to need to work with Park Police or Secret Service or  
2       MPD, is that a decision that can be executed at your level as the chief or is that something  
3       that has to, you know, be discussed amongst the Capitol Police Board?

4           A     No. So when you're talking about that -- things like that regularly happen,  
5       where you're working with your partner agencies -- like I said, our special events branch  
6       may be working -- say, if you've got a march that's heading from the White House or  
7       the -- or the Washington Monument grounds, you're going to have Park Police involved  
8       for where their -- the permitted areas and when they're going to leave.

9           You're going to have the streets coming up, which is MPD's jurisdiction, many of  
10      us. So my special events branch and my deputy chief with the Operational Services  
11      Bureau under the assistant chief for operations, they would have authority to go ahead  
12      and start, you know, doing that, that coordination for -- for that event.

13           Q     Copy that, sir. I appreciate that. And I apologize if my earlier question  
14      was confusing.

15           So what I want to do now -- now that as background, which has been very helpful  
16      to understand sort of what the roles are of the chief, what the roles are of the  
17      organization itself, I want to move to what the Capitol Police were doing in the lead-up to  
18      January 6th. So we're going to talk about sort of the lead-up to January 6th, and then  
19      we'll talk about the 6th itself.

20           But with respect to the lead-up, I want to break it sort of into two parts, right?  
21      So you and I, I would like us to talk about sort of what you all were doing to prepare  
22      operationally, some of the things you mentioned before, like the fencing and that sort of  
23      things, all the things you put into place there, and then I'm going to segue over to Robin,  
24      who is going to spend some time talking to more focus on the intelligence piece. Okay?

25           A     Okay.

1           Q     Okay. So with that as background, with respect to the lead-up to  
2     January 6th, when, from an operational perspective, did the department start planning  
3     for that event, to the best of your recollection?

4           A     For the event for the 6th, I believe it was right around Jan -- I'm  
5     sorry -- December 14th. I think there was an email that came out -- I don't recall  
6     who -- who it was from. It was maybe Gallagher or Assistant Chief Pittman -- that  
7     indicated that -- yeah, I don't recall. It could have even been Chief Thomas -- that  
8     indicated that the group that had done the two previous MAGA rallies may be getting  
9     ready to do a third MAGA rally that would be focused on the Capitol for -- that would  
10    coincide with January 6th.

11           I believe my response was something along the lines like, thank you, let's discuss.  
12           I'm looking at probably significant deployment of something for that -- along those lines.  
13           So -- and then we sat back and waited for the intelligence assessments to start coming  
14    out regarding that.

15           Q     Copy that, sir.

16           Then putting the intelligence assessment aside for a minute, after that initial  
17    notification to you, what were the next steps that you and your team took in terms of  
18    preparing operationally for the event?

19           A     I'm trying to recall. I may have had a brief discussion with Thomas about  
20    CDU, about let's start putting together a CDU plan. You know, usually that would be the  
21    course of action that fairly early on, and then wait for the intel to start coming in.

22           Q     Copy that, sir.

23           And when you say CDU, is that the civil disturbance unit?

24           A     Yes, sir. I'm sorry. I don't mean to --

25           Q     No, that's okay. That's really just for the record.

1           A    Yes.

2           Q    I want to make sure we're clear.

3           A    Yes. Civil disturbance unit. It's our crowd management, civil disorder  
4 control capabilities.

5           Q    Okay. And so it sounds like you waited until you reviewed the intelligence  
6 assessment before you moved on. So after you got an opportunity to review that, what  
7 is sort of the next operational steps that you and your team take in order to prepare for  
8 the 6th?

9           A    So there's a number of things that go on. So I just want to make sure that  
10 we're capturing this in the previous question as well. Like I said, the Capitol Police  
11 Department's a very big, complex police department, probably about the 25th largest  
12 police department in the country. So I have a number of different units that are  
13 simultaneously probably starting to lean forward on this.

14          So you have a Joint Session of Congress coming up. That's going to start  
15 developing a lot of coordination and planning with the two Sergeant at Arms, different  
16 folks that have to do with the stuff going on inside the Capitol. So Capitol division will  
17 start coordinating some. That would occur just under my chiefs of operations.

18          So they very likely were leaning forward. I know like, you know, Ted Daniels  
19 and -- just trying to think of the other person for the House and the Senate that began to  
20 do, you know, like protocol. So there's a lot of operational planning that begins for the  
21 event taking place inside the Capitol.

22          Outside the Capitol, again, my special events at that point was probably looking  
23 and talking with the other special events offices trying to find out what permits are out  
24 there. That's part of, you know, intel until we start looking at what permits are taking  
25 place.

1           So I don't want to sound like we just sat back and waited. There's things that are  
2 obviously taking place well within the complex agency we have. So everyone has a  
3 responsibility when we have something like this coming on. So at the various levels,  
4 there's actions being taken.

5           Q     I appreciate that, sir. And that actually is a good segue into my next  
6 question.

7           You mentioned in your answer the complexity of the department, which I can  
8 appreciate in a number of different, you know, for lack of a better term, because I tend to  
9 oversimplify things, a lot of different moving parts.

10          We've had the opportunity to speak with Chief Gallagher and Chief Pittman about  
11 that. And one of the things that they told us was, in hindsight, they did not feel like  
12 there was a lot of internal coordination amongst all these moving parts, that sort  
13 of -- people were sort of moving in different silos of excellence, you know, doing the best  
14 they can, but there wasn't any sort of cross-discussion or sort of unified plan going into  
15 the 6th. And I was just wondering what your reaction was to that.

16          A     Yeah, I find that interesting and concerning. I'd always talk regularly with  
17 both my two assistant chiefs. So prior to me becoming chief, I had one assistant chief  
18 over all the operations of the department, whether it's overseeing our physical security,  
19 our dignitary protection, our intelligence, our uniform, our different divisions. It was a  
20 huge undertaking.

21          I really wanted to elevate the level of intelligence. I wanted to elevate our focus  
22 on intelligence. So that's why I did get the opportunity, again, after going to the Capitol  
23 Police Board and getting approval and approval from oversight, adding in a second  
24 assistant chief.

25          So what I did was I put their offices right next to each other, one, to help facilitate

1       that communication. So I'd regularly go and meet with them, talking about what my  
2       plans are for developing intelligence and incorporating intelligence into operations.

3           So I find it a little disheartening that they feel there wasn't a lot of discussions.  
4       We'd regularly talk about some of the planning as we were moving forward for the 6th,  
5       you know, and -- yeah. So I -- and I think I just answered it, so --

6       Q      I appreciate that, sir.

7           And in fairness to you, I didn't mean my question to suggest that people weren't  
8       talking at all. But, for example, my understanding from my conversations with them,  
9       just to give an example, that CDU may not necessarily know what CERT was going to do.  
10       CERT may not necessarily know what first responders were going to do. Like, there  
11       wasn't a crosscutting sort of discussion about how folks were going to go into the 6th.

12           And I guess that's what I was trying to get from you, if you felt like that's a fair  
13       assessment of what was going on at the time, or what your thoughts were.

14       A      The way we had kind of coordinated things, for an agency my size, you know,  
15       we have to be an intelligence-led agency. Our planning has to be based on intelligence.

16           So, you know, first, you know -- and Chief Pittman and Chief Gallagher,  
17       again -- assistant chief, deputy chief -- I don't mean to confuse it -- are overseeing the  
18       intelligence, will play a key role in what she's talking about with the others planning the  
19       coordination of, you know, what CERT's going to do, things like that.

20           So it is important that the two assistant chiefs talk. But, you know, the  
21       operational aspects of it are all under one assistant chief to help kind of make sure that  
22       we're getting that coordination.

23           You know, I'm -- I hadn't heard that, but, I mean, you know, I'd hope that by  
24       facilitating it and setting it up in the way I had and, you know, having -- when we first  
25       made the two assistant chiefs, you know, pulling them together, talking to them about

1       the importance of communications, that that wouldn't have been an issue. So I'm just  
2       concerned about hearing it, but that's not something I had heard.

3           Q     Understood, sir. And just for the record, when I say CERT, I mean the -- I  
4       think it's Containment Emergency Response Team. Do I have that right?

5           A     That is -- that is correct.

6           Q     Okay. And that is, again, to oversimplify it, Capitol Police version of SWAT,  
7       Special Weapons and Tactics. Is that correct?

8           A     Yes, sir.

9           Q     Okay. So earlier in our discussion, you talked about things like getting bike  
10      racks in place and making sure you had enough folks to deploy. Again, from an  
11      operational preparedness position, talk to me a little bit about sort of what you did to  
12      begin planning putting those things in place so they could be executed on or about the  
13      6th.

14          A     So the two assistant chiefs would work on beginning to develop those plans.  
15      So Chief Pittman, in her intelligence -- so she -- Assistant Chief Pittman oversaw what was  
16      called intelligence and protective operations, if I remember correctly. That included  
17      what we say is the physical security aspect, the alarms, the cameras, barriers, things like  
18      that, because we have to monitor all those for the department.

19          She is also in charge of, if we go and get bike rack, if we're going to use any type of  
20      barrier, if we're going to use bike rack, or if the intelligence, you know, her part of the  
21      department's providing, if we need to go to a bigger fence, if we need to ask for more  
22      additional resources.

23          And the way that relates is Chief Thomas then begins to develop the staffing for  
24      the CDUs, how many CDUs we're going to have, who's going to be out there. So the two  
25      of them would talk and determine, okay, where do we need fencing, and come up with

1       the plan for the fencing. So, you know, you're having that communication. So that's  
2       how that works.

3           So we had developed, okay, we need staffing inside the Capitol to handle the joint  
4       session, we need staffing outside, we need the incident commander outside, which would  
5       fall under one of Chief Thomas' personnel. And then we'd turn to -- Chief Thomas would  
6       turn to Pittman and request fencing support wherever they had determined they wanted  
7       the fencing.

8           Q     Copy that, sir.

9           And in the operational planning stage, was there any consideration given to the  
10      possibility of needing to arrest folks and how that would be processed?

11           In the course of our investigation, we've learned from others that there was the  
12      belief that there was a plan in place, buses, sort of dealing with folks that might have  
13      been arrested as a result of what may happen on the 6th. Was that part of the  
14      operational planning at all?

15           A     A -- I'm trying -- the mass arrest plan or mass contingency plan is usually part  
16      of any operational plan, so there should have been contingencies for offsite processing if  
17      we were to have to make large arrests, yes.

18           Q     And that would involve something like, for example, a bus offsite that would  
19      be utilized to handle the processing of those folks?

20           A     Should, yes.

21           Q     Copy that, sir.

22           So I think from an operational perspective, that's all the questions I have for right  
23      now.

24           I'm going to segue over to my colleague, [REDACTED] who's going to talk to you  
25      specifically about the intelligence piece. And then we'll sort of come back and walk

1 through the rest of the story, okay?

2 A All right. Thank you, sir.

3 BY [REDACTED]

4 Q Good morning, Chief. Have you had an opportunity to review some of the  
5 documents that we sent over?

6 A Yes. Yes, I have.

7 Q Okay. Perfect. Do you have them also available to you in case I want to  
8 refer to any?

9 A I'd have to see about pulling them up. I don't --

10 Q Okay. Don't worry about it. I can do a good job of help -- of describing  
11 them for you, and then, if there's something you want to --

12 A Yeah, I'm not sure if you can put them up on the screen or anything like that,  
13 but if you can describe them. But, yeah, let's see how this goes.

14 Q We'll do that. And if at any point you want to look at something in  
15 particular, we'll put them up on the screen for you, okay?

16 A Yes, sir.

17 Q All right. So I want to start just a little bit about intelligence, how it got to  
18 you as chief of police, and then how that informed some of your operational decisions for  
19 January 6th.

20 Basic question first: As chief, where did you get your formal intelligence from?

21 A I got my intelligence assessments, intelligence products that came from our  
22 IICD, which is our intelligence and interagency coordination division.

23 Q Okay. And we'll call it IICD -- thank you for spelling it out for us -- as we  
24 move forward.

25 How about, how did you get -- you said intelligence assessments. Does that

1 mean written? Is it oral? In what sort of ways would you get told that intelligence?

2 A It's usually -- it's usually written. I have attended a number of oral briefings  
3 down in the IICD, but usually it'd be in a written form.

4 Q The way intelligence reached you, was it exclusively through the IICD or did  
5 you have other channels outside of that division, any Federal agencies or law  
6 enforcement agencies that shared intelligence with you?

7 A For the most part, it was always through IICD. That was my main conduit.

8 Q Did you have an understanding as to whether your IICD division received or  
9 shared intelligence with those sort of Federal agencies, FBI, DHS, I&A, or other law  
10 enforcement agencies, like Metropolitan Police Department? Were you aware if  
11 whether they had those sort of open lines of communications with other  
12 intelligence-gathering operations?

13 A Certainly hope so. That's their -- that's their role. They have personnel  
14 embedded with Secret Service, the DHS National Operations Center, the NOC, FBI, various  
15 task forces over at FBI. And I would expect them to be regularly talking with our  
16 partners, with Park Police, Secret Service, MPD intel. So, yeah, I would expect them to  
17 have a very healthy relationship with those agencies.

18 Q Sometimes you were on calls, you and your executive team, with some of  
19 these other Federal agencies. You mentioned in your previous written testimony to the  
20 House -- by the Homeland Security and Governmental Affairs Committee over in the  
21 Senate -- excuse me -- and you said this:

22 On Tuesday, January 5th, I hosted a virtual meeting with my executive team, all  
23 three principals of the Capitol Police Board, and a dozen of the top law enforcement and  
24 military officials from D.C., including the FBI, the U.S. Secret Service, and the National  
25 Guard. This meeting focused on both the January 6th event and the upcoming

1 Presidential inauguration on January 20th. During the meeting, no entity, including the  
2 FBI, provided any intelligence indicating there would be a coordinated violent attack on  
3 the United States Capitol by thousands of well-equipped, armed insurrectionists.

4 So I sort of want to talk through -- again, outside the IICD, when you're having  
5 these calls with these agencies, was it expected that intelligence would be shared with  
6 you one way or another or was that not really something that you would get through  
7 those calls and, instead, you relied, as I said, almost exclusively through IICD for your  
8 intelligence?

9 A So that call was a call, you know, again, to talk about, you know, hey, what's  
10 the latest everyone's seeing? And I would expect, if somebody is seeing something  
11 significant and if we're expecting, you know, a significant incident up on the Hill, to have  
12 it, yes.

13 Assistant Chief Pittman participated in that meeting as well. We -- at the  
14 beginning of it, there was a -- kind of a overview of what our expectations were. And I  
15 believe other agencies provided very similar overviews as they went through the  
16 introductions and kind of what their plans were and what their preparations were, and  
17 also making sure that everybody kind of had everyone else's contact number, because we  
18 had a couple of new people in their seats.

19 That was one of the main reasons I wanted to make sure that we were having this,  
20 just to do some introductions with some of the people. But it was also an opportunity  
21 to share any of the latest information.

22 Q So only a few months before January 6th, a new director and an assistant  
23 director were hired for the IICD. Julie Farnam and Jack Donohue, respectively. How  
24 would you characterize the reputation of the IICD before their hiring?

25 A Now, when you say the -- was it reputation? You cut out for a second.

1       How would I characterize the reputation?

2           Q    Yeah. So what was your understanding of whether it functioned well as a  
3       division, whether it was providing the intelligence, and the way it was providing it in the  
4       ways that were helpful to you, and how it was viewed within the intelligence community  
5       as to, again, whether its products were seen as quality products? What did you think of  
6       how it was functioning? Let's start with before the hiring of the two new heads.

7           A    So it had handled many, many events, to include events over the summer,  
8       events with the MAGA I, MAGA II effectively. I'm trying to -- MAGA II, I think the former  
9       director was just finishing when we had that. So they had handled those effectively.

10          You know, my goal in -- you know, we knew -- Norm Grahe was the previous  
11       director. We knew Norm Grahe was getting ready to leave. I wanted to go and find,  
12       you know, someone that was going to be able to take the intelligence, you know, up  
13       to -- you know, just to even the next level. You know, I wanted to, you know, think  
14       about what -- you know, what can we do to, you know, even increase intelligence  
15       capabilities.

16          So that was -- you know, when we were looking for the new people, those were  
17       some of the things I was interested in. But it had proved effective, but looking to kind of  
18       increase capability with the new staff.

19          Q    Okay. If I get that right, not necessarily because you thought they were  
20       functioning at a lower level; you just had sort of aims or goals to make them better with  
21       the hiring of the two new leads. Is that right?

22          A    Yep. Well, and, again, initially, all we were hiring was a director. We  
23       went out looking for the director to replace Norm Grahe, and, you know, my goal was, in  
24       talking with the two assistant chiefs, but mainly Chief Pittman, because, you know, he'd  
25       be working with Chief Pittman, was, you know, bring somebody in that can really, you

1 know, take our intelligence to a -- you know, to a new level.

2 Because I knew, as an agency, with the threats we were getting, everything that  
3 was going on, intelligence was key to what we do. It's key to how we plan, how  
4 we -- our operations. So I want to make sure we got a good director. And they -- you  
5 know, she and Gallagher -- and we also brought in an outside assessor to sit on a panel  
6 and review them.

7 So they initially was just hiring one, but Chief Pittman and Chief Gallagher came  
8 after the process and said, Hey, we also identified a number two that we think would be  
9 really good for the intelligence analysis -- analysts, and that was Julie Farnam. So I was  
10 able to identify through working with Richard Braddock a FTE position and brought her on  
11 as the -- I think assistant director would be the title.

12 Q And you mentioned, you know, you wanted to take it to a new level. Can  
13 you be specific? What wasn't it doing previously that you were hoping it would start to  
14 do or start to do better?

15 A Oh, it -- not that it wasn't -- I wanted to look at ways we could incorporate  
16 new technology, what could we do to -- like cell phones, I had been wanting to, you know,  
17 find a way to push cell phones into the officers' hands. And this was a process -- I know  
18 now they've deployed them, but this was a process we had started when I got into chief.

19 I think technology can be beneficial. You can use it as -- to collect intelligence.  
20 You can use it to disseminate intelligence. So I wanted to look at, what can we do with  
21 new technology? So I just wanted somebody that was coming in considering, you know,  
22 what can be done with new technology, what can be done with new products to assist  
23 our open source?

24 If we're looking at threats, you know, open-source threats against our Capitol  
25 campus and the congressional community skyrocketing, what technology is out there to

1 help us start sifting through these threats, you know, to help us find the needle in the  
2 needle stack that could actually be a big threat to us.

3 So I just wanted somebody -- you know, I just wanted to find somebody that was  
4 technologically driven that could be incorporating new tools. That may be the best way,  
5 just new tools.

6 Q How did you conceive of the IICD's role -- as an intelligence-gathering  
7 operation, an intelligence-sharing operation, merely an intelligence-consuming operation,  
8 all three, if that's what you wanted? And it could be all or none of them. What was its  
9 objective in your mind?

10 A I would look at it as a intelligence processing. We are consumers of  
11 intelligence. We get our intelligence from, you know, the intelligence community, and  
12 process it into something that we can use. Really, the only intelligence-gathering  
13 capability that we have is our open source, open source section, OSS, it would be referred  
14 to, where they can go out and they can look and see what's being posted on social media  
15 and pull that together, determine if there is anything within that social media that is  
16 concerning to the campus and then include it in the intelligence products.

17 Q How did intelligence from the IICD get to you -- I know you said written and  
18 briefings. Was there an open line of communication between yourself and the director  
19 of the IICD? Did you rely on your assistant chief over that intelligence umbrella to sort  
20 of be the conduit between the IICD and yourself? Basically, who from the division spoke  
21 directly to you, or through which liaison did you get sort of information from them?

22 A Most of my information was -- I get most of the written information.  
23 Verbal information was always either Deputy Chief Gallagher or Assistant Chief Pittman,  
24 who was usually -- would have been with Deputy Chief Gallagher at the time. Even  
25 though I had a very good relationship, I'm a firm believer of knowing and kind of, you

1 know, your staff, what's going on. I do a lot of management by walking around.

2 So I'd regularly walk through Protective Services Bureau, the bureau that houses  
3 IICD. It's one floor right directly below me in headquarters, and I'd regularly walk  
4 through. Julie Farnam and Jack Donohue -- John Donohue, the director, their offices  
5 were right next to each other, and I'd regularly stop by and check in, how -- you know,  
6 how are they settling in, how's everything going?

7 So there was a good line of communication there. So if there's a -- an issue, I  
8 would have thought they could have brought it up. But I think Gallagher and Pittman  
9 really wanted to, you know, kind of control the information. They like to know what's  
10 going up to their boss, so I'd usually hear -- anything verbally usually would be from the  
11 two of them, with the exception of, if I was invited to a intelligence briefing, I would  
12 usually go down to IICD, and the intelligence briefing would be provided in the SCIF if it  
13 was classified or if we have a -- usually down in the SCIF in the IICD.

14 Q Did anyone at IICD have a voice or input on the operational end of the  
15 department? And, if not, whose role was it to marry intelligence with the security  
16 posture planning for an event?

17 A Can you clarify that just a little bit better? I just want to make sure I'm fully  
18 understanding it.

19 Q Sure. I'm wondering if IICD got together with the operational side and had  
20 sort of input, you know, was able to talk about the intelligence that they were seeing and  
21 have input in that decisionmaking about how operations would be informed from that  
22 intelligence, or is there a role to give someone -- maybe it's yourself, maybe it's lower  
23 than you -- that intelligence, so that that person can sort of make decisions based on the  
24 intelligence operationally?

25 A Got it. So the operations -- so intelligence would regularly brief the

1 operational commanders within the department, division commanders that run the  
2 Capitol, Library, House, Senate divisions, the deputy chief, and officials from OSB that  
3 were on our CDU, CERT, our SWAT team. So they would regularly brief them and get  
4 an -- you know, so they'd make sure that they had the intelligence that they needed to do  
5 the planning.

6 Those briefings would usually be attended -- planned -- you know, should be  
7 attended by the two assistant chiefs. So if there was a concern or coordination that  
8 needed to be done as far as if there was a discrepancy or anything like that that had to do  
9 with the planning or if there was a concern, I would anticipate it would work somewhere  
10 between the two assistant chiefs and their subordinates.

11 Q I'd like to talk about the first two MAGA marches on November 14th and  
12 December 12th.

13 What was the intelligence that you were looking at seeing in the lead-up to those  
14 first two events?

15 A That we were expecting -- I'm just trying to summarize it. We were  
16 expecting large crowds coming in. We expected members of the Proud Boys to be  
17 there. We expected possibly some White supremacists. We expected  
18 counterprotesters to be there -- antifa, you'll sometimes hear folks refer to -- and other  
19 groups protesting against the MAGA marchers.

20 I would get an idea of where they were going to march, that they're going to be  
21 coming up, they're going to marching. They'd have -- they'd oftentimes have some of  
22 the people apply for permits on Capitol Grounds. I'd get an assessment of --

23 Ms. Banks. What did you have?

24 Mr. Sund. Oh, yeah, I'd get assessments of the groups that are applying for  
25 permits as I apply -- as I approved the permits. And we'd coordinate with Supreme

1 Court Police -- they have a police department -- for how the march would come up and  
2 march past the Capitol.

3 So we had an anticipation that we had some large groups, that there could be  
4 some violent skirmishes along the routes, and that we may have some White  
5 supremacists, some militia group type of folks. So possibly, yeah, some folks could be  
6 armed.

7 BY [REDACTED]

8 Q What were the preparations securitywise as related to the Capitol? I know  
9 these demonstrations were out in the city, but as it related to the Capitol, what did you  
10 do given that intelligence that was given to you about those first two events?

11 A So the intelligence developed a perimeter plan, which is the barrier -- the  
12 metal barriers. The assistant chief for operations -- so when I say we, would develop,  
13 you know, the perimeter plan, would develop the CDU plan. They would activate CDU  
14 platoons. And I'm trying to recall off the top of my head. I think it was maybe four  
15 CDU platoons that were deployed during that time, and come up with a plan for where  
16 they would go, you know, how we'd handle -- where we'd deploy the CDU along the  
17 route, what we'd do to keep counterprotesters separated from each other, things like  
18 that.

19 Q And just to be clear for the record, because we're going to be using a lot of  
20 the talk, internal emails called it bike rack. When you say metal barriers, you're talking  
21 about bike racks?

22 A Yeah. They're often referred to as bike racks, yes.

23 Q Okay. Perfect. And you talked about activating four platoons, CDU  
24 platoons. What's the total number of CDU platoons at your -- available to you?

25 A So a lot of that has to do with -- when you say available to me, it can change

1       based on other events we have going on at the Capitol. So if nothing else is going on  
2       and I'm able to activate, I want to say -- I believe it's seven.

3           Q     Okay. Perfect. Thank you.

4           So that's at least a maximum number. I understand perhaps there may be fewer  
5       available to you depending on what's going on, but the total extreme, maximum universe  
6       of CDU platoons available to you at the time would have been seven?

7           A     It would have been seven. And you're also able to pull together people  
8       outside of the CDU platoons that can assist if needed as well.

9           Q     Not talking about what actually happened in the first two MAGA marches,  
10       but did you become aware of skirmishes between protesters and counterprotesters after  
11       those events? And, if so, how did it affect your outlook on the possibility of violence  
12       leading up to January 6th?

13          A     Yes. We did have -- we did have skirmishes. We -- you know, OSB, I think,  
14       prepared -- prepared an afteraction for it that talked about needing people in their hard  
15       gear earlier, deployed to their locations earlier. We adjusted -- took it and we adjusted  
16       some of the bike rack to help separate some of the groups because of some of the  
17       skirmishes that we had for the MAGA II. So we knew we were going to have some of  
18       the similar instances during MAGA VI. That's what I expected.

19          Q     Did --

20          A     I'm sorry. Not MAGA VI, but the January 6th event.

21          Q     Right. Did Capitol Police, if you know, either have any injuries from those  
22       two events or themselves effectuate arrests?

23          A     I believe we had -- there was, I believe, one arrest on the first one, and we  
24       did have a couple of people complaining of injuries.

25          Q     Okay. And what about the second, if you know?

1           A     Second -- the second one, no arrests, and I don't recall any injuries.

2           Q     When did you become aware that January 6th, the day of the electoral votes  
3     are certified, you know, a day of little importance every other election cycle, that it would  
4     this time draw more public attention, particularly from demonstrators protesting the  
5     election results?

6                 And I don't need an exact day, but around when do you think it dawned on  
7     you -- if it ever did, of course -- that this was going to be different?

8           A     I think when -- when we first knew that the group had put in for the permit  
9     or were planning to have the event on the Ellipse -- and, again, I believe that was maybe  
10    around December 14th -- we anticipated that we were going to be having demonstrations  
11    around the Capitol for January 6th.

1

2 [11:07 a.m.]

3

BY [REDACTED]

4 Q Did you take any note of the December 19th tweet by President Trump  
5 saying, quote, "Be there, will be wild!"? Do you recall?

6 A I'd heard about the tweet. Again, at the time I thought it's social media  
7 grandstanding.

8 Q Okay. Did the fact that the President of the United States is promoting an  
9 event at least affect your thinking as to how many people might actually end up showing  
10 up?

11 A I suspected there was probably going to be a large amount of people. It  
12 was probably going to be a significant event.

13 Q How in tune were you with open sourcing that was reporting on the tension  
14 that was building after the election -- claims of election fraud and the election being  
15 stolen, tension between the President and the Vice President and the latter's role in the  
16 election certification, and whether he had the power to halt the certification, delay the  
17 certification?

18 Were you aware of that tension that was sort of building around the country  
19 through open sourcing as we're leading into the January 6th event?

20 A Again, for my intelligence, I look to my intelligence products and I look to  
21 what my intelligence division is evaluating what's going on on social media to determine  
22 how it may impact us on the Hill, and I'm looking for that in their intelligence products.

23 Q Does that mean -- how aware were you of open sourcing yourself? So just  
24 the newspaper, reading the media reports, if you have social media of your own.  
25 How aware --

1           A    At the time --

2           Q    Sorry. Just let me -- the court reporter gets really angry if we talk over one  
3       another. So let me just finish the question, which is just, how aware were you outside  
4       of what the IICD formally prepared for you?

5           A    Not very aware. I wasn't on social media, wasn't monitoring what was  
6       going on with social media. I'm just not on social media.

7           Q    Okay. I want to talk about the threat assessment that IICD put out. It's  
8       the final one for January 6th. It's exhibit 4. And it was completed on January 3rd,  
9       2021.

10          Before we get to that, was that the first piece of sort of finalized intelligence you  
11       got from IICD about January 6th, or had you been receiving anything previous to that?

12          A    Okay. So when you say "finalize it," so you're interested -- we didn't lose  
13       you -- okay, there we go.

14          So just to make sure I understand your question, what previous intelligence did we  
15       get prior to this?

16          Q    Yes.

17          A    Okay. So there was -- this was the fourth of three intelligence assessments  
18       for it. I want to say the first -- I'm just drawing on -- that maybe December 16th,  
19       December 23rd was the second, December 30th may have been the third, and this  
20       would've been the fourth. So I would've reviewed those as well.

21          And I'm trying to think if there's anything else that I recall, anything else. But  
22       there was three previous assessments.

23          Q    Yeah. And the assessments were -- they were basically updates of one  
24       another, right? So it's the same sort of document being updated each time a new one  
25       comes out?

1           A     Well, yeah, it's an assessment, yeah, whether it's updated.   But, yeah, it's  
2     an assessment that provides -- if there's more clarity or more intelligence, it would just be  
3     included in the next assessment, yes.

4           Q     And before we get to this January 3rd and the top line that you took away  
5     from it, it has an overall analysis, which is new, which wasn't in the previous three  
6     iterations of the bulletin.

7           So putting that aside, just the first three, can you tell me what your feeling of what  
8     the assessment was from the first three versions of this document?

9           A     The first three versions of the document was that we were looking at an  
10    event very similar to the two previous MAGA events, that we would be seeing groups  
11    coming up.   Rather than protesting the Supreme Court, they would be protesting  
12    Congress and the electoral vote, that they'd be coming up toward the Hill.   So we  
13    expected a number of groups putting in for permits and demonstrating up on the Hill.

14           But from everything I was reading, it was going to be of a similar nature as the  
15    previous two MAGA rallies.

16           Q     So let's talk now about this, the completed version that comes out January  
17    3rd of 2021.   If you recall, when did you first read that document, and what were some  
18    of your topline takeaways from it?

19           A     Let's see.   I don't recall exactly when I first read it.   I know, going through  
20    my takeaways again, looking through it, I was really surprised by the number of traffic  
21    closures with MPD.

22           It read very similar to what we had seen before.   It read very similar to the two  
23    previous ones, the two previous -- I'm sorry -- the three previous assessments, kind of  
24    building on it.

25           The two previous MAGA rallies, that we expected that they would be coming, and

1       we expected a long day of protests on the Hill. But we expected very similar  
2       altercations like we had before.

3           We expected Proud Boys. We anticipated that you may have some people come  
4       down armed. MPD had seen that in the two previous rallies for it. And we anticipated  
5       that we could have physical altercations, limited skirmishes around the Capitol Grounds.

6           Nowhere did I walk away from reading that assessment that we were going to  
7       have a coordinated attack by hundreds and thousands of people.

8       Q     And you did use the word "similar" often. So is it fair to say that even with  
9       this third -- this January 3rd final assessment, you believed it was in line with the  
10      intelligence you were receiving before? Nothing in it was sort of a departure, a shock,  
11      or something new to you that you hadn't already heard. Is that fair?

12       A     Yeah, that's fair. I mean, when you read through it, and especially when  
13      you get toward the last paragraph, the intelligence -- or the analyst assessment -- it's very  
14      similar to kind of what we expected.

15           We expected people to be coming here. We expected demonstrations. We  
16      expected Proud Boys, members of the militia, some militia groups, some White  
17      supremacists to be here.

18           A large crowd, but it would be focused on the Capitol. That's what we -- we had  
19      anticipated every -- it was no different than I think what we had anticipated in the  
20      previous two rallies.

21       Q     And so the overall analysis at the end of the document, it read this way,  
22      quote, "This sense of desperation and disappointment may lead to more of an incentive  
23      to become violent. Unlike previous post-election protests, the targets of the pro-Trump  
24      supporters are not necessarily the counterprotesters, as they were previously, but rather  
25      Congress itself is the target on the 6th," end quote.

1           Can you help reconcile that for me? You've talked, again, a lot about how for  
2       you the takeaway was it's similar to the previous two events. But this overall analysis  
3       says, unlike previous events, the targets are not going to be one another, the  
4       counterprotesters versus the protesters, it's Congress -- which of course the Capitol Police  
5       is sworn to protect -- it's Congress that's the target.

6           Can you reconcile for me how that isn't a new, additional warning distinct from  
7       the previous two MAGA marches?

8           A     Well, what's interesting is the two previous MAGA marches actually  
9       weren't -- their focus wasn't on the counterprotesters, the focus was on the Supreme  
10      Court. So their focus being on the Capitol and Congress makes sense.

11           Any group that comes and marches to the Capitol or has events up here on the  
12      Capitol that is -- whether it's immigration, healthcare reform, Supreme Court  
13      nominations -- their reason for coming up here and protesting is to influence and sway  
14      Congress. Their target for the protest is Congress. So that in itself doesn't send up a  
15      bunch of red flags for me.

16           Q     We've spoken to who I think both she and Jack Donohue agree was the  
17      author of that paragraph. That's Ms. Julie Farnam. And she talked to us about how at  
18      least her intention with that paragraph was to say that it was different, that while the  
19      violence that was seen on MAGA I and MAGA II were between protesters and  
20      counterprotesters, that it was her concern that the violence would now be targeted at  
21      the Capitol, at Congress, at Congress Members, as opposed to skirmishes between  
22      protesters and counterprotesters.

23           Is it fair to say then that it is not how you read it and that was not your thinking  
24      leading into January 6th?

25           A     So there's a couple concerns. One -- yeah, that is not how I read it. I

1 don't think a lot of other people read it that way.

2 One, there's a lot of qualifiers peppered throughout that paragraph which raises  
3 the level of concern for the paragraph.

4 But also what I'd be looking for and is kind of missing, if you look at some of the  
5 previous ones, what you have is an analyst saying our assessment with a level of certainty  
6 is this.

7 That's what I'd be looking for. We assess with a high level of certainty that the  
8 stuff's going to hit the fan on January 6th, we're going to see this, this, and this, or we're  
9 likely to see these type of fights.

10 You don't see that in this. You see: It could be, might be. It just -- it seems  
11 very similar to the stuff we had seen before.

12 And then when you take this into consideration with the product that was put out  
13 the very same day most people got this -- I mean, I think this was distributed Sunday  
14 night -- Monday, IICD then puts out a Daily Intelligence Report, a DIR, that indicates all the  
15 groups that are coming to protest as low -- of low concern. It's put out the 4th, the 5th,  
16 and the 6th.

17 So you got to take all that into consideration when you're evaluating this  
18 intelligence product.

19 Q Right. I want to ask you a little bit about those Daily Intelligence Reports.

20 But sticking right now to this threat assessment, do you have a sense of how  
21 widely the threat assessment was shared? First, let's start internally, within Capitol  
22 Police.

23 A I would've expected it to be shared with all the operational planners within  
24 Capitol Police. It's usually distributed fairly wide. I don't know what the exact  
25 distribution is, but usually goes to most officials on the Department.

1           Q     Are you aware of whether it actually was? I know you said it was your  
2 expectation.

3           A     Yes. I do believe it was. I believe there's an email that has it being  
4 distributed down to the rank -- I believe it's the rank of sergeant. That includes all our  
5 CDU and things like that.

6           And in addition, I also asked, you've probably seen one of my emails where I  
7 directed that all roll calls be addressed in what the expectations were for January 6th as  
8 well, so to make sure that this information was getting out there.

9           Q     What about externally? How was it shared, if you know, externally outside  
10 the Capitol Police?

11          A     No, I don't know that.

12          Q     And so I think for the record I'm just going to read the entire paragraph.  
13 You mentioned that there were some qualifiers within it. I understand you brought up,  
14 and I think it's a good point, that the Daily Intelligence Report is somewhat different or  
15 casts somewhat a different picture.

16          But within this paragraph itself, if you could help me, point me to where it  
17 is -- there are the qualifiers. So I'll just read it for the record.

18           "Due to the tense political environment following the 2020 election, the threat of  
19 disruptive actions or violence cannot be ruled out. Supporters of the current President  
20 see January 6, 2021, as the last opportunity to overturn the results of the presidential  
21 election. This sense of desperation and disappointment may lead to more of an  
22 incentive to become violent.

23           "Unlike previous post-election protests, the targets of the pro-Trump supporters  
24 are not necessarily the counter-protesters as they were previously, but rather Congress  
25 itself is the target on the 6th.

1           "As outlined above, there has been a worrisome call for protesters to come to  
2 these events armed and there is the possibility that protesters may be inclined to become  
3 violent.

4           "Further, unlike the events on November 14, 2020, and December 12, 2020, there  
5 are several more protests scheduled on January 6, 2021, and the majority of them will be  
6 on Capitol grounds.

7           "The two protests expected to be the largest of the day -- the Women for America  
8 First protest at the Ellipse and the Stop the Steal protest in Areas 8 and 9 -- may draw  
9 thousands of participants and both have been promoted by President Trump himself.

10          "The Stop the Steal protest in particular does not have a permit, but several high  
11 profile speakers, including Members of Congress, are expected to speak at the event.  
12 This, combined with Stop the Steal's propensity to attract white supremacists, militia  
13 members, and others who actively promote violence, may lead to a significantly  
14 dangerous situation for law enforcement and the public" -- "the general public," excuse  
15 me -- "alike."

16          So if you could just point me to where you feel there's some hedging.

17          A        Okay. Yeah, I mean, you got -- there's a lot there to get through. So, let's  
18 see. The combined -- the very last sentence -- the combined --

19          Ms. Banks. Start at the top.

20          Mr. Sund. Yeah, okay.

21          So let's get through the first sentence. The very next sentence, "This sense of  
22 desperation and disappointment may lead to more of an incentive to become violent."

23          We understood you may have some groups there that may become -- have some  
24 altercations with law enforcement. That was one of the things we were preparing for.

25          Let's see. Counterprotests, we already talked about that. But Congress itself.

1 As outlined above, there had been a worrisome call.

2 I tend to wonder if an intel analyst would actually use the term "worrisome."

3 But anyway, worrisome call.

4 We knew that they may have some people that come armed. I had actually  
5 coordinated with the assistant chief to come up with a plan to deal with armed  
6 protesters, and we can deal with -- talk about that if you want later.

7 But "may be inclined" -- and there you go again -- "may be inclined" to become  
8 more violent.

9 These are the areas I'm looking for, if there's a high level of concern, that it's  
10 saying that. As an analyst, we have a high level of concern, we assess with a high level  
11 of -- high level of -- I'm drawing a blank -- that we're sure, a high level of being assured,  
12 that this is likely to happen. That's not what we're seeing there.

13 Let's see. The two protests expected to be the largest of the day, the Women for  
14 America First, the Stop the Steal protests, may draw thousands of participants. They  
15 have been promoted by Donald Trump.

16 I'll talk a little bit about that real quick in just a second.

17 Does not have a permit. And we had several groups that were there that had  
18 permits, including Members of Congress, who were expected to speak. Now, they were  
19 expected to speak at some of the groups that had permits.

20 "This, combined with Stop the Steal's propensity to attract white supremacists,  
21 militia members, and others who actively promote violence" -- again, there's a  
22 "may" -- "may lead to a significantly dangerous situation."

23 Oh, I just lost it.

24 So you've got a number of qualifiers through there that begin to raise your  
25 concern. But also, and you just reminded me of it, there appears to be these people

1       that are thinking that, hell, this indicated that Armageddon was coming.

2           Well, the very next day after this was distributed the assistant chief -- both the  
3       deputy chief from IICD -- or the deputy chief for PSB and the assistant chief over  
4       intelligence, both -- let's see, the assistant chief -- I think it was the assistant  
5       chief -- forwarded a number of those permits with their recommendation that I approve  
6       them. That right there gives me the impression, okay, there's not a high level of concern  
7       over this.

8           Q     But in the history of Capitol Police, had they ever denied a permit that had  
9       been put in?

10          A     In the history of Capitol Police, if we had a high level of concern for violence,  
11       I sure as hell would expect somebody to at least make a notation on there to say, "Hey,  
12       we got a high level of concern for violence on this, and let's start getting the lawyers  
13       together and find out what we're going to do."

14          Q     But was it your understanding -- and it's mine -- that it never has come to  
15       pass, there has never been a denial of a permit?

16          A     I don't know. My time there is somewhat limited. But I don't know what  
17       their history is.

18          Q     Did you have a role in sort of putting together the Civil Disturbance Unit  
19       operational plan?

20          A     Not -- the operational plan, no. It's just you're going to try and activate the  
21       maximum amount of CDU possible. The only role I had was adjusting some of the  
22       fencing, making recommendations for adjusting some of the fencing.

23          Q     About this threat assessment, we talked about it being shared internally.  
24       Do you know if it reached the rank and file officers?

25          A     So when you say rank and file officers, I just want to make sure, the

1 assessment -- my direction, again, I know you've got an email chain out there I think that  
2 has it going down to the rank of sergeant -- I can't testify or state whether it went to  
3 every single sergeant. But my direction was for that everyone to be briefed in roll call  
4 for the expectations of the day.

5 So I don't know to what level it went. But there was an email that went -- looked  
6 like it went out to all the lieutenants, I believe most of the sergeants, if not all. I just  
7 can't confirm that.

8 Q Because at the time the frontline officers didn't have phones with access to  
9 their emails, they would have to go into a computer on campus to check their emails.  
10 Isn't that right?

11 A That is correct. And I kind of look at -- that's kind of the role of some of the  
12 officials that are doing roll call, things like that, to make sure the officers are briefed on  
13 what's going on during the day. That would be my expectations after almost 30 years in  
14 law enforcement.

15 Q So, to be fair, your expectation wouldn't be that rank and file or first  
16 responding officers would necessarily read this paragraph on their own. They would be  
17 told it orally from their superiors.

18 How they took away, what their impression of what the takeaway was, it would be  
19 conveyed to them by their supervisors at roll call orally? Is that correct?

20 A Just for clarification, can you repeat the question again, just so I understand  
21 it.

22 Q Sure. I just wanted to -- the expectation wasn't that they would necessarily  
23 read it themselves. The expectation would be that it would be orally conveyed to them  
24 by their superiors, the sort of crux of what this 15-page intelligence assessment is saying.

25 A Yeah, I mean, it could occur in both ways. I'm sure you've got some places,

1 some of the units, where they're actually -- the officers will be able to have the time to sit  
2 down and read it and go through and take care of it.

3 Then you're going to have other divisions where it's most likely going to be best if  
4 it's briefed down just because of the time they have to get out on post.

5 So it may be a variety of ways they're consuming the information.

6 Q So we talked a little bit about the January 5th -- or 4th, 5th, and 6th Daily  
7 Intelligence Report. The one for the 5th is in exhibit 6, and it rates the, quote, "level of  
8 probability of acts of civil disobedience/arrests" as improbable for a few pro-Trump  
9 groups, which it says translates to about a 20 to 45 percent chance.

10 That was the sort of highest level of risk, with others coming in a rung lower at  
11 highly improbable, or the lowest, which was remote.

12 You talked a little bit about preferring in the intelligence bulletin there be sort of  
13 quantified numbers as to certainty of violence.

14 How did you interpret this improbable level of risk? It says 20 to 45 percent  
15 chance.

16 A That there's not a high level of -- not a strong probability of arrests or civil  
17 disobedience associated with them.

18 Q Is it the label of improbable that's communicating that to you, or do you  
19 agree that at the highest level -- it says 45 -- that 45 is not a particularly high percentage  
20 of violence -- risk of violence?

21 A Let me make sure I understand your word. I mean, the word "improbable"  
22 is probably what I focus on.

23 Q Okay. So that seems to be fair to me.

24 So it had defined improbable as 20 to 45 percent, but you weren't necessarily  
25 looking at those numbers. You were more looking at the topline labeling of it as

1           improbable.

2           Is that fair?

3           A    Yeah, I'd say that's probably fair, yes.

4           Q    And it sounds to me that you did not feel that to be contradictory to what  
5         you read in the January 3rd assessment, that the January 3rd assessment was in line that  
6         the level of risk would be improbable?

7           A    Yeah. Can you repeat that one more time? I'm sorry.

8           Q    Yeah. I'm wondering if that labeling of improbable stood in contrast to the  
9         January 3rd assessment in your view or whether it was in line.

10          After reading the January 3rd assessment, did you come away thinking that  
11         violence would be improbable?

12          A    When you look at the entire assessment, from the very beginning, the  
13         bottom line up front, how it reads, the number of groups that were expected to stay in  
14         their assigned areas, things like that, it doesn't read that we're seeing a significant issue  
15         coming down the pike, that we knew, we knew we were expecting you're going to have  
16         some pockets of some people that are going to be problematic, but not a wide range of  
17         violence, no.

18          Q    Did you have any visibility into how the Daily Intelligence Report was put  
19         together? So who did it? How was it verified? Were there multiple people analyzing  
20         that level of risk or was it merely one analyst? And how senior, if it was one person,  
21         how senior that person was within the division?

22          Did you know any of that when you were reading that intelligence report?

23          A    No, sir, I did not. All I know is that it came out. If you've seen one and  
24         you compare it with the assessments, very similar look, feel, you expect to be one and the  
25         same.

1           Yeah, there you go. You look at it, it looks like official document. At the time,  
2 no idea who reviewed it.

3           I'd say I don't know if we were able to do a break here sometime soon.

4           Q     Yes. Why don't I -- I just have one final question or a couple questions  
5 about this, and then we'll take a break, a 5-minute break. Is that okay?

6           A     That would be great. Thank you.

7           Q     Of course. And let me know if you need us to go down. I was talking at  
8 you sort of the number percentages and the improbable and not probable. Let me  
9 know. It's actually kind of a long document because this one is both the January 5th and  
10 January 7th Daily Intelligence Report.

11           So did you have a follow-up conversation with anyone at IICD to get -- or with your  
12 assistant chiefs -- to get clarification as to the two products, to the extent that you saw  
13 any divergence -- if you saw none, you saw none -- and/or how to properly read the  
14 labeling in this Daily Intelligence Report, and how much verification had gone into the  
15 numbers that were produced within it?

16           A     No.

17           Certainly that's a lot of questions in one question.

18           Q     Yes. My apologies.

19           A     No, I don't recall having a follow-up to say, how do these two kind of blend  
20 together?

21           This is a Daily Intelligence Report that has been put out for a number of years. I  
22 think it's been put out the entire time I've been with the Capitol Police, which would be a  
23 little over 4 years prior to my departure.

24           And it was something that I looked upon regularly, because it would tell you not  
25 only things about what was happening at the Capitol, it would tell you things about what

1 was happening around the city. So I had an idea of what issues we would be facing.

2 I felt that I'd been very comfortable with the information it provided. I hadn't  
3 seen anything that had been wrong about it up until this point.

4 Q And Julie Farnam and Jack Donohue told the select committee that on  
5 January 4th, the day after this threat assessment was completed, they held a conference  
6 call with leadership highlighting the warning from the January 3rd assessment.

7 Ms. Farnam provided your contemporaneous notes -- or her, excuse me, her  
8 contemporaneous notes to the committee regarding what was spoken about at this  
9 briefing.

10 They're -- if we could put them up -- exhibit 12 and 12a. Maybe if we could start  
11 with 12.

12 As we're putting it up, do you recall if you participated on this conference call,  
13 Chief Sund?

14 A No, sir. I was not invited.

15 Q Okay. Were you told about it afterwards? When did you learn that there  
16 was a January 4th conference call?

17 A I found out afterwards, I mean, several weeks after. I don't recall exactly  
18 how I found out. I think I was asking -- I'm trying to think.

19 I think somebody came across and talked about something on a calendar. I said,  
20 what are you talking about, an intelligence briefing? And they said, yeah, there was an  
21 intelligence briefing.

22 Maybe somebody had mentioned to me there was an intelligence briefing. Let  
23 me pull it up. And they had the intelligence briefing. And it had a number of people  
24 being invited, but I wasn't invited.

25 I believe this was also addressed later. And that was, I mean, that was several

1 weeks that I found out about this after January 6th.

2 And I think it was addressed in a Washington Post article where it was asked about  
3 me not being invited to a meeting. And the Department's response was I usually  
4 wouldn't attend a meeting like that, this was more operational.

5 I would think if they're having this high level of concern, you sure as heck would  
6 want to have the chief there.

7 Q That sort of line that was put out there, it sounded as though, was that -- did  
8 you participate in that response, that it was not something a chief would attend, or are  
9 you taking issue with that being the characterization and that you would've liked to  
10 attend?

11 A I attended intelligence briefings down in the SCIF regularly. Yeah, I don't  
12 know why, if they're briefing new intelligence that they feel is concerning, they wouldn't  
13 have invited me. I'd gone in the past and it wasn't unusual for me to attend.

14 Q Do you know who did attend? Did your assistant chiefs attend, if you're  
15 aware?

16 A I don't know. I don't know off the top of my head. I believe some of the  
17 inspectors. I'm just trying to remember who. Inspector Lloyd, I believe, attended.  
18 Deputy Chief Waldow, I believe, attended. There were a number of people that  
19 attended.

20 Q All right. And I just want to read through some things.

21 Quote, it says here, "Supporters see this as last opportunity,  
22 disappointment/desperation, incentive to become violent, nothing left to lose, target not  
23 counterprotesters, target is Congress, protests heavily publicized, Stop the Steal, White  
24 supremacists, Proud Boys, militias, multiple social media posts, armed, potentially be a  
25 very dangerous situation."

1           And then I believe on 12a there's a note, "This is war," I think.

2           If we can just pull it up really fast.

3           One second, Chief Sund.

4           "Protesters see this as war."

5           So if we could just go back to 12 now that I've read that into the record.

6           In essence, my question to you is, seeing all that, does that sound the same as  
7           what you read in the January 3rd assessment and therefore -- I know this is a little bit of a  
8           hypothetical -- potentially attending the briefing wouldn't have changed your outlook?

9           Or reading this and the way it's written down and summed up, does this feel  
10          different or urgent to you in a way that the January 3rd assessment clearly did not?

11          A       So a couple of key things about this.

12          One, I have no idea when this was prepared. I see it's written on the calendar  
13          date, so things like that. I don't know if this is something that may have been put  
14          together after the fact, just a little CYA. I don't know.

15          Again, I wasn't there, so I can't attest to what was and was not said. I would just  
16          highly recommend that the committee ensure that they interview anybody that did  
17          participate in that.

18          Q       Yes. And so, obviously, assuming that these people have given sworn  
19          testimony, that these are contemporaneous, that these are notes, talking points, for what  
20          was said on the call, I just want to know from you, is this, what you've read, is it different  
21          to you? Does it sound different?

22          Or do you feel it's much in line with what had been given to you about the  
23          previous two MAGA marches and that there's nothing either startling or shocking or  
24          different in what you see here than what you read previously?

25          A       You're asking me to make comments on somebody's notes. And, again, I

1 have no idea, again, what was said, what was not said. This is somebody's notes.

2 I work off the distributed and published intelligence. I don't know. I can't say I  
3 feel comfortable answering that question.

4 [REDACTED] Okay. I think this is a good place for a break. I appreciate it.

5 We'll reconvene at 11:45?

6 Mr. Sund. All right. Thank you.

7 [REDACTED] Thank you.

8 [Recess.]

9 [REDACTED] So we can go back on the record.

10 BY [REDACTED]

11 Q So, Chief Sund, I want to go through some individual pieces of intelligence or  
12 information that made its way into some pockets of Capitol Police and talk to you about  
13 how much of it you were aware of.

14 But before we switch over to that topic, I have just one last question on the Daily  
15 Intelligence Report.

16 Had you known -- and the committee has since found out -- that the report is  
17 written by a task officer, a junior agent officer within the intelligence division, and wasn't  
18 reviewed by the director, the associate director, or anyone above that person, that it was,  
19 in essence, the calculation of a single person, a single person is in charge of putting up  
20 those daily intelligence reports, as you mentioned, daily, would that have affected your  
21 thinking and perhaps gotten you to rely more so on the January 3rd assessment than you  
22 did on the Daily Intelligence Report that we were talking about?

23 A I think it would raise my concern about how things were being handled in  
24 IICD. I mean, it raises a concern that you've got somebody that is a single -- what  
25 they're saying is a single analyst and they're pushing up intelligence that the Department

1 and the chief is relying on, and it's not being reviewed. It'd just raise my concern about  
2 what's going on to review the products and even bring in a question: Who's reviewing  
3 the intelligence assessment?

4 Q And I think you might've said this, but would it be fair, do you think, that  
5 that, the Daily Intelligence Report, affected your view of how you read or how you looked  
6 at or how you interpreted the January 3rd assessment?

7 A It played a role in my overall anticipation for the day's events.

8 I mean, let's be clear. We knew the events were focused on the Capitol. We  
9 expected everybody would be coming up to the Capitol to demonstrate. I expected a  
10 large event. I expected some of that crowd to become -- to possibly be violent. And I  
11 had planned accordingly, activated all available resources I had to me, based on that  
12 information alone.

13 If for some reason, as you had indicated on the notes, that Ms. Farnam or Chief  
14 Pittman or Chief Gallagher believed this is war, I would've expected, one, to be invited to  
15 that briefing.

16 Two, if I wasn't at that briefing and they were briefing out that this is war, that I  
17 probably would've been seeing an assistant chief in my office saying: We got an issue,  
18 we got to talk, we got something that's a lot different than what we had seen before.

19 So based on the information that I was getting and based on my read of that final  
20 paragraph, we expected a large demonstration to be coming up toward the Capitol and  
21 had planned accordingly.

22 Q And tell me if this is fair. It sounds though then, because the January 3rd  
23 assessment to you read in line with what had happened previously at MAGA I and MAGA  
24 II, nothing -- did anything operationally change as a result of the intelligence you received  
25 either through the Daily Intelligence Report or the January 3rd assessment?

1           A     Most of the operational planning, besides the movement of some of the  
2     fencing, was done in advance of the January 3rd assessment coming out. Even my  
3     request to the National Guard occurred prior to the January 3rd assessment coming out.

4                 And I think if you go back and you look at the January 3rd assessment, I think  
5     you'll even find a date error at the top. I think it's dated 2020, which now raises even  
6     more concern about some of the review.

7                 But anyway -- can you repeat the question? I'm sorry.

8           Q     Well, so then it sounds like to me that some of the changes, which -- or some  
9     of the operational planning, which we will dig into in detail, requests for additional bike  
10    racks, the number of CDU platoons, and I think what you call all hands on deck, those  
11    sorts of operational planning, that all happened prior to the January 3rd assessment, and  
12    therefore you would agree with me that, as a result of the January 3rd assessment,  
13    nothing changed operationally.

14          A     Yeah, besides some of the fencing.

15                 So a lot of the operational plans were already being put in place, the all hands on  
16    deck, the CDU staffing, things like that. I don't know the exact date some of the changes  
17    were made, but we had significant operational plans in effect.

18          Q     Okay. Let me just quickly go through some individual intelligence received  
19    by the IICD.

20                 If we can turn to exhibit 1. And I'll characterize it for you. Some of these are  
21    long Word documents.

22                 You'll see an email forwarded to Jack Donohue, the director of IICD, by an NYPD  
23    official as early as December 28th, 2020.

24                 That person notes, quote, "Assume you have," and the attachment includes  
25    reference to social media postings, such as that protesters should, quote, "start marching

1 into the chambers," quote, "show up with guns and threaten them with death."

2                 Regarding Trump's tweet to attend the wild protest on January 6th one user said,  
3 quote, "I read that as armed."

4                 Another said that violent insurrection has, quote, "always been the plan."

5                 Another wrote, quote, "Trump can't exactly openly tell you to revolt. This is the  
6 closest he'll ever get."

7                 Another comment, "There is not enough cops there in D.C to stop what is  
8 coming."

9                 Another comment, "This is war, and we're clearly in a post-legal phase of our  
10 society."

11                 Another quote, "Be there on the 6th, ready for 1776."

12                 Another quote, "Fun fact: No revolution has ever been won without violence."

13                 And finally a quote, "Kill the opposition."

14                 First, my question to you is, did this particular piece of intelligence reach you?

15                 A      I do not recall seeing that, no.

16                 Q      Okay. What about commentary like it? Was it in your thinking, either  
17 through open sources, if you were talking to your assistant chiefs verbally, just what was  
18 your situational awareness in terms of these sorts of comments percolating on social  
19 media?

20                 A      I wasn't hearing these social comments percolating on social media.

21                 Q      Okay. So before January 6th, a lot of these would've been new or different  
22 to you. You had not come across them.

23                 A      No.

24                 Q      Do you think, reading them now, in hindsight, would it have affected your  
25 thinking if individual pieces of intelligence like this had been brought to your attention?

1           A     So there's -- you know, again, it's -- I cannot tell you how many times  
2 hindsight -- anyway. January 6th was a tough day.

3           So in individual intelligence, this is why I have an intelligence unit. And I'm glad  
4 he's getting the stuff from NYPD. They may be getting a lot of different pieces in.

5           What matters to me as the chief is what they're putting into the intelligence  
6 assessment that allows me to plan accordingly, based on the intelligence that's coming in.

7           I look through here. It sounds like you've got a number of concerning items. I  
8 tend to wonder what else they had.

9           We need to know and it needs to be put in intelligence assessments. Because  
10 you've got to understand, these intelligence assessments just aren't guiding me and  
11 informing me, they're informing the Capitol Police Board. You've got members -- and I  
12 believe Gallagher, one of the last briefings he did was for a member of our oversight on  
13 Tuesday, Tuesday afternoon, regarding this. It'd be interesting to know to what level.  
14 It didn't sound like that was a high level of concern.

15           But I would be looking at these little pieces. This is the job of an analyst to pull  
16 together and say: Hey, we're seeing a lot of red flags, this is starting to raise our level of  
17 concern, with a high level of certainty that we are looking at some bad stuff getting ready  
18 to happen.

19           And that's what would've driven my ability. I had already deployed, knowing this  
20 was going to be a big event, I had already deployed all the resources available to me. I  
21 had gone and requested the National Guard just because I knew, we've got a large  
22 perimeter, and I've got limited sources to defend this perimeter, I could really use some  
23 support to put more people on the fence line so people don't try and jump over the fence  
24 line. I had even gone and requested that and got denied.

25           This type of intelligence, if they had analyzed it and included it in an assessment,

1 could have very well helped me not only get National Guard, additional  
2 resources -- because that's what we needed, we were tapped out -- additional resources,  
3 as well as possibly going and getting mutual aid from other law enforcement, but also  
4 getting eight-foot anti-scale fencing put up.

5 Those are things that the Capitol Police Board, to approve those, is going to be  
6 looking to these assessments to paint a much clearer picture than -- as you keep referring  
7 to that last paragraph of the January 3rd assessment. There needs to be a clearer  
8 picture painted of what we'll possibly be facing.

9 Q And because you brought it up, let me ask you. It's my understanding that  
10 the intelligence you're receiving for January 6th is that it's very much in line with the two  
11 previous MAGA marches.

12 You mentioned that you made certain calls, like all hands on deck, and requested  
13 the National Guard before the January 3rd assessment came out, but, again, it's in line  
14 with what you previously thought.

15 If you thought that the intelligence picture looking into January 6th was similar to  
16 MAGA I and MAGA II, for which, let's say, the National Guard wasn't called in, what was it  
17 that you were seeing that made you think that you should request the National Guard if  
18 your understanding was that January 6th would be much in line with the previous two  
19 events?

20 A Okay. And thanks for giving me the opportunity to provide a little clarity.

21 So when I say in line with the two previous events, very similar in nature and  
22 action, seems like that we knew this was going to be a bigger event. We knew a large  
23 group would be marching, expected to be marching down to the Capitol from the Ellipse.

24 So we expected it to be a large event. MAGA I was pretty large. MAGA II  
25 wasn't that large. We expected this to be a large event.

1           So when you have a large event like that, and the perimeter going around the  
2 Capitol is a fairly sizeable perimeter, that's why I wanted the National Guard, to help  
3 support and help just put bodies behind the bike rack and the fence line that I had out  
4 there.

5           So we knew it was going to be larger. We knew we had a propensity for  
6 skirmishes, some violence with the group, and I wanted to be prepared. I did everything  
7 I could to deploy every available resource to me and even went so much as to go and  
8 request additional resources, which I was rebuffed on.

9           So, yeah, thanks for the clarification. But, yeah, that's -- it was similar in what we  
10 expected for action from the group, but I expected it would be larger.

11          Q        Okay. So if it's fair to say then that, in terms of tone, the rhetoric, the  
12 violence, the tone of that violence, that you saw much in line with the previous two, it  
13 was basically a function of how much larger in terms of people you saw the January 6th  
14 event, which is why some of your operational decisionmaking was different for  
15 January 6th than for the previous two marches. Is that fair?

16          A        So, again, you go back and you look at the third -- the four intelligence  
17 assessments for January 6th, they all painted a very similar picture. But I knew it was  
18 going to be larger and instead of being focused at the Supreme Court it was going to be  
19 focused at the Capitol.

20          So that drove -- again, I deployed a lot of additional resources and we put a lot of  
21 additional operations in play for this that we hadn't put in for other events. I can't think  
22 of when the last time the Department did an all hands on deck. I don't even know if  
23 that was a term they used.

24          But we implemented a lot of operational planning and operational operations for  
25 this that we hadn't done before because we expected this to be a pretty large event and,

1 again, folks at the Capitol.

2 Q Okay. So before we get into that security posture, I just want to finish up  
3 with this intelligence, so I'll move faster through them.

4 Turning to exhibit 5. You sent to Yogananda Pittman on January -- excuse  
5 me -- Sean Gallagher sent to Yogananda Pittman on January 5th, 2021, at 4:10 p.m., that  
6 WashingtonTunnels.com had been receiving a dramatic uptick in new visits, that the site  
7 TheDonald.Win had been active in promoting photos of the tunnel system, and that USCP  
8 had identified numerous open-source comments by groups of their intention of finding  
9 tunnel entrances and confronting or blocking Members of Congress, including setting up a  
10 perimeter to block entry or escape. So this is January 5th.

11 That same day, at 4:55 p.m., Ms. Pittman forwards you the intelligence and says,  
12 "Chief, I know everyone is busy, but I think we may want to have a really brief call on this  
13 intel. PSB" -- which is Protective Services Bureau -- "is seeing a significant uptick on  
14 groups wanting to block perimeter access to the Capitol tomorrow, starting as early as  
15 0600 hours. I know we are already spread thin, but even if we don't start CDU earlier,  
16 we may want to see what midnight teams we can pull together to address. I will come  
17 over to your office shortly."

18 As part of that exhibit, later correspondence with USCP counsel appears to  
19 indicate that the call between yourself and Ms. Pittman regarding this intelligence didn't  
20 happen, but I want to ask you, of course.

21 Do you recall whether -- do you recall receiving the email? And then do you  
22 recall having a follow-up conversation with Chief Pittman?

23 A I recall -- again, right off the top of my head -- the email, don't recall.

24 But the follow-up conversation, I do recall having a conversation. I believe it  
25 actually was both with Pittman and Gallagher. They had come over and talked about a

1 website that had -- it was a website that had all the tunnel outlay of the Capitol.

2 It's a historic architecture. I'm trying to remember what they said. But it had  
3 been reported that they had seen a lot more traffic, people going to and accessing the  
4 tunnel.

5 We also talked about people possibly trying to blockade some of the entrances to  
6 the Capitol to try and prevent Members from trying to get in. That's an action we've  
7 seen before.

8 We had talked about, again, we had additional resources that were being assigned  
9 to the building entrances, the tunnels.

10 It was tough for us to move a CDU platoon earlier because we expected the  
11 confirmation, the certification of the vote to go way into the morning time. So we were  
12 having midnight officers monitor it as we were coming up to it.

13 But I do recall having a conversation about it, talking about what we had already  
14 in place, and everybody seemed fine with utilizing the resources we had.

15 Q And so that conversation would've been the night of January 5th. Is that  
16 right?

17 A I don't know. I would've suspected, I mean, if you're talking about the  
18 email, because it definitely had something to do with a website that had some of the  
19 historic tunnel documents being accessed.

20 Q I just want to make sure, January 5th, at 4:10 p.m., as far as you're aware,  
21 that would be the first time that you had been told about this intelligence regarding the  
22 tunnel system?

23 A That I recall. I'm just trying to think off the top of my head. That I recall.  
24 Yes.

25 Q Okay. And is it fair to say then, did it affect your security posture in any

1 way? Did you get any additional resources or move resources around based on it?

2 A Again, we had -- I had all the available resources I could deploy already  
3 deployed. So, no, it did not change the response. I don't know -- but it did not change  
4 the response at that point, no.

5 Q Exhibit 2, Sean Gallagher and Lawrence Cook are forwarded a link to a site.  
6 This is on January 5th, 2021. The site is requesting users to submit the addresses, work  
7 offices, and routes of enemies and Democratic Congressmen. They're routes to and  
8 from work for the January 6th event itself. Again, an allusion to meeting them, blocking  
9 them, that sort of thing.

10 Do you recall if this particular intelligence reached you?

11 A No, I don't recall that particular intelligence.

12 To go back and kind of talk about the previous one just for a quick sec.

13 Q Sure.

14 A One thing that we had put in place was ensuring that we had a number of  
15 marked Capitol Police cars. And I think we -- I know we actually briefed out on it when  
16 Chief Pittman, I think, joined -- when Chief Pittman was with me when we briefed  
17 Chairperson Lofgren on Tuesday about having capabilities, so if somebody felt they  
18 couldn't safely get into the Capitol to contact the Command Center and we'd send a unit  
19 out to get them, to be able to pick them up.

20 So it was a process. We had something in play that kind of addresses both your  
21 intelligence, to be able to grab somebody, a Member of Congress that felt they couldn't  
22 safely get into the Capitol, and bring them into the Capitol in an alternate route.

23 So we did have a plan for that. But, no, I do not recall getting this second  
24 intelligence, no.

25 Q Anything like it? But was that a part of your situational awareness, if not

1       this particular piece of intelligence, but about the routes of Congressmen and -women  
2       and how to get into the Capitol and their addresses?   Was any of that part of your  
3       situational awareness heading into January 6th?

4           A     Not that I recall, no.

5           Q     Turning to exhibit 8a.

6                  On January 1st, 2021, Ms. Farnam forwards to Sean Gallagher and some  
7       inspectors intelligence sent by Shane Lamond from the D.C. Police Department.   It's a  
8       civilian tip.

9                  The civilian says, "Hey, my name is [blank] and I live right outside of D.C.   I found  
10      a website planning terroristic behavior on January 6th during the rally.   Agitators from  
11      out of State will arrive and will try to stir up trouble in D.C.   There are detailed plans to  
12      storm Federal buildings, dress incognito, and commit crimes against public officials.   I  
13      strongly encourage that the D.C. Police Department look at the links below, a detailed  
14      plan on storming the Capitol in D.C. on January 6th."   And then it follows with a link.

15                  "A direct threat to D.C. cops," follows with a link.

16                  "Calling for violence on January 6th," follows with a link.

17                  And, "Calling for war in D.C.," and then there's a link.

18                  Do you know or do you recall if this intelligence reached you?

19           A     No.   I'm just trying -- this is awfully small.   So is the date on that January  
20      1st?

21           Q     The email itself, yes.

22           A     Okay.   Yeah, that intel, no, I don't recall that reaching me.   And I don't  
23      know why something of that nature wouldn't have been included in a supplemental  
24      intelligence bulletin.

25           Q     So does it sound like these sorts of things would've raised your awareness,

1       would've been important for you to know heading into January 6th, these sort of tips that  
2       had been coming in from civilians?

3           A     I think that that would be important to know, especially when you're starting  
4       to see some concerning rhetoric. I'd be interested to see what the analyst's  
5       interpretation of it.

6           But, yeah, it sounds like there's some stuff that would've been good to know,  
7       especially when I've got significant time to trying to line up more resources, like better  
8       fencing and going -- this would probably play a role in the decision of the Capitol Police  
9       to -- I mean, the board, or at least the two sergeant at arms, in approving the National  
10      Guard.

11          Q     Quickly to exhibit 3.

12           On December 28th, 2020, a person, a so-called internet expert tracking far right  
13       extremism, she sends in a tip to the Public Information Office email account for Capitol  
14       Police that there are indications, again, of storming the Capitol online. That's as early as  
15       December 28th.

16           Just want to ask you again for the record, did this particular piece of intelligence  
17       reach you?

18          A     Not that I recall.

19          Q     And nothing like it, is that right?

20          A     Yeah, not that I recall. Again, with the stuff that you're seeing -- whenever  
21       we have an event up on the Hill, you're seeing a lot of stuff on social media. I would  
22       really be looking for my open source, my intelligence to be grabbing all this and  
23       synthesizing it into a document we can use for planning, based on their interpretation of  
24       the credibility.

25          Q     Turning to exhibit 14.

1           On January 5th, at 9:19 a.m., chief security officer for the Architect of the Capitol,  
2 Valerie Hasberry, she receives an email from a representative of the company Dataminr  
3 with a screenshot of an alert message regarding chatter on the 8kun blog, including,  
4 quote, "Go to Washington Jan 6 and help storm the Capitol," and, quote, "We will storm  
5 the government buildings, kill cops, kill security guards, kill federal employees and  
6 agents."

7           She forwarded the email to the Command Center and received word from the  
8 incident command officer there, received word back that, quote, "There is no talk about  
9 any credible threats or storming the Capitol."

10          Were you, again, aware of this particular piece of intelligence? I would assume  
11 not. If you could just answer for the record.

12          But what I really want to know is, were you aware that people within Capitol  
13 Police were making assessments on the credibility of threats to storm the Capitol? Was  
14 that something brought to your attention, that there was chatter about it, but they were  
15 deemed not credible, or was the chatter -- did the chatter even itself not rise to your  
16 level?

17          A      Again, I would -- no. So let me just make sure we answer this.

18          No, I did not see this before. Again, any chatter like that -- and I don't know who  
19 in the Command Center would've responded or anything like that -- but I would look to an  
20 intel analyst to evaluate what we're seeing on social media.

21          There's a reason why I have an open-source section. There's a reason why the  
22 Capitol Police pay a salary to have somebody at the National Operations Center, because  
23 they have a significant social media monitoring capability up there, so we can get this  
24 back and we can distill it into useable intelligence to drive our operations.

25          That's where I'd be looking for my synthesis to come from and for my intelligence

1 for directing our planning to come from.

1

2 [12:15 p.m.]

3

BY [REDACTED]

4 Q Exhibit 7, on December 29th, 2020, the Protective Intelligence Operations  
5 Center at Secret Service forwarded to the threat assessment box at Capitol Police that  
6 Telegram user GFB said in a neo-Nazi chat group that Trump supporters in D.C. on  
7 January 6th should, quote, "march into the Capitol building and make them quake in their  
8 shoes by our mere presence."

9 Have you seen that particular piece of intelligence?

10 A Before it's come up, in my review, no. No, I had not.

11 Q Turning to exhibit 10, on December 31st, 2020, Ms. Farnam raised concern  
12 that the permit requests for One Nation Under God and Bryan Lewis were just proxies for  
13 Stop the Steal. And she was concerned that Stop the Steal was generally a more violent  
14 organization, they were sort of using cover of other different names to make it appear  
15 that they were less coordinated -- the demonstrations were less coordinated than they  
16 actually were.

17 I wanted to ask you: In your review of exhibit 10, do you recall being brought  
18 into the loop on that discussion that Ms. Farnam raised with Assistant Chief  
19 Gallagher -- or Deputy Chief Gallagher? Excuse me.

20 A No, I don't. I don't recall that being raised. I do believe that this was  
21 addressed in the Senate HSGAC testimony, if I remember correctly, where, with  
22 Chief Pittman when she was testifying, where she felt that this had been run down and  
23 not -- and I'm trying to remember her words, but it had been run out and was no longer a  
24 concern. And that was part of the reason why I believe she said she went ahead and  
25 recommended the approval of the permits for that day.

1           But, no, that -- don't recall that, no.

2           Q    Okay. You told the HSGAC Senate Committee in written testimony, which  
3       is reproduced in -- I think in exhibit 22 -- I provided that for you -- that, quote, "without  
4       the intelligence to properly prepare, the U.S. Capitol Police was significantly  
5       outnumbered and left to defend the Capitol against an extremely violent mob."

6           And you, I think, also previously said that it wasn't a failure of intelligence; that,  
7       you know, no one could have foreseen the -- and I think your words are, you know, a  
8       violent insurrection targeting the Capitol.

9           Seeing these sorts of things that were out there and were also, you know, in boxes  
10      at Capitol Police, in IICD and other departments, do you still think that? What's your  
11      view on whether the intelligence was out there and whether it might have made a  
12      difference?

13          A    My view at -- you know, at this time, is that the number one issue I faced  
14      was that this was a colossal intelligence failure. I do believe that intelligence existed  
15      that would have greatly helped the department, you know, our oversight -- when I say  
16      that, I mean the Capitol Police Board leadership -- in making critical decisions that could  
17      have made significant differences that day. I do believe that there was probably  
18      intelligence that existed that could have helped us, yes.

19           [REDACTED]    Okay. We're going to drill down into all hands on deck, bike  
20      racks, and your National Guard request, but, at this point, [REDACTED] has some  
21      big-picture questions to ask of you.

22           BY [REDACTED]

23          Q    Yeah, Chief Sund, thanks again. I'm the chief investigative counsel, and I  
24      just wanted to follow up on a couple things that [REDACTED] asked you.

25           Is it fair to say generally that the best test of whether intelligence is reliable is how

1 it matches what actually happens?

2 A That seems like a fairly -- can you -- so the best test to determine if  
3 intelligence is good is if somebody predicts something and it happens?

4 Q Yeah.

5 A I don't know. I think that may be oversimplifying the role of intelligence.  
6 I mean, you know you've got pretty -- you know, 100 percent intelligence if they're  
7 always, you know, picking the lottery numbers before they're picked. But, you know,  
8 the role of intelligence is, you know -- it kind of goes back to something -- you know, how  
9 many ships does a lighthouse save? You really know -- don't know if your intelligence is  
10 going to be correct.

11 So if they had said, Hey, we're going to have a number of people that are going  
12 to -- we -- are going to storm the Capitol, we think they're going to jump over the fence, I  
13 go ahead and, you know, take it to the board, get -- you know, get the National Guard,  
14 get an emergency declaration. We put National Guard on there, and, lo and behold, no  
15 one jumps over the fence, well, is it because the intelligence was right or they weren't  
16 going to jump over the fence all along?

17 I don't know. I mean, I just can't say that. You know, I think intelligence -- you  
18 know, you use it to plan, but it may not always -- you know, it -- just because you use it  
19 doesn't mean that, you know, it's always going to be necessary.

20 Q Yeah. No, I understand. And is the real skill with respect to intelligence in  
21 law enforcement shifting what is credible and reliable from what is, rather, hyperbole or  
22 exaggeration? There's a constant sort of assessment as to whether something presents  
23 a real threat or whether it's, rather, someone who doesn't have the ability or intention to  
24 carry it through?

25 A Yeah. I think, you know, that kind of goes to, you know, are we looking at

1 something that the likelihood of something happening? So I think I'm following what  
2 you're saying, and, yes, I'd say that's kind of the role of intel, you know, to tell you that if  
3 you're looking at something likely happening, I guess.

4 Q So let's look at the two prior events prior to January 6th, the MAGA marches.  
5 Looking back now, was the intel that you had in advance of those events essentially  
6 consistent with what happened? Was it, in other words, in your view, reliable?

7 A Yeah. And it -- what I would consider to be -- that's a good way of putting  
8 it. It had proven to be reliable. We expected some counterprotesters. We  
9 encountered the counterprotesters. We expected some skirmishes between some of  
10 the marchers and the counterprotesters, and that's what we got.

11 Q Okay. So going into preparations for the 6th, were you confident that your  
12 intel unit, with respect to those two prior events, had essentially done a good job in giving  
13 you the information you needed to adequately prepare to meet the threats presented at  
14 those two prior events?

15 A So just make sure I understand, are you talking about in relation to  
16 January 6th?

17 Q Before January 6th, were you confident that your intel group had prepared  
18 your organization for those two prior events, the two MAGA marches?

19 A Yeah, I feel that they had given us enough information that prepared us, yes.

20 Q Okay. And it sounds like you had personally selected the leaders of that  
21 IACP, the folks that -- Julie and Sean, Gallagher and Farnam -- that you felt like the  
22 apparatus was there organizationally with respect to intelligence that you were --

23 A You said something --

24 Q -- confident in that?

25 A You said something very particular back there. You said I had personally

1 selected them. Can you go back and clarify that?

2 Q It sounds like you had made decisions -- you organizationally -- that put in  
3 place people that you had chosen to lead that intelligence unit, and that you were  
4 comfortable that they were the right folks to lead that unit. Is that right?

5 A So let's make sure we go back. So we had a group in place up until the  
6 director retired, correct? That's a separate issue, right? We're not talking about him.  
7 We're talking about the new person? Because I had nothing to do with that -- with the  
8 new director coming in, correct? I mean, the old director, Norm Grahe.

9 Q Sir, I'm just asking --

10 A I just want to make sure --

11 Q You were the chief of police of the Capitol Police. You personally decided  
12 you wanted Julie Farnam and Sean Gallagher to be the two people in charge of that unit.  
13 Is that right?

14 A Okay. So no. You've got the name wrong. So it's Julie Gallagher and  
15 John Donohue. So what we did was we developed an assessment process. The  
16 assessment process consisted of Assistant Chief Pittman, Deputy Chief Gallagher for the  
17 panel, and an assessor from United States Secret Service. So we had an outside female  
18 assessor from the United States Secret Service. They went through. They did the  
19 evaluation, the determination, and came up with the selection. So they made the  
20 recommendation to me for the selection, and I -- I guess I was the final hiring authority.

21 Q Okay.

22 A So I didn't have any role in the selection of them, no.

23 Q But it was your decision. You're the chief of police, and you hired those  
24 two, Farnam and Donohue, to run that?

25 A After -- yeah. After a panel made the recommendation and -- well, the

1 panel made the recommendation of Donohue, and then Gallagher and Pittman made the  
2 recommendation to hire Farnam, yes.

3 Q Okay. And, again, the two prior events before January 6th, they, in your  
4 view, had been successful, right? They had given you intelligence about the MAGA  
5 marches that proved upon -- when the events actually happened, to be reliable, right?

6 A Yeah. Now, when you say they, are you talking about IICD or --

7 Q Yes.

8 A -- Donohue and Farnam?

9 Q IICD, which was run, my understanding, by Farnam and Donohue.

10 A So I don't know what -- again, they were just being brought in when we were  
11 having the first MAGA rally, so I just -- so I don't know what their level of involvement was  
12 in the roles for the MAGA I, MAGA II, MAGA III. MAGA III, they were fully involved.

13 But I don't know -- I don't know what role they played as far as, you know, with  
14 the new -- the new transition from the old leadership to the new leadership.

15 Q Okay. Bottom line, sir, did you feel like you had adequate resources in  
16 place in your intelligence division to prepare your organization for January 6th?

17 A Coming into January 6th?

18 Q Yes.

19 A Okay. Just want to make sure we're not looking at it now -- coming into  
20 January 6th, yes, I -- I felt like, from the chief, I had elevated my concerns for the -- for  
21 intelligence significantly making an assistant chief over intelligence, bringing in what, you  
22 know, I -- what was described as a top-notch person from MP -- NYPD, and then Farnam.  
23 So I felt like we were looking at a pretty exciting future for intelligence, yes.

24 Q Okay. And that was all in place, sounds like, based on some decisions you  
25 made, personnel and otherwise, prior to the gear-up for January 6th, right?

1           A     Yes, sir.

2           Q     Okay. Now, there are different kinds of mass demonstration events that  
3     require different responses, right? There are some that are, hey, there are a lot of  
4     people coming that don't like each other and they're going to potentially have conflict  
5     with each other, type one. Then there is type two, which is, and there are threats to  
6     buildings or -- or official government organizations. We had some of that in the summer  
7     of 2020, for example, where there was protest activity not at the Capitol, but down by the  
8     White House, that was really motivated at government, not so much the skirmishes  
9     between people.

10          All that's a long prelude to a question of: Which of these -- leading into the 6th,  
11     which of those two did you think you were prepared for? Was the real risk: Hey,  
12     people are going to fight because it's antifa versus the Trump supporters, or is it, hey, the  
13     real target, the real danger is the physical security of Congress and its Members, or was it  
14     a little bit of both?

15          A     I think the -- the -- you know, my concern coming into it was that there was a  
16     concern for them fighting with some of my officers. I think more of the -- like you said,  
17     the latter, that, right now, we know all the demonstrations are taking place on our  
18     grounds, and their interest is in swaying -- influencing Congress. So I kind of figured  
19     I'd -- that most likely was going to be -- you know, the altercations were going to be  
20     between some of our officers and the demonstrators.

21          Q     I see. Okay. So, again, this is impossible to predict, but you, going into  
22     the 6th, were most concerned about protesters presenting a threat to your officers or  
23     whoever's behind your officers, your protectees, not so much them out in the crowd  
24     fighting with each other?

25          A     Yeah. I expected it more of -- and that's why I wanted the additional

1 resource of the National Guard, to help bolster up the perimeter, because I expected  
2 issues, you know, around our perimeter for this -- for this event.

3 Q Okay. And we're going to get into, I think, the bike racks and the  
4 operational planning. But let me just finish by asking you -- you indicated, I think,  
5 colossal intelligence failure. In your view now in hindsight, Chief Sund, was the failure in  
6 access of information or what was done with the information?

7 In other words, just explain more what you mean when you say colossal  
8 intelligence failure. I want to make sure we understand what you mean by that.

9 A I think the synthesis and presentment of intelligence in IICD products and  
10 briefings for our use in operational planning and decisionmaking by us, by the Capitol  
11 Police Board, the Sergeant at Arms, you know, leadership, I think that's where we -- we  
12 had a big issue.

13 Now, I do think -- yeah, but that's where I think the biggest issue was.

14 Q I see. So -- and that makes sense to me.

15 So you're not saying intelligence failure meaning we just didn't see stuff. It was  
16 more we didn't somehow use, distribute, synthesize, operationalize the stuff that we did  
17 get, right? We learned, but we didn't somehow get it vetted enough that it didn't  
18 translate into sufficient planning?

19 A It's a fair translation.

20 Q Yeah. Okay. Well, I think we're going to get into the operational planning  
21 here shortly, but just wanted to make sure. It sounds like it's not a failure of getting the  
22 intel; it's more of a failure of what was done with the intel generally?

23 A That's my --

24 Q Okay.

25 A That's my impression.

1 Q Okay. No, I appreciate that.

2 [REDACTED] Let me give it back to [REDACTED]

3 BY [REDACTED]

4 Q All right. So, Chief Sund, let's talk about all hands on deck. We sent over  
5 exhibit 13. It's an email attaching the security planning for January 6th, which includes  
6 Chiefs Thomas and Pittman. Under campus posture, it notes 1/6. I'll wait.

7 Was I right about 13?

8 Okay. Under campus posture, it notes, 1/6 - All hard platoons will be on site by  
9 1000, all hands on deck.

10 And then underneath, it says three at 1800 (sic), two at 1000, two at 1200. That  
11 appears to be about the CDU platoons in particular. Is that right? Is that what you  
12 mean by all hands on deck there, particularly to CDU?

13 A No. All hands on deck was directed to the entire department. It was  
14 directed to my two assistant chiefs for the -- my two assistant chiefs and our chief  
15 administrative officer for -- because those are my three main, what I call the ET -- for an  
16 all hands on deck for the entire department.

17 Q Okay. And so let's talk about that. First, I want to put to the side,  
18 because one of the things you said that did change operationally is that, whereas the first  
19 two MAGA marches you deployed four CDU platoons, for January 6th, you deployed  
20 seven. Is that what we're looking at when we see three, two, and two staggered at  
21 8:00 a.m., 10:00 a.m., and noon?

22 A Yes. That is correct. I'm sorry. Yes.

23 Q Okay. And I think you said this previous. It's your understanding seven is  
24 the maximum CDU platoons. You used all the CDU platoons for January 6th. Is that  
25 correct?

1           A    Yeah. I'm not -- yeah. Off the top of my head, yes, that is -- that is  
2 correct. And of that, I think there's a limited number that are actually what we call the  
3 hard platoon -- hard platoons.

4           Q    Okay. Let's talk about all hands on deck generally. Do you recall when  
5 you made that decision, when you made that order?

6           A    No, I don't.

7           Q    Okay. Can you give me a general -- I guess, I'm trying to figure out was it  
8 January 3rd? Was it a couple of days before January 6th? Was it back in 2020, in  
9 December, late December?

10          A    I'm thinking it was late December. I just -- yeah, I just don't recall off the  
11 top of my head. I believe it was sometime late December maybe, because we knew we  
12 were going to have the joint session. That requires a lot of staffing, and I knew I need to  
13 staff outside. So we needed to cancel what we called the ready reserve, which is a  
14 COVID mitigation strategy. So we needed people to all be at work, so -- I just don't  
15 recall the date.

16          Q    Okay. And I think you talked about -- was it a written order or was this a  
17 verbal order you gave to your assistant chiefs?

18          A    It was a verbal order that I gave to my assistant chiefs. My chief of staff  
19 probably would have been in the meeting, just, you know, while we were having our  
20 planning meeting.

21          Q    Okay. So Capitol Police counsel currently sat down with us and crunched  
22 the numbers as to which officers were on campus that day and which were not. And it's  
23 their belief that what, in essence, happened was that no scheduled leave -- there was no  
24 new scheduled leave approved since the order of all hands on deck but that previous  
25 scheduled leave was not canceled.

1           Is that your understanding of what happened?

2           A     Yes.

3           Q     Okay. So in your vision of all hands on deck, it included the fact that  
4        whoever has already asked for leave for January 6th would not be present on campus for  
5        January 6th. Is that right?

6           A     Yes. That is -- that is correct. There's a number of reasons why I didn't  
7        take the steps to cancel leave. Again, if I had intel that said they're coming and this is  
8        war, that would have been a different ball game. That, again, would have driven some  
9        critical decisions.

10          But, you know, based on my experience in law enforcement, canceling officers'  
11        leaves -- let me ask you this real quick. Any -- any of the investigating bodies law  
12        enforcement?

13          Q     You mean any of the questioners here?

14          A     Yes.

15          Q     Military, but --

16          A     Okay. Well, you may understand, okay? So what I find is, if I do go and I  
17        cancel date -- cancel people's leave, you also got to consider a couple things. One,  
18        you're at the end of a holiday. It's also at the end of the leave calendar. So a lot of  
19        these officers are using what's called use or lose.

20          So if I cancel their leave, they're probably going to go ahead and lose it, and they  
21        have to go through a process for restoration. But I often find two things happen. One,  
22        I get limited compliance. People just going to end up going sick. And, two, the union  
23        goes wild.

24          So that's -- I didn't take the -- based on the intelligence I had at the time, I didn't  
25        feel necessary to make that -- decisions to cancel officers' days off.

1           Q     Did you have visibility into D.C. Police, which were similarly an all hands on  
2     deck posture, and whether their all hands on deck meant no leave whatsoever?

3           A     No, I did not.

4           Q     Okay. And you still to this -- I guess, as you sit there today -- I guess you  
5     didn't know going into January 6th. But as you sit there today, have you come to find  
6     out what Metropolitan Police did when it said all hands on deck, whether that meant also  
7     canceling leave?

8           A     I -- I believe I -- I can't say for sure, sir. I believe --

9           Q     Okay.

10          A     -- it may have, but I can't say for certain.

11          Q     All right. Outside of not approving any more scheduled leave past  
12     whatever date it was, December 28th or, you know, some late day in December of 2020,  
13     what else does that mean in terms of numbers? Because, you know, not approving any  
14     more leave would mean that the number would be steady, right? It wouldn't go down.  
15     But did the number go up in any appreciable way? What else does all hands on deck  
16     mean to you --

17          A     So all hands on -- yeah. So all hands on deck meaning a couple of things.  
18     One, none of the ready reserve, like I said, which was a process that we'd used to keep  
19     our mitigation -- our COVID infection rate very low, would be canceled. All sworn would  
20     be at work in the office. No one should be on day off for that day, and everyone should  
21     be at their assigned work location.

22          Q     So what about a midnight officer who would have been working a full shift,  
23     you know, January 5th, and would get off, let's say, the morning of the 6th or what not?  
24     Is that person expected to remain on campus or would that person go home?

25          A     So what that would mean is, if a midnight officer -- so you picked a schedule,

1       midnights here, are often tough, because -- so if you have an officer that works 11 p.m.  
2       on January 5th to 7 a.m. on January 6th, they've fulfilled the January 6th tour. So  
3       they're not -- they're not on day off, okay? I just want to make sure I'm answering your  
4       question.

5           So if you -- instead, if they were supposed to be on day off during that time, they  
6       would be having to work. So they'd still have to come into work. So what it means is  
7       no one should be on day off on January 6th so we can fulfill the staffing role needs.

8           I hope that answered. So a midnight officer -- it's not that I'm telling them  
9       they've got to stick around, they'll be assigned to wherever they have to assign, but it  
10      doesn't mean that all hands on deck means no one goes home at any time, because  
11      you're going to burn your people out. It just means everyone has to be available to  
12      work and, you know, gives us opportunity to fulfill these supplemental CDUs while also  
13      doing the Joint Session of Congress.

14           Q     So whatever shift would be their normal shift, as long as they work it at  
15      some point in the January 6th sort of 24 hours, that would fulfill their working  
16      requirement?

17           A     So you may be oversimplifying. So --

18           Q     Okay.

19           A     -- if we say, Hey, all hands on deck -- and SOD is all hands on deck. Well,  
20      I'm usually a midnight officer. Well, if my supervisor comes up and says, Hey, I need you  
21      to work day work, well, I've been coming to work midnights, and, you know, hey, whoa,  
22      the chief now has said that if I work midnights -- no. Whatever -- if they're assigned to  
23      work an assignment for -- to support the January 6th or whatever their assigned date is,  
24      you know, for -- to support -- I don't know if they're going to get -- I just don't want to get  
25      myself in a trick bag of saying, oh, yeah, if they fulfilled their assigned -- regularly assigned

1 shift when they were assigned to a different shift to support the January 6th response.

2 So it's hard -- it's hard to answer that. Everyone should have been working.

3 Everyone should have gotten an assignment associated with this, because, again, this  
4 requires significant staffing, and we're looking to find a way to staff as much on the  
5 exterior as possible.

6 Q So estimates from Capitol Police today put the number at, looking at time  
7 sheets, 923 officers -- and the specific numbers are obviously give or take. It's not -- it's  
8 a -- you know, has a margin of error there, but 923 officers on campus at 7 a.m. This is  
9 out of, we're told, an 1,840 sworn officers total. So that would put the rate at  
10 50 percent at 7 a.m.

11 And at 2 p.m., we have a number of 1,214, which would put the rate at  
12 66 percent. And we have a number of 1,457 of at some point in the day, the 24-hour  
13 period, 11:59 to 11:59. That 1,457, which would be about 79 percent of the total sworn  
14 officers in -- at that -- at Capitol Police.

15 Does that sound accurate to you or do those numbers seem lower than what you  
16 either were expecting or planning for?

17 A It's -- going off the numbers you're giving me, it's hard to say, because the  
18 79 percent, I may be missing midnight officers who, you know, fulfilled their posts in the  
19 buildings and weren't assigned to the -- you know, the CDU or something like that, and  
20 they needed to be back that night working for the 7th to fulfill their same post again. So  
21 I just -- I don't know if that counts for the 21 percent. I don't know if that has an impact.

22 I will -- I will say this. If -- you know, if there is a -- anyway, so I'll just answer with  
23 that.

24 Q Well, so the 1,457 are within the full 24-hour scope, so that person could not  
25 have done any of --

1           A    Got it.

2           Q    Right? They would have done any assignment on the 6th. And that is the  
3    largest number, obviously, at 79 percent, 1,457.

4           So, I guess, hearing those numbers, is that what you imagined? Is that about  
5    what you imagined all hands on deck to mean, seeing as how there are -- you know,  
6    there's leave scheduled --

7           A    Again, I don't --

8           Q    Once again --

9           A    Again, I don't know -- you know, we're dealing with, you know, a pandemic,  
10   so I don't know how many people we had out, because this was at the time, you know,  
11   pretty heavy, you know, pandemic. So, again, I don't know how many were out because  
12   of legitimate reasons. For me, I would have liked at the maximum amount of number  
13   possible, and I don't know, you know, what -- what that accounts for, but I would have  
14   liked, you know -- anyway, I -- again, it's hard to say without, you know, backing out  
15   people that had legitimate, you know, medical reasons, things like that. But I would  
16   have hoped it would have been higher.

17          Q    How about anecdotally? Obviously -- and we'll go through your day, of  
18   course, on January 6th. You were able to see in real time from the command center,  
19   you know, your officers out there, you know, defending the Capitol, valiantly, of course.

20          Did it look to you to be -- and, you know, there are some people's impressions  
21   individually, but anecdotally, they didn't look to be all hands on deck or a full complement  
22   of Capitol Police officers present.

23          What was -- what is your response to that critique? Did you share that view or --

24          A    So let me make sure I'm capturing your question right. As I arrived that day  
25   or as I sat in the command center watching, you know, the crowd approach the officers

1       on the barricades, was I seeing what I was hoping I was seeing?

2           Q     I guess at the height of the fight throughout the day, did it appear to you  
3       that Capitol Police were -- the numbers were, as deployed, as high as you could have  
4       them?

5           A     As I watched the officers on the barrier, I had -- I had a number of concerns.  
6       One, you know, them not being in full gear out there, and not more on the line.

7                  Like I said before, the Capitol Police is a very large organization, a paramilitary  
8       organization for those in the military, with divisions and rank structures. So people in  
9       critical positions with critical responsibilities fulfill those responsibilities.

10               You know, I'm concerned that, you know, some of the people didn't fulfill those  
11       responsibilities as best they could have that day, and our officers -- more officers could  
12       have and should have been out on posts when those protesters arrived.

13               Q     You also said that you don't think that all hands on deck was a designation  
14       that had ever been said or implemented by Capitol Police before the -- what it meant  
15       practically, counsel told us, you know, that no more approved leave from that date  
16       forward for January 6th, that that and the cancellation of ready reserve staggering from  
17       COVID. But those two things, they say, happened three to five times a year during big  
18       events on the Capitol.

19               Is that your understanding or is that not true?

20               A     Yeah. So -- so when I say -- it's the term AHOD. I don't know if they had  
21       used -- and, again, it's the first time I recall the term AHOD. Yeah, canceling days off,  
22       things like that, bringing everybody in for July 4th, yeah, that's been done many, many  
23       times.

24               I was just referring to the term that was used, the all hands on deck. They may  
25       use the term as well, but from my time in chief -- again, I was dealing with, you know,

1 COVID. We didn't have the July 4th. We didn't have some of the usual events that we  
2 would be doing those events for, but -- so I was just referring to the term itself, not the  
3 fact that the department brought in. So let me just clarify that.

4 Q Thank you. That helps. Okay.

5 So, then, we're going to use your labeling of it, all hands on deck. I know it's that  
6 the term itself might have been new, but so that how many times that year in 2020 had  
7 you -- had the department been all hands on deck as we mean it practically, the canceling  
8 of days off, no more scheduled leave, ready reserve? Do you recall how many times in  
9 the year and for which events you were in that posture?

10 A Again, I don't -- I don't recall off the top of my head. I just -- I don't recall,  
11 because I know we would have staffed up for some of the days we expected some of the  
12 protests over the summer of 2020. But, no, I don't -- I don't recall.

13 Q Okay. But is July 4th maybe like -- are there sort of --

14 A Oh, again, I've got to go back and look and check, because July 4th, I think,  
15 that year may have been canceled. So you've got to -- you know, because of COVID,  
16 again -- you know, a lot of the things that we usually would have done could've been  
17 canceled, so -- but, you know, it would've been a regular occurrence for big events, State  
18 of the Union, things like that, to have everybody working, yes.

19 Q Okay. The plan says, quote, "the west front inaugural platform  
20 construction area remains closed to the public and is secured with a series of bike rack  
21 and snow fencing. Additional bike rack has been deployed to the Pennsylvania Avenue  
22 northwest walkway, as well as the Maryland Avenue southwest walkway, to further  
23 reinforce the existing posted closure."

24 Is your understanding that demonstrators did, in fact, you know, make their way  
25 to and on top of the inaugural platform being built and that constructed tools were used

1 against officers in the fight in that area?

2 A Yes, sir.

3 Q Okay. And so was the closing of the inaugural platform -- was the idea that  
4 the bike racks would serve as the visual implementation of that closure?

5 A Yes, sir.

6 Q Okay. Mayor Bowser of District of Columbia told the select committee she  
7 was struck when, right before a press briefing on Monday, January 4th, she asked a  
8 Capitol Police representative there for the briefing, Where does your perimeter start, and  
9 he gets up out of the room -- I'm quoting her at this point -- "calls somebody, and the  
10 next thing I know, he can't participate in the conference."

11 She said, quote, "that should have been like a trigger to me, like, these people,  
12 they don't want to answer questions about their preparation," end quote.

13 Do you have any insight into what happened at that particular briefing, and what's  
14 your response generally to her critique that she felt as though Capitol Police were  
15 being -- didn't appear to know -- didn't appear to have stable plans ahead of January 6th?

16 A I don't -- yeah. I don't recall the press conference. I'm just trying to think  
17 off the top of my head if it -- I mean, I just don't recall who it may have been. I don't  
18 know. Our -- our boundaries -- and the question was where does your perimeter begin?

19 Q That was what she asked the representative, and the representative walked  
20 out.

21 A Yeah. I'm just -- I'm trying to recall that, but our -- I mean, when they say  
22 boundaries, our boundaries are set. I mean, it's pretty -- pretty well-known, but you're  
23 talking about the perimeter like for the fencing?

24 Q I believe, yes, the perimeter for the bike rack.

25 A Yeah. I'm -- I'm not sure about that, yeah.

1           Q     Okay. Director Chris Rodriguez from the city's HSEMA, emergency  
2 management agency, said, quote, "We had issues understanding, getting the full picture  
3 of U.S. Capitol Police's operational posture and what their planning was," end quote.

4           So I guess my question to you is: How much do you feel you communicated to  
5 the city, let's say, with your partner, Metropolitan Police Department, with the Mayor  
6 and her team, as to how you guys were preparing for January 6th? How do you respond  
7 to their critique that it wasn't entirely clear what your plan --

8           A     Yeah. I'd be -- I'm sorry. I would be interested in who he was talking to  
9 about that. I would like to see that we have a transparent process. And, you know, it  
10 should be readily apparent. I mean, we're all -- all law enforcement, and we all have a  
11 piece of the puzzle that it would share. You know, we shared our posture in the  
12 January 5th meeting that I pulled together with all our law enforcement partners and  
13 military partners. On January 5th, I would have hoped, you know, my subordinates  
14 would have done the same.

15          Q     Let's talk about bike racks, because that was -- you know, there's a back and  
16 forth with yourself and some people at Architect of the Capitol to try to put more bike  
17 rack in place, and that's one of the things you did operationally to assist.

18          So exhibit 15, it has it on December 29, 2020, Deputy Chief Waldow sends you the  
19 draft perimeter plan.

20          If we could put that up on the screen, exhibit 15.

21          And while I have that up, I'm going to talk about a different exhibit, because I just  
22 want to have the attachment, I think, actual plan up. It would be at the end.

23          One moment, Chief Sund. I may have --

24          A     No problem.

25          Mr. Sund. I was just going to say, if you get a chance, to think about a good time

1       we might be able to break for a few minutes just to go grab a quick bite to eat, just a  
2       quick snack.

3                          [REDACTED] Actually, I think before we get into the bike racks would be best.

4                          [REDACTED] Yeah.

5                          [REDACTED] Yeah. How long of a break, do you think?

6       Mr. Sund. Thirty minutes?

7                          [REDACTED] Okay. Sounds good.

8                          [REDACTED] Can I speak?

9                          [REDACTED] Yeah.

10                         [REDACTED] So, Chief Sund, understanding that, are you comfortable or do you  
11       have the flexibility to go past 2 o'clock? I know we're scheduled from 10:00 to 2:00.

12                         My only concern with the half an hour is that that will likely put us over 2 o'clock,  
13       because after [REDACTED] is done, I probably have another 45 minutes worth of questions to  
14       ask you. So I just want to sort of check on your availability to go beyond 2 p.m., sir.

15       Mr. Sund. Okay. Let's see -- you want to see if we can do it and take a break  
16       for 15, 20? 15?

17                         [REDACTED] We're going to go past 2:00 probably.

18                         [REDACTED] Yeah. We're going to prefer to go past 2 o'clock, Chief Sund, if  
19       that's okay with you. I don't know if you've got other scheduling things, if we have to  
20       reconvene at another time. I think I want to give you the time to have lunch, but if you  
21       want to prefer coming -- finishing at 2:00 and coming back another time, we can do it that  
22       way, or just powering through until --

23       Mr. Sund. Let's take 15 minutes, see what we can do to wrap it up. I'll make  
24       a -- I'll make a call to the better half at home and let her know.

25                         [REDACTED] Okay.

1           Mr. Sund. And maybe a little --

2           ██████████ Regardless of 15 or 30 minutes, we are going to exceed our  
3 predicted stop at 2 o'clock.

4           Mr. Sund. Okay.

5           ██████████ So, with that, do you want the 30 minutes, or 15? Again, up to  
6 you either way.

7           Mr. Sund. Say 20. Let's split it.

8           ██████████ Okay.

9           ██████████ All right. So we'll reconvene at 1:15?

10          Mr. Sund. 15? Okay. 1:15.

11          ██████████ Copy.

12          Mr. Sund. All right. Thank you.

13          ██████████ So, court reporters, we'll go off the record at 12:54 p.m. for a  
14 recess.

15          [Recess.]

16          ██████████ So back on the record at 1:19 p.m.

17          BY █████

18          Q If we could put up exhibit 15, the attachment therein. It's then the first  
19 page of the attachment.

20          It's the email on December 29, 2020. Deputy Chief Waldow sends you the draft  
21 perimeter plan.

22          And while this is up, so you can see, if we can just scroll up a little bit down, maybe  
23 we can try to capture the whole map. I just want to show what's highlighted.

24          You write in a thread in exhibit 17 -- we don't need to put that up -- as early as  
25 December 29th that we want to, quote, "make sure we have all of the necessary bike rack

1       in place for January 6th on the east and west front. Looks like some of the bike rack on  
2       the east front near the north barricade need to be put back in place. We also want to  
3       make sure we have bike rack to secure the west front."

4           So is this your sort of -- I'm going to walk you through -- I know a little bit later,  
5       there's a request for additional bike racks. I want to figure out: Is this reflective of the  
6       original sort of request for bike rack back in late December that we see on the screen?

7           A     Yes, sir, I believe it is.

8           Q     Okay. And is this the bike rack as it appeared at the perimeter as it was  
9       on -- for MAGA I and MAGA II?

10          A     I do not believe so.

11          Q     Say it again.

12          A     Off the top of my head, I do not believe so. I'm trying -- I'm trying to recall  
13       without looking at it. I don't believe that's -- this was the same layout.

14          Q     Okay. Was there -- this version, this draft perimeter plan, was it just a  
15       different layout or did it have additional bike racks as a starting point back in December  
16       than the MAGA I and MAGA II marches, if you recall?

17          A     So to make sure, so this is the original for the January 6th. MAGA I and  
18       MAGA II -- just trying to recall them -- they were focused -- MAGA I, for sure, was focused  
19       more on the Supreme Court, and that's where we had to adjust some of the fence line.

20           Again, I'm just trying to remember timewise. My recommendation was about  
21       having fence line on both sides of First Street to keep any counterprotesters and the  
22       marchers separated. So I just -- I don't know how this looked to the original at least  
23       MAGA I march, again, or MAGA II. But this was, I think, set up more in anticipation of  
24       demonstrations around the Capitol.

25          Q     And only because of the record, because of, you know, actual fencing was

1 put up for the inauguration and events later, if we could stick to the word "bike rack"  
2 for --

3 A Yes, sir.

4 Q Okay.

5 A Yes. Bike rack, not -- not fencing.

6 Q Right. So I'm going to get through the -- you know, there comes a period  
7 where you asked for -- or you're seeking more bike rack. But I want to ask you a general  
8 question first. Some witnesses have told us that bike racks work in containing crowds  
9 that are obedient but are not a good security measure for people with no intention of  
10 obeying the demarcation.

11 What do you say to that?

12 A Well, you go to like -- you go to the extremes. I mean, you know, bike racks  
13 have worked. I've seen them work for what you consider to be, you know,  
14 noncompliant groups. You know, it gives an officer something to work from.

15 But if you're expecting a group to come up where or you're expecting, you know,  
16 significant civil disobedience, you know, hundreds, many thousands of people, you know,  
17 if I had that intelligence, I would have -- like you said, I would have gone for the 8-foot  
18 antiscale fencing.

19 But bike racks, it's been used before for -- for groups. It worked effectively for  
20 MAGA I and MAGA II.

21 Q So it sounds to me there's a spectrum in your mind, and bike racks work  
22 along that spectrum to deter, you know, maybe people who are considering  
23 noncompliance, so not just completely law abiding, may deter to a certain point. And  
24 then once you reach a certain point of sort of civil disobedience, they obviously won't  
25 necessarily contain someone intent on getting past it. Is that -- is that your -- was that

1 your thinking?

2 A When you say was that my thinking, I mean, I -- I don't -- yeah. I mean, that  
3 was evident on the 6th. You know, people that were just going to go up and over the  
4 bike rack.

5 Q I guess -- right. And you may have done this, but maybe I'll put it simpler.

6 Why were the bike racks important to your security posturing for January 6th?

7 A Because it delineates an area. It gives you the ability to -- as an officer, to  
8 keep people out of a restricted area. It causes somebody to have to take a physical  
9 climbing over, and it gives the officer an advantage to physically prevent them from  
10 coming over -- over the bike rack.

11 If you have just an open -- open area, you know, you're going to be out there, you  
12 know, trying to keep -- repel people. The bike racks give you a physical area in which  
13 to -- you know, if you have to take physical actions to keep people from coming in, it gives  
14 you an area of -- a little bit of some advantage.

15 Q If we could put up exhibit 18a.

16 And while that is going up, I will -- let's see. Yeah. Perfect. I will read to you  
17 exhibit 16. It features Deputy Chief Waldow asking for, quote, "additional bike rack for  
18 Independence Avenue running east from the south barricade. I advised I reviewed the  
19 map after the meeting with HSAA and the COP and it was not included."

20 First, that -- the request for additional bike rack, is that what's reflected here in  
21 18a, with the blue is what we had previously, and it looks like the pink, would that be the  
22 additional bike rack that Deputy Chief Waldo's talking about there?

23 A That's what it looks like, yes.

24 Q Okay. Who was it that decided that you guys would need this additional  
25 bike rack, and when was that decision made?

1           A     I don't remember the exact date. I had a concern that the west front was  
2 open. We had nobody that had permits in that area, and I wanted to provide us some  
3 additional standoff distance, so went ahead and recommended that we put fence line all  
4 the way, you know, down -- was it First Street, and then up Independence Avenue, and tie  
5 into the south barrier just to close off the west front -- close off the west front more.  
6 And that's -- and, yeah, so I made that decision, or that -- yes.

7           Q     All right. So that came down from you. And I know you said you're not  
8 quite sure when. Do you have even an approximation for us? Was this -- what was it  
9 that, I guess, that caused you to think that you needed additional bike rack? Maybe that  
10 would help as to when it happened.

11          A     I'm trying to think. I know we had the inaugural platform up there. It was  
12 probably early January, maybe -- it may be right after -- maybe January 4th. Just putting  
13 up -- because, you know, I saw the inaugural platform there. You know, I didn't want  
14 any issues on the west front. I knew we had it. It was closed. No one was using it,  
15 and I was just concerned that the -- you know, the previous bike rack didn't clearly  
16 delineate that, you know, as a closed area and, you know, be able to have officers go in  
17 there and, you know, keep people out.

18          Q     So the chief of security for the Architect of the Capitol, Valerie Hasberry, said  
19 this particular request for additional bike rack never made it to the Architect of the  
20 Capitol. She was only aware of the request for additional bike rack at the Senate egg  
21 area, but not this extra layer in the pink, and that, in fact, it's her belief that -- that  
22 there -- that was not made, there was no actual bike rack -- this additional bike rack that  
23 we see here in the pink.

24               Is that your recollection of what happened?

25          A     No. I have -- I have no knowledge of that. I was under the impression the

1 bike rack was -- was put in all the way up to the south barricade.

2 Q Okay. So exhibit 18 has an email from yourself to Mr. Stenger and  
3 Mr. Irving asking to discuss the bike rack situation, on January 5th, 2021, at 2:55 p.m.

4 So do you recall, you know, at sort of that late time on January 5th, what it was  
5 you wanted to discuss about the bike racks?

6 A It was putting a bike rack out, because anytime we put bike rack out to  
7 enclose a portion of either the House or Senate side of the Capitol, I've got to make sure  
8 they're aware, just to talk about, you know, that right now, there's limited bike rack. I'd  
9 rather put bike rack out that completely closes off the west front as well as put some  
10 additional bike rack up on the east front, just to provide a more standoff distance, you  
11 know, a little more barriers up there. And that's why I sent that to them. We  
12 had -- you know, anyway.

13 Q So does that mean that at January 5th by 2:55 p.m., that sort of pink area,  
14 we had not -- you had not yet made that request or gotten it decided -- officialized that  
15 bike rack would go there and that that's what this conversation was about?

16 A I believe that may be the case, yes.

17 Q Okay.

18 BY [REDACTED]

19 Q And, Chief Sund, just to be clear, when you put up bike racks, is there  
20 signage in addition to the bike rack on or around that indicates sort of no admittance  
21 beyond this point? How's that message conveyed beyond the actual metal bike rack  
22 itself?

23 A I -- I don't know if there's signs that are put up. When we put up -- I don't  
24 know. That might be a good -- I don't know. When we put up -- or when the Architect  
25 of the Capitol puts up, like, the snow fence to cordon off the lower -- the lower west

1 front, I do believe there are signs there that talk about the area closed.

2 So I'm not sure if when the Architect of the Capitol puts up the bike rack, if the  
3 sign -- if signs are put up on that. That would either -- you know, that may be a good  
4 question for AOC or one of the -- Chief Waldow or Chief Thomas.

5 Q Yeah. And how about your staffing? Is it -- is there a standard, one  
6 officer per bike rack, or are there officers stationed along the bike racks, or how did this  
7 affect --

8 A There's --

9 Q -- the appointment of personnel?

10 A No, there's not a standard. It's just -- and that's one of the reasons I went  
11 and asked for the National Guard. I knew, you know, we had a significant perimeter,  
12 and, you know, I'd really like, you know, more -- more people behind the bike rack, you  
13 know, to prevent anybody from trying to jump over it. So that's why I went and asked  
14 for it. So we don't have a standard, but I felt we could have used some more support.

15 Q Okay.

16 BY [REDACTED]

17 Q So at some point, though, it appears that you guys wanted bike rack  
18 removed. So if you look at exhibit 19.

19 Ms. Hasberry characterized it on January 5th at 9:10 p.m., quote, "as a late  
20 request to remove approximately 500 bike racks along First Street NE/SE, and along the  
21 south curb of Constitution Avenue between the north barricade and First Street NE. My  
22 team was told the reason for the change was due to Capitol Police's concern that  
23 demonstrators would be trapped on the eggs. This explanation did not track with past  
24 setups, including those used in November and December. In addition, the change didn't  
25 make sense from a security perspective," end quote.

1           That's what she writes on January 5th. There is some back and forth with Chief  
2 Thomas that I'll go over with you, but, first, I want to get your -- your thoughts -- your  
3 recollection on it. Who decided at that point that, actually, bike rack needed to be  
4 removed, and why?

5           A     I'm trying to see exact where the bike rack portion is that they're talking  
6 about, and -- okay. So -- okay. Hold it right there if you could.

7           So it was on Constitution Avenue?

8           Q     It said along First Street NE/SE, and along the south curb of Constitution  
9 Avenue between the north barricade and First Street NE. So approximately 500 bike  
10 racks that they were told to remove.

11          A     Yeah. I know we had some discussions. I had some discussions with Chief  
12 Thomas, because I think originally they had bike rack the entire -- to the House and  
13 Senate eggs. If you look at them, you'll see what looks like an egg shape. That's where  
14 a lot of protest groups will have their protests, in the grassy areas.

15          They had put bike rack all the way around those, which, from my experience, that  
16 is not something you want to do with demonstrations. You don't want to completely  
17 bike rack them in because that could be dangerous. And I had said, Hey, we need to  
18 make sure that we have an evacuation area in case we have to evacuate any of the  
19 protesters.

20          So I talked about removing some of the bike rack. I don't recall the -- the specific  
21 area. I thought it was on Independence Avenue where you see the opening there.  
22 Yeah. I'm -- I'm not sure, but 500 piece of bike rack is a lot of bike rack.

23          Q     And it's -- that sounds like that is what, you know, Ms. Hasberry is talking  
24 about exactly. She says that the concern that was communicated to her by Capitol  
25 Police is that the demonstrators would be trapped on the eggs.

1           So you do recall that. So was that your decision ultimately -- well, the bike rack is  
2 removed. So was that your decision to request that the bike racks be removed around  
3 the Senate egg area, and was the reason because of the -- as you said, you didn't want  
4 the demonstrators to be trapped in that area?

5           A     So just to be clear, my recollection is that I wanted to make sure we had one  
6 avenue for evacuation, which, to my recollection, it was Independence Avenue, that we  
7 could have -- if we had to, we could have pushed them off Independence Avenue and not  
8 the First Street and Constitution Avenue removal. I just -- you know, that's my  
9 recollection.

10          Q     And you also seem to take a little bit issue with the 500. Do you  
11 independently recall that it was 500 bike racks that Capitol Police was asking to be  
12 removed, or what's your recollection on that?

13          A     No, sir. I'm not taking -- yeah, I'm not taking issue with the 500. I'm just  
14 saying that's -- that's a lot of pieces of bike rack. That's all I was saying.

15          Q     Oh, okay. And so do you have an independent recollection of it being 500  
16 bike racks?

17          A     I don't recall that number -- ever hearing that number.

18          Q     Okay. She indicated that it was different than the setups used in  
19 November and December. I think you've alluded to this a little bit. You're not quite  
20 sure what the setup was. So do you feel comfortable saying whether you agree or  
21 disagree with Ms. Hasberry that that setup was different than MAGA I and MAGA II?

22          A     Yeah. Without being able to look at it, I don't know right now.

23          Q     Okay. In that exchange she has with Chief Thomas, Ms. Hasberry says the  
24 change didn't make sense from a security perspective. In that same thread, internally  
25 within AOC, Brett Blanton of the Architect of the Capitol writes that, quote, "This seems

1       absolutely illogical. It removes a zone of defense," end quote.

2                  Do you agree or disagree with that assessment?

3                  A      From his point of view as, you know, looking at it as a zone of defense, he  
4       may be concerned it reduces a -- you know, a perimeter line, but I'm looking at it from a  
5       safety and life safety situation. You cannot -- and I think, of course, have ruled on it, you  
6       cannot fence in or barricade in protesters. It just -- it leads to bad things happening.

7                  So he may be looking at it from a pure security point of view. I have to look at it  
8       from a security and a safety point of view. That's -- we needed a -- you can't have  
9       people in there without a logical escape route.

10                 Q      When Ms. Hasberry brings this up with Chief Thomas, you know, her  
11       concerns about it being a -- you know, removing a zone of defense and not making sense  
12       securitywise, Chief Thomas writes, quote, "With the shift in our posture to secure the  
13       Capitol Square, there will be no tie-in for the bike rack along First Street and no officers to  
14       stand fixed posts there; they will all be on Capitol Square. That being said, we will  
15       actively monitor all the portions of the grounds and have CDU response squads to quickly  
16       address problems, including potential vandalism to Library grounds," end quote.

17                 Tell me what you recall. It appears that he's indicating that there is  
18       enough -- and you've alluded a little bit to this -- there's enough manpower to stand by  
19       the bike rack that is being removed, that that's one of the reasons that it should be  
20       removed.

21                 Do you recall that being a motivation?

22                 A      Not that I recall, no.

23                 Q      Okay. Can you explain to us generally why bike racks do need manpower  
24       for it to be at all effective then or not at all for it to be effective as a means of security, of  
25       demarcating the line?

1           A     It just helps enforce the perimeter that it's representing. If you have a bike  
2     rack out there, you'd like an officer at least, you know, some reasonable amount of  
3     distance to be able to help secure it.

4           Q     And you said you don't recall specifically the concern about there not being  
5     enough manpower as it relates to the removal of these 500 bike racks around the Senate  
6     egg area. But, generally, was it your belief that you did not have enough officers for the  
7     amount of bike rack that you wanted?

8           A     You say have enough officers. I would have liked to have more personnel  
9     along those bike racks. I don't know if there's a -- I would have liked to have more  
10    personnel. That's one of the reasons I went and asked for the National Guard.

11          Q     And can you talk to me about -- you know, given the fact -- we talked a little  
12    bit what all hands on deck means, but given the fact that that was your order, why  
13    weren't there enough officers to man the bike racks that you felt was needed for the  
14    January 6th event?

15          A     So just to make sure I'm understanding what you're saying, how come -- how  
16    come I didn't feel more comfortable with it, or --

17          Q     No. I -- maybe you could talk to me about a Capitol Police resource issue.  
18    If you've deployed all resources, or you're asking to deploy all resources within Capitol  
19    Police, all sworn officers, right, who -- canceling days off, so on and so forth, all hands on  
20    deck posture, why was there still not sufficient manpower for the bike racks? What  
21    about the resources that were either available to you that kept you from having sufficient  
22    manpower for the bike racks you wanted?

23          A     You know, we deployed out there -- make sure that I just completely  
24    understand your -- so we activated the full department. All the resources I had available  
25    to me were directed. I directed all those resources to be activated for January 6th.

1        We have the internal event going on at the Capitol for the joint session, which requires  
2        some staffing. And then we also have the external event, which also requires the bike  
3        rack.

4           You know, just from -- I would have liked to have had more personnel along the  
5        bike rack. I don't know if that is -- you know, comes out to a scientific number of, you  
6        know, what we're supposed to have. But I knew we had a lot of bike rack out there. I  
7        knew this was going to be a big event, and I would have liked more personnel to have  
8        helped support the bike rack.

9           Q        Ms. Hasberry goes on to write in that thread, quote, "I believe there may be  
10       other factors driving the change," end quote. And she told the select committee that  
11       concerns over treating the January 6th demonstrators similarly to the Black Lives  
12       protesters over the summer, she believes, appeared to have impacted decisionmaking.

13           Was your response to that, the summer, affect your security plan for January 6th  
14       in any way?

15           A        For the bike rack?

16           Q        Yes.

17           A        No. No.

18           Q        Not specifically for the bike rack, but --

19           A        No. That didn't -- no. No, sir. That did not play a role for me in the  
20       planning, the security planning for the -- for the 6th. You know, in fact, we activated  
21       and deployed more resources for the -- for the 6th than we have for any events, to my  
22       recollection.

23           Q        And I was going to ask: If you could just, at a high level, tell me how your  
24       preparations were different. You mentioned, you know, that -- pulling that thread a  
25       little bit more, between the summer protests and the January 6th protests.

1           A     Fencing, for the most part, if we fenced off an area, it may have been the  
2     east plaza, which is just the -- the east plaza is kind of the hardscape on the east side of  
3     the Capitol, and we fenced off some of the -- the Pennsylvania Avenue and Maryland  
4     Avenue walkways onto the west front.

5                 Sometimes I think the west front may be -- may have even been open. We had  
6     limited -- we had limited demonstrations up here. We did have one demonstration  
7     come up and vandalize a statue -- it's a Peace statue.

8                 And after that, we did -- I'm trying to recall if it was before or after, but we  
9     did -- oh, yeah. When we saw them -- some of the protesters toppling and damaging  
10    statues around the country, I went ahead and implemented putting bike rack around  
11    many of our statues and asking the command center, you know, to provide regular what  
12    we call virtual patrols, where they're monitoring it with cameras or just having the  
13    cameras on them permanently so we can watch, just to make sure we don't have  
14    anybody going up and vandalizing some of these statues, some of which have gone  
15    through recent renovation at extensive expense.

1

2 [1:42 p.m.]

3 BY [REDACTED]

4 Q Okay. So Ms. Hasberry received -- again, felt enough to write a response  
5 that, quote, "The racks were moved after a meeting between Paul Irving and Chief Sund.  
6 They walked the site on Monday and the concern by the HSAA was that the House side  
7 was not as protected as the Senate."

8 Can you walk us through what happened there, that walk, what you saw, and  
9 explain to us how, if one side is more vulnerable than the other, how removing the bike  
10 rack, instead of increasing them, would be the proper response?

11 A Again, you're -- it's the House sergeant at arms that you're referencing. I  
12 talked to both Irving and Stenger -- and, again, I'm just trying to recall it -- about  
13 deploying some of the bike rack and deploying it on the West Front and some on the East  
14 Front.

15 I remember Stenger was kind of listening to what Irving was saying, and Irving had  
16 talked about putting more bike rack down around the West Front and some tying into the  
17 south barricade. And Stenger said, yeah, that's good. And then Irving went, Yeah,  
18 yeah, we want that too.

19 So we had developed the bike rack. And I think there's -- there should be  
20 somewhere a diagram where I think they agreed to the bike rack that was deployed.

21 Q So if I'm understanding you correctly, your understanding was that because  
22 of the unequal sort of protection between the House and Senate side, the removal of the  
23 bike rack from the Senate egg area, your thinking was that it would be moved, not  
24 removed entirely, but moved over to that sort of pink line that we first saw up and down  
25 Independence Avenue. Was that the thinking?

1           A    Yeah. I don't know if it would've been moved. I don't know how  
2 they're -- how the contractor is handling the bike rack.

3           But the House side of the West Front was much more vulnerable and open than  
4 the Senate side. And I wanted to make sure that we were able to put some bike rack in  
5 there just to delineate that, that standoff area and that perimeter. Yeah, that's -- and  
6 Irving was in favor of that.

7           Q    Okay. Well, so I think to sum it up, the Architect of the Capitol, they didn't  
8 receive the request for the additional bike rack on the Independence Avenue side. All  
9 they received was the removal of the bike rack over at the Senate egg side that was done  
10 and that was of concern to the Architect of the Capitol.

11           And they wrote up in the email on January 5th -- this is all internal legal doc  
12 stuff -- and she's told us since -- she summed up the disconnect this way, quote, "The  
13 HSAA POC is aware of our concerns, but noted that this is Capitol Police's Operational  
14 Plan. As background, lack of coordination on this change is indicative of the hurdles  
15 AOC had been trying to overcome on security issues. There are several historical factors  
16 on why AOC has not been included in these decisions that I can discuss with you later. I  
17 will continue working to improve the coordination and input," end quote.

18           From your view, is that a fair critique? Were there hurdles and lack of  
19 coordination with AOC that she says have long been a problem? Was that something  
20 that you appreciate or agree with or disagree?

21           A    Yeah, I'm not aware of any of the hurdles that she references. I know  
22 Valerie, knew Valerie well, and talked to her. Yeah, I don't think -- I can't think of the  
23 issues that she may be talking about. But, yeah, I just don't understand what those  
24 issues may be.

25           Q    In hindsight, if the bike racks at the Senate egg area are removed and there

1       are no additional bike racks put on the Independence Avenue area, was that, in hindsight,  
2       does that prove to be a weakness in the perimeter setup heading into January 6th?

3           A     Not really, because it's an open area.   Ultimately it's an area that -- and we  
4       have it permitted, people can come into, come out.   They just got to go around the  
5       fence to be able to come in there.

6           If we did have a reason to have to clear that area out, then we have fencing  
7       already existing in there.   And there was fencing -- let's see, I'm trying to recall.   I  
8       believe there was -- we also had fencing on the East -- on the hardscape on the East  
9       Front -- I don't think that's in your image -- that closed off the East Plaza.

10          I just want to -- I'm trying to describe it, but I don't know how much you guys  
11       know about it.   The East Plaza is a hardscape.   So you really have two rows of fence.  
12       You have the fence that kind of goes along the street near First Street and Constitution  
13       Avenue.

14          But then you have another fence farther back that goes along the hardscape that  
15       closes off the East Front.   So that's really providing the main perimeter to the Capitol  
16       itself.

17          So that in itself, the removal of it, I don't think would've impacted, because people  
18       could've got -- people had permits and people had access into that area already.

19          Q     On January 6th at 1:28 p.m. -- this is reflected in exhibit 20 -- Ms. Hasberry is  
20       asking about whether her, quote, "team is ready to move the 400 bike racks to the East  
21       Front."

22          It's our understanding that in the middle of the fight on January 6th, Capitol Police  
23       requested that there be 400 additional bike racks moved to the East Front.

24          Can you talk us through that decision?

25          A     That's the first I've heard of that.

1           Q     Okay. Did you read that email where she's asking her team and saying  
2     that -- to put up these 400 additional bike racks after 1:28 p.m. on the 6th?

3           A     I remember briefly looking at it, but -- just give me a minute.

4           Q     Well, let me ask you this. It appears then that you did not make that  
5     request to move 400 bike racks to the East Front on January 6th itself.

6           A     On January 6th, at 1:28, no.

7           Q     And you're not aware --

8           A     I would not have -- no, not aware.

9           Q     And you're not aware of who from Capitol Police would have made that  
10    request?

11          A     [Inaudible.]

12          Q     That's a no, right? I didn't hear you. I'm sorry.

13          A     Yes, that's a no. That is a no.

14          Q     Okay. The AOC timeline goes on to state -- that's part of exhibit 21, but it's  
15    a very long document. I'll read it to you.

16                 It says at 1:49 hours -- or 1349 hours, excuse me -- "a report of a suspicious  
17    package at the DNC resulted in a lockdown of the area, preventing the deployment of  
18    bike racks to the East Front of the Capitol as requested by Bob Ford. Due to the  
19    deteriorated security conditions, efforts to get the additional bike racks to the East Front  
20    were unsuccessful until the campus was secured," end quote. And that actually helps.

21                 Let me ask you, what does Bob Ford do?

22          A     So Bob Ford at the time was the director of our Security Services Bureau.  
23     So a lot of our bureaus will have sworn personnel over it. Security Services handles all  
24     our physical and technological security measures, cameras, barriers, things like that, and  
25     he also handles the fencing.

1           Q     Does the invocation of his name help you at all recall if you were a part of  
2     that decisionmaking or had overheard that people under you were making that request?

3           A     No.  No.  And at 1:28, I probably was in the middle of a series of phone  
4     calls.  But, no, that does not.  That does not.

5           Q     What do you think about that request now, looking back on it?

6     Ms. Hasberry told the select committee that, in essence, at that moment that was too  
7     little, too late.

8           Understanding that that was not a decision that you made or directed, to you, is  
9     that a fair criticism?  Is that something you agree with?  Or would there be utility in  
10    getting additional bike racks at that late an hour on January 6th?

11          A     My recommendation would be not to deploy workmen or bike rack into the  
12    crowd that we were dealing with.  So I would not think that was a good decision.

13          Q     Was there any discussion or consideration of putting up fencing?  And I  
14    mean actual fencing, not bike racks, the type of fencing that goes -- or that went up  
15    during the inauguration afterward and some other events that we've seen in the District  
16    of Columbia this year and last year, 2021.  Was there any discussion of putting up  
17    fencing for January 6th?

18          A     No, no, there was not.  Again, the intel did not support a request like that.

19          Q     Okay.  Before I turn it over to --

20               BY [REDACTED]

21          Q     But on that last point, Chief Sund, let me just candidly say, a lot of people are  
22    going to read all of these documents, and in our report, all of the specific intelligence in  
23    advance about the target is Congress and there are armed people that are coming to  
24    disrupt the joint session.

25               And the logical question will be, well, why not consideration of more secure

1       fencing or hardened perimeter as opposed to bike racks?

2           You just said the intel didn't support that, but we've gone through a series of  
3       advance warnings where the intel frankly predicted that, violence to actually disrupt the  
4       joint session.

5           So I'm just wondering, what's your response to this criticism that there really  
6       should've been a harder perimeter?

7       A     Well, when you show me some of the intel that was floating around, that's  
8       the type of intel that would've given me the ammunition I needed to go and make these  
9       requests, not a final paragraph after -- you're dealing with a bottom line upfront that  
10      doesn't talk about any concerns, the whole document doesn't have any concerns, and  
11      then you have a final paragraph that you may.

12           You need to realize there's a lot of concern about when you start putting fencing  
13       up around the Capitol. A lot of people are worried about that.

14           But for me, you got to understand, I went and requested the National Guard in  
15       advance, just to help support my bike rack. I don't think I would've gotten anywhere  
16       requesting -- if I can't get National Guard just for bike rack, I'm not going to get anywhere  
17       for fencing.

18       Q     Yeah. So we're going to get into the discussion of the National Guard.  
19       But just to be clear, it sounds like what you're saying -- don't let me put words in your  
20       mouth, I want to make sure you agree with this -- is that while there was intelligence and  
21       while there were warnings, that didn't get elevated sufficiently or make it to you or other  
22       decisionmakers that could have used it to justify requests for more of a hardened  
23       perimeter? Is that generally accurate?

24       A     Yes, I think it's generally accurate that the intelligence wasn't sufficiently  
25       incorporated into the products that inform our Department, our oversight, including the

1      Capitol Police Board, to make these tough decisions and go and fight for these things, yes.

2      So, yes.

3            Q     Okay. So that's an internal Capitol Police communication failure, right?

4      When you say colossal intelligence failure, the failure is to have that intelligence within  
5      your organization make it to you and the Capitol Police Board?

6            A     Yes.

7            Q     Okay.

8                [REDACTED] Let me do this really fast, while [REDACTED] gets it up.

9                [REDACTED] No, I think he has it up.

10              [REDACTED] do you have it up?

11              [REDACTED] It went away.

12                BY [REDACTED]

13            Q     Well, in the interim my colleague is going to show you a report, an internal  
14      intelligence report for Capitol Police, before we -- as soon as it comes up on the screen,  
15      we'll switch over that.

16            My last question before I turn it over is, so Chief Pittman in her statement, her  
17      statement shortly after the event, that you had testified earlier that basically none of the  
18      operational things that you had put into place came as a result of the January 3rd  
19      assessment, which of course you've now testified is pretty much how you read it, in line  
20      with the assessments that you had done previously and what happened during MAGA I  
21      and MAGA II.

22            Tell me if you disagree with Chief Pittman, because she seems to say differently.

23            She wrote, "The Department's uniformed operations, led by Assistant Chief Chad  
24      Thomas, also adjusted its planning for January 6th in response to the January 3rd special  
25      assessment. For example, the Department changed its Civil Disturbance Unit plan for

1       January 6th in the following ways?"

2           And she goes on to list what you've mentioned: increasing the platoons from  
3          four to seven, changing the scheduled reporting times to these different times on  
4          January 6th, deploying USCP SWAT teams to act as counterassault ground teams, and  
5          enlarging the physical security perimeter -- the bike racks we just finished talking  
6          about -- to encircle the entire Capitol Square with bike racks manned by officers to keep  
7          out unauthorized persons.

8           She said that that came as a result of the January 3rd assessment. Is that  
9          accurate?

10          A      I'm trying to recall the exact time some of those things were put in place. It  
11         very well could be, yes.

12          Q      Okay. Because earlier you said that as far as your decisionmaking, which I  
13         think is important, you said that you didn't come away from the January 3rd assessment  
14         having any either new or dramatic or shocking sort of information that would lead to  
15         operational changes.

16           So how can we reconcile that, if you didn't do that, how could it be true then that  
17         these changes were as a result of what was written in the January 3rd assessment?

18          A      Yeah. Again, I'm not sure of the exact time some of the things were put in  
19         place.

20           We had everybody on the Department working. We had put additional people  
21         outside some of the buildings. There was a lot of things that are put in place when we  
22         have an event at the Capitol that are regular order of business that would occur, such as  
23         putting additional people in the tunnels to challenge and validate, to make sure the right  
24         people have the right passes to get into the Capitol.

25           So I just don't know of the timing for some of those.

1           Q     But more so than the timing, I'm asking about the motivation behind it. I'm  
2     wondering if you could -- is it that you just don't recall what your motivations were  
3     behind those operational changes? Were they the January 3rd assessment, in your  
4     mind, or were they not?

5           A     Again, a lot of the stuff, like my request for the National Guard, came before  
6     that. Yeah, I just don't recall.

7                  BY [REDACTED]

8           Q     Chief Sund, I just have a couple questions about kind of this big picture idea  
9     of the products weren't there in terms of revealing what the threat was. And I want to  
10    talk through one in particular.

11           You mentioned that there were four IICD special assessments. And one of them,  
12    another product that comes out of these investigative research and analysis reports, is up  
13    there on the screen. And this one's seven pages that highlights the tunnels itself.

14           This is pretty early on, December 21st. If you go to the middle of the page there  
15    it says, "These are tunnels connected to the Capitol Building. Legislators use them to  
16    avoid the press, among other things." And it has the website for TheDonald.Win.

17           And included in this, it's a pretty long document, are 37, like, screenshots of pretty  
18    prescient aspects of what occurred on the 6th, including get into the Capitol Building,  
19    stand outside Congress, be in the room next to them, they have time to run if they -- they  
20    won't have time to run if they play dumb. I can read you a number of them.

21           But the big picture is, when you say you didn't have the products to kind of have  
22    the full picture here, did you have this report?

23           A     Yeah, I have no recollection of having this report. This, from what I  
24    understand, after the 6th, and after my initial testimony, and seeing the final report,  
25    that's where I first learned about this report, is an internal report, even though the

1       Department said at one time they had shared it.

2           I do not recall having ever seen this, and more importantly, do not recall ever  
3       seeing this included in any of the subsequent assessments, making it aware to the rest of  
4       the Department even as a footnote that it's in there, or this being briefed out in any  
5       manner with any of the -- during any of the briefings with -- that would've been briefed  
6       out to the House sergeant at arms or the Senate sergeant at arms.

7           Q     So the January 5th email that my colleague showed you about the tunnels,  
8       was that the first time you became aware that the tunnels were not just talked about as a  
9       target on one media post, but in several blogs, with pictures of -- with pretty much detail  
10      about how these tunnels can be used underneath the Capitol Building?

11          A     Yeah. I mean, to the best of my recollection, yes. I don't recall seeing  
12      anything before the 5th. Like I said, Gallagher and Pittman did approach me and talk to  
13      me about a company that had the website, that they said there was an uptick in access to  
14      it. But beyond that, I don't recall, and I definitely don't recall seeing this document.

15          Q     But if you had seen something like this prior to, from December 21st on,  
16      would that have changed some of the decisions you made operationally?

17          A     I think having this included into the intelligence assessments and briefed to  
18      the House and Senate sergeant at arms would've made a big difference to our planning,  
19      but also to my request for outside support. It may have even -- yeah.

20          Q     So I guess when you mentioned the report, the HSGAC report, and it goes  
21      through a level of detail about what was possessed by IICD, and you said that was the first  
22      time you learned about this, was there anything else that, after having read that  
23      report -- I'm assuming you had looked at it -- that surprised you about what IICD had you  
24      were not aware of? Because perhaps that's the disconnect that I'm having.

25          A     Yeah. So IICD -- so 21TD159 was one of the ones that I got from -- I saw

1 from the Senate report. I'm trying to recall some of the others.

2 There's definitely after the fact learning that -- it appears IICD had a number of  
3 different -- and I'm trying to -- intelligence concerns or products or notifications from  
4 different agencies, from our partner agencies, the FBI, DHS, or whoever it may be, that  
5 didn't seem to be in our intelligence assessments outright, as a footnote, anything like  
6 that. And that raised a lot of concerns, because that would've definitely helped to  
7 inform significant decisionmaking.

8 Q But would you still, having looked at that and what the IICD had, do you still  
9 believe it's a colossal failure of intelligence when they had a number of data points about  
10 the threats and the potential for violence on January 6th?

11 A Yes. I'd say that colossal intelligence failure. Because the value of  
12 intelligence for us as an agency is in planning. It's making sure that the intelligence is  
13 synthesized and put into the intelligence reports that are being shared and people are  
14 being reliant on within my agency, those in those critical positions that I talked about in  
15 the paramilitary organization to help plan and help inform critical decisions.

16 Q And I won't belittle it, but it sounds like when you talked about the January  
17 3rd special assessment versus the Daily Intelligence Report, that it was your reliance on  
18 the Daily Intelligence Report guided you more so than the January 3rd special  
19 assessment. Is that fair to say?

20 A No, I wouldn't say that. I take them all into consideration, kind of together.

21 Q But the fact that the likelihood of violence was improbable in the January  
22 4th Daily Intelligence Report, that stuck with you, versus --

23 A Well, it just kind of reaffirmed that what we're likely to see, as outlined in  
24 the rest of the January 3rd report, is it being very similar, the crowd actions, very similar  
25 to what we had seen in MAGA I and MAGA II.

1           We knew we were going to have a large event, again, focused at the Capitol, with  
2       the propensity of some skirmishes, with some possible violent altercations, and we  
3       planned accordingly.

4           BY [REDACTED]

5           Q     Appreciate it, Chief.

6           So what I'd like to do is pull on the operational thread a little bit more and segue  
7       in a moment to your request of the National Guard.

8           But before we get there, during your conversation with my colleague, one of the  
9       things you said -- that I think you said -- that resonated with me, and I want to make sure I  
10      understood you, is you said that you had made a number of requests for resources  
11      related to your preparation of January 6th that were denied.

12           Putting aside the National Guard, what are you talking about when you say that?  
13      Number one, did I understand you to say that correctly, I guess is the first question. And  
14      assuming that I did, when you say that you made a request for a number of resources  
15      that were ultimately denied, what did you request? Who did you request it from?  
16      Sort of can you give me some detail to flesh that out?

17           A     Yeah. I don't recall making that statement. I'm sorry. I don't. The  
18      specific request for January 6th that I went and was denied was the National Guard. I  
19      don't recall saying that there was other resources.

20           Q     Okay. Maybe I just misunderstood what I heard. So I'm glad I asked a  
21      clarifying question.

22           So just to make sure I'm clear, the only request you made for additional resources  
23      was a request for the National Guard. Is that accurate?

24           A     The only request I made for additional resources specific to January 6th was  
25      the use of the National Guard to help support my perimeter.

1           Q    Copy that, sir.

2                 BY [REDACTED]

3           Q    [REDACTED] before you get into that.

4           Did you consider other things, Chief Sund, like mutual aid, for example?

5           Capitol Police has all kinds of agreements with other law enforcement agencies to  
6           have reinforcements as needed. Did you consider the possibility of having MPD or Park  
7           Police or other law enforcement agencies providing bike rack support or other assets  
8           before you got to the National Guard?

9           A    National Guard is usually our first go-to. I knew MPD was going to be busy  
10          and have their hands full and would be hesitant to give us static support. I need people  
11          that weren't going to be called away, that could be there.

12          So that's why National Guard was our first request, that we go to National Guard.  
13          We knew everybody else that was close by would be busy with the events taking place in  
14          the city, Park Police, Metropolitan, anybody that has some manpower.

15          But it would still require approval from the Capitol Police Board to bring them in  
16          and have them standing in perimeter out there, as opposed to you call them in an  
17          emergency.

18          So my first choice was National Guard.

19          Q    And that's because --

20          A    They've helped --

21          Q    I'm sorry, go ahead.

22          A    I was going to say, they've helped us before for some events, and that  
23          would've been the first logical request.

24          Q    Okay. I guess that's my question, is are they always the first request ahead  
25          of mutual aid, or were they the first request here because mutual aid was unlikely to be

1       successful because of all those other agencies having their own issues around the city on  
2       January 6th?

3           A     It's usually the first process.  We've used them for other events,  
4       inauguration, things like that, where they come and they assist us.  Yeah, it just would've  
5       been our first go-to.

6           Q     Okay.  It's just directly contrary to what we have heard repeatedly from  
7       National Guard officials, Department of Defense officials.  Their view is that National  
8       Guard is only a last resort when there are other domestic law enforcement assets that  
9       should be deployed first, whether that's a particular agency or mutual aid.

10          A     Okay.  So they're looking at it from what's called the Defense Support for  
11       Civil Authorities.  It's a process so if you have an emergency or something like that, it's  
12       where you have utilized all your resources before going to the National Guard.

13          Again, like I said, MPD had their hands full.  Park Police, my first request, again, it  
14       was denied.  I have no doubt a request for mutual aid would've been treated the same  
15       way it was for the National Guard.

16          Q     And just to be clear, the Capitol Police Board, I understand they have to  
17       make these decisions about requesting the Guard or requesting mutual aid.  You're on  
18       the Capitol Police Board, right?  You're the nonvoting member, but you're one of four  
19       members of the Board, right?

20          A     Yes, sir.

21          Q     And your role on the Board is to provide them the information, the law  
22       enforcement information, that informs their decisions, correct?  You're essentially the  
23       conduit through which they get information about intelligence in the situation that  
24       informs those decisions?

25          A     Capitol Police is, yes.

1           Q     I mean, you personally, as a member of the Board, one of your primary  
2     functions on the Board is to give them that law enforcement information to which they  
3     don't otherwise have access, right?

4           A     Yeah. The briefings for the Board members, I want to say the briefings for  
5     at least the House and Senate sergeant at arms, is usually conducted by Deputy Chief  
6     Gallagher. If you look, he probably conducted a number of those.

7           Q     Right. No, I understand. But my point is that Capitol Police, as an agency,  
8     is responsible for ensuring that the sergeant at arms for both sides and the Architect of  
9     the Capitol have sufficient information on which to base Capitol Police Board decisions,  
10    right? That's the organization and how it works?

11          A     Yes. That seems reasonable, yes.

12          Q     Okay.

13          ████████ I'm sorry to interrupt you, █████ Go ahead.

14          ████████ That's quite all right. Just give me one moment to resolve a very  
15    quick child issue.

16          Okay. Thank you, Chief.

17          Thank you, █████

18          BY █████

19          Q     So before we talk about those requests specific to January 6th, sir, in your  
20    tenure as the chief of the Capitol Police was there ever any other occasion where you  
21    requested the assistance of the National Guard for anything, or was the first time you  
22    made such a request for January 6th?

23          A     I believe we were in the process and working through a request for their  
24    assistance for the upcoming inauguration of President Joe Biden.

25          Q     Okay. So it would've been -- it sounds like it would've been the January 6th

1 electoral vote college count and the inauguration, but nothing prior to January 6th. Is  
2 that fair?

3 A Not in my -- not that I recall in my 14 months as chief, no.

4 Q Okay. So I want to sort of step by step go through the request for the  
5 National Guard and start with, how did this come about? Did you or someone from  
6 your staff initiate contact with the National Guard to request assistance? Did the  
7 National Guard reach out to you initially and say, Hey, do you need assistance? How did  
8 that play out?

9 A Yeah, there was no communications between the National Guard and at  
10 least myself prior -- okay. So, let's see. Yeah, so prior to me requesting the National  
11 Guard, just to make sure we got all the timeline lined up, there was no communications  
12 between the National Guard and myself.

13 I have to, because of 2 U.S. Code 1974, get approval to bring in and out a Federal  
14 agency to help support -- I think it's 1974 -- to help support Capitol Police.

15 I was thinking about -- I've done a lot of events. I was thinking about the number  
16 of personnel. The first two MAGA marches occurred when Congress wasn't in session.  
17 This time Congress is in session.

18 I just wanted -- to feel more comfortable, I wanted more personnel on my  
19 perimeter. That's why I wanted them specifically. It would've been for unarmed  
20 National Guard -- that's what we've used before -- to help support my perimeter.

21 So it was -- Sunday, the 3rd, was the first day of the -- I think it was the 117th  
22 Congress. That kind of threw me off at first in my initial testimony before the Senate,  
23 because I would've thought it was Monday. But it was Sunday, the 3rd.

24 And how it went is, at 9:24, because I remember, I went over specifically in person  
25 to ask. And I first went over, went to Paul Irving's office at 9:24 in the morning -- there's

1       video of me walking in -- and asked him specifically, I would like to request National  
2       Guard for January 6th.

3           Q     Okay. So let me make sure I'm understanding.

4           So when you say make a request for National Guard assistance, are you talking  
5       make a request of the Capitol Police Board or are you talking about making a request of  
6       the National Guard itself? It's like a "chicken and the egg" kind of thing, like, which  
7       comes first?

8           A     Yeah. So I have to get Board's approval. So I have to get Board's  
9       approval. So for me to get Board's approval, it's going to first take me getting both the  
10      House and Senate sergeant at arms to say, okay, this is a law enforcement matter, yeah,  
11      we're good. Because I need their support on the perimeter.

12           So I needed to get them on board. If they would've been on board then, they  
13      would've said, "Yeah, okay, that's good," we would've pulled together the third member  
14      of the Board, and we would've gone through the process of doing an emergency  
15      declaration.

16           He would've had to have go on and Mr. Irving and Mr. Stenger would've had to get  
17      their respective leadership's approval because -- according to the code that is required in  
18      advance to use it, and then we would've put in for an emergency declaration. It's  
19      somewhat of a convoluted process.

20           Q     Okay. No, I can appreciate that.

21           So correct me if I'm wrong, but it sounds like before you had any contact with the  
22      National Guard itself about their potential support of you for January 6th, you first went  
23      and made the request of the Capitol Police Board, or at least some members of the  
24      Capitol Police Board. Is that accurate?

25           A     I made the request of the House and Senate sergeant at arms, and then the

1 rest of your statement would be accurate, yes.

2 Q Okay. And on what date, if you can recall -- I think you said it earlier, but I  
3 may have missed it -- did you -- I think you said you went over in person to make this  
4 request.

5 A Yes, sir. It was January 3rd, 2021, at 9:24 in the morning.

6 Q Okay. And do you recall to whom on the Board you specifically spoke?  
7 Was it Mr. Irving and Mr. Stenger and the Architect of the Capitol or some combination  
8 thereof?

9 A 9:24, I went into Mr. Irving's office and talked to Mr. Irving.

10 Q And tell me what you told Mr. Irving.

11 A We had some just -- walked into his office, had some, Hey, Chief, how you  
12 doing, stuff like this. I said, Mr. Irving, I'd like to request the National Guard for  
13 January 6th.

14 Q Did you tell Mr. Irving why you wanted to do that? Going back to my  
15 colleague [REDACTED] question about the Capitol Police were providing the reasoning or the  
16 intel, what reasoning, if any, did you provide to Mr. Irving about why you needed the  
17 National Guard?

18 A So he immediately responded, Don't like the optics. I said I'd like them to  
19 help support the perimeter. And he goes, the intelligence -- the response was, the  
20 intelligence doesn't support that. And he said, have you talked to Mr. Stenger?

21 Mr. Stenger is the chairman of the Capitol Police Board. And I said, no, I had not  
22 talked to him. He goes, go and talk to him, see what he has to say.

23 Q Copy that.

24 Q So help me understand. If part of the responsibility of the chief of police on the  
25 Board is to provide the intelligence to the Capitol Police Board, when Mr. Irving said to

1 you the intelligence doesn't support that, what did you think he was talking about?

2           Had you provided -- did he somehow have access to intelligence that you had  
3 given him previously? Did he get it through his own means?

4           What was your understanding of what he meant when he said the intelligence  
5 doesn't support that, given that, if I understand your role, you would be the one to  
6 provide him with that intelligence?

7           A     No. Like I was saying before, the intelligence information flows directly  
8 from Protective Services Bureau over to the two members of the Capitol Police Board.

9           Q     So PSB, who generates the intelligence, sends this information via -- or direct  
10 to the two sergeant at arms?

11          A     Yeah. Their staff, their offices, yes.

12          Q     Okay. And so when he said to you the intelligence doesn't support that, is  
13 that the assumption that you made, that PSB had -- must've sent him the intel? Or did  
14 you -- had you previously, or someone from your staff, outside of PSB, specifically  
15 provided him with that information?

16          A     The assumption was that he was working off the same intel I was working  
17 off.

18          Q     Okay. And so what was your response, if any, to -- given what you  
19 understood the landscape to be, based on your extensive conversation with my  
20 colleague, what response, if any, did you have to Mr. Irving's comment that the  
21 intelligence doesn't support that?

22          A     I don't recall. That may be the point where I said, I'd like them, you know, I  
23 wanted them to help support my perimeter. But at that point he started throwing on  
24 his jacket and started to get ready to go over to another meeting, I guess, and we walked  
25 out shortly thereafter.

1           But he referred me over to the chairman of the Capitol Police Board, so I figured  
2       that was my next stop to see what we could do.

3           Q    Okay. So in this initial meeting, regarding the discussion with Capitol Police  
4       Board, you went to Mr. Irving, you made the request. He said, according to you,  
5       something about the optics don't look right --

6           A    Yeah.

7           Q    -- and the intel doesn't support it, made a suggestion that you talk to the  
8       chairman of the Capitol Police Board, and then he essentially left.

9           So how long was that entire exchange?

10          A    Not long at all. 9:32, just a couple minutes later, we're on video walking  
11       out together.

12          Q    Copy that.

13          And so what was your next step after that?

14          A    Our next step after that was going to go directly to Stenger's office. I  
15       walked over to Stenger's office at 9:35. Video showing me walk into S-150, which  
16       is Mr. Stenger's office, and the office was empty. No secretary. Jennifer Hemingway's  
17       office was empty. His office was empty.

18          So I left out, went back, drove back over to my headquarters, waited for a little  
19       bit. I don't know if I called him or what. But went back. And at 11:53 walked back  
20       into Mr. Stenger's office.

21          Q    And was Mr. Stenger there when you went back to his office?

22          A    Yes, he was. He was up, walking toward, I guess, his closet to grab a jacket  
23       when I came walking in.

24          Q    And what, if any, conversation did you have with Mr. Stenger at that time?

25          A    Not sure if you can hear. We got a siren in the background. I just don't

1 want to --

2 Q I can hear you. I can't hear the siren now, but I appreciate that.

3 A Okay. I went walking in and I said -- almost right off the bat, as soon as I  
4 came walking in, I said, I'd like to request the National Guard for January 6th. And he  
5 immediately started -- he turned to me -- do you want me to continue?

6 Q Yes, sir, please, yeah.

7 A So I said, I'd like to request National Guard for January 6th. He goes -- he  
8 responded, he said, do you know anybody at the Guard? And I said, yes, sir, I do, I know  
9 General Walker. And he goes, why don't you go ahead and give General Walker a call  
10 and find out, if we need his assistance on January 6th, how many people can he give us  
11 and how quickly can he give us those people?

12 Q Okay.

13 A And I said okay. And he said, so go ahead. I said, so I can go ahead and  
14 reach out to him? He said yes. I said, all right, I'll call tonight.

15 And he put on his jacket. He was getting ready to walk over to the old Supreme  
16 Court chamber for the swearing-in ceremony, and out the door we went. We literally  
17 walked out the door, like, 2 minutes later.

18 Q Okay. So then what was your next step after you had your conversation  
19 with Mr. Stenger?

20 A My next step regarding the National Guard?

21 Q Yes, sir.

22 A So that evening, at 6:14 p.m., I was driving home and I went ahead and  
23 called William Walker -- I've known him for some time -- called him, he answered, and  
24 told him, Hey I went to the Capitol Police Board and I went to the two sergeant at arms to  
25 request the National Guard, they did not approve it.

1           But I was asked to call and unofficially reach out to you -- because this isn't an  
2 official request, I don't have the Capitol Police Board approval -- to reach out to you and  
3 ask, if we need your assistance on January 6th, how quickly can you give us assistance and  
4 how much personnel can you give us?

5           So 6:14 p.m. on Sunday he advises that he has 125 soldiers that are helping with  
6 the District of Columbia with COVID response. If we need them, he could fairly quickly  
7 get them mustered over at the D.C. Armory, get them outfitted, and all I'd need to do is  
8 send somebody over to swear them in, and he could get them over to the Capitol fairly  
9 quickly.

10          I said, Hey, thanks.

11          Q     Sorry, I didn't mean to cut you off. Please continue.

12          A     I said, thank you very much. Just keep in mind, I don't have approval for  
13 this, so I can't take -- don't take any action on it yet. This isn't an official request. And  
14 he said thanks.

15          And then Tuesday, when we were getting ready to have the meeting with our  
16 partners, I think it's the 12 o'clock video meeting with all our outside agencies and the  
17 military that had coordinated, I advised Mr. Stenger of the results of the call. He said,  
18 okay, good, I think that works. And that was it.

19          Q     Okay. And I appreciate that.

20          So I want to make sure I got the days lined up.

21          So it sounds like your call to General Walker was on a Sunday? Is that correct?

22          A     That is correct, sir.

23          Q     And on what day was your meeting with Mr. Stenger?

24          A     Tuesday.

25          Q     And then your meeting with Mr. Irving was the same day or --

1           A     The same day. Mr. Irving -- I'm trying to think of exactly when I ran into  
2 him. I ran into him the same day, gave him the same information. Mr. Irving and I  
3 both had briefings with two Members of our oversight regarding January 6th, Chairperson  
4 Lofgren and Congressman Tim Ryan.

5           Q     Copy that.

6           So I guess one question I have immediately is, why wait till Sunday to call General  
7 Walker? Why the gap between Tuesday and Sunday, given the importance of the  
8 National Guard presence to you, why the 4- or 5-day delay before you reached out to  
9 General Walker, if you can recall why?

10          A     So my delay in reaching out to General Walker was hours. I was denied  
11 Sunday morning.

12          Yeah, you got the days wrong. So Sunday, January 3rd, I talked to the two  
13 sergeant at arms and they deny my request. That evening, 6 p.m. that evening, I talked  
14 to -- what's that, six and a half hours later, that's when I call William Walker.

15          Q     Okay, wait. Okay. So maybe I am confused. So let's try again. And  
16 that's why I wanted to go through the days.

17          So I thought I understood you to say that your initial request for National Guard  
18 support was to Mr. Irving and that was on a Tuesday. Is that correct?

19          A     That was Sunday, January 3rd.

20          Q     It was on Sunday, January 3rd. Okay.

21          So on Sunday, January 3rd, is when you physically went to his office, and he was  
22 there, and you had that conversation with him that you described earlier.

23          A     Yes. Sunday -- believe it or not, Sunday was the first day of the 117th  
24 Congress, so all the Members of Congress were in that day to be sworn in.

25          Q     Okay. I apologize.

1           A    That may be throwing you off.

2           Q    Yeah, okay. And I apologize for my confusion.

3                   So on that Sunday you first go to Irving, then you go to Stenger, who makes a  
4 recommendation that you call Walker, and then that same Sunday you call Walker?

5           A    Yes, sir.

6           Q    Copy.

7                   And so you then mentioned that the next thing you did with respect to the  
8 information that you had got from Walker, you communicated that to Mr. Stenger?

9           A    Yeah. I believe Stenger was first, I believe. I don't recall which one was  
10 first. But they were both on Tuesday.

11          Q    Okay. So Sunday, then Monday, then Tuesday you briefed them.

12          You referenced some sort of partner meeting or something that was about to go  
13 on, that it sounded like Mr. Stenger was going to. Can you flesh that out a little bit for  
14 me?

15          A    Yeah. So I believe it was noon on Tuesday, the 5th, I had scheduled a  
16 Webex or a Teams virtual meeting with 12 of the top law enforcement and military,  
17 approximately a dozen officials within the District of Columbia.

18                   That's that one meeting you guys talked about to kind of go over January 6th, talk  
19 about January 20th, the inauguration, and just the way to handle those two events.

20                   And Stenger came over to the conference room for the meeting. So that's  
21 when I informed Stenger.

22                   Now, I may have informed Irving that morning right before we did the Lofgren call.  
23 I just don't remember the exact time. But they're both on Tuesday, the 5th.

24          Q    And in your mind, did that end, did that put a button on the issue of National  
25 Guard support once you communicated to Mr. Stenger the information that General

1 Walker had provided you? Or was there any further discussion related to that initial  
2 request that occurred subsequent to when you briefed Mr. Stenger?

3 A Can you repeat the question again?

4 Q Yeah. I'm sorry if that was confusing.

5 I guess what I really want to know, to oversimplify it, is did you talk to anyone else  
6 about your request after you talked to Stenger on Tuesday?

7 A After I talked to Stenger, no. When I came back, just to you go back -- I  
8 don't mean to confuse the timeline even more -- when I go back to Sunday, the 3rd, I  
9 come back to headquarters.

10 I'm walking through headquarters, and Gallagher says, Hey, he is contacted by -- I  
11 forgot who it is. It's a representative from DOD that handles all the National Guard  
12 requests, and was asking, Is Capitol Police going to be requesting National Guard?

13 This was probably, I'm trying to think, maybe 11 o'clock in the morning,  
14 noon -- I'm sorry, it would've been after I met with Stenger, so right around that time. I  
15 came back and I advised him, Hey, I had just been over to talk to Stenger and Irving, and  
16 it's a no-go for the National Guard. So just let her know -- I don't remember her  
17 name -- that as of right now, we will not be requesting.

18 That's the only other discussion I had about the National Guard.

19 Fast-forward to Tuesday. I tell the two of them. They're like, Hey, that sounds  
20 good. I made my request clear. They made their denial of my request clear. I wasn't  
21 going to push it anymore.

22 BY [REDACTED]:

23 Q Can we stop right there on that issue, Chief Sund?

24 It sounds like you had decided before that Sunday morning conversation with  
25 Irving that you needed reinforcements on that perimeter, that you didn't have sufficient

1 personnel, and that you wanted National Guardsmen and -women to be out there helping  
2 to protect the perimeter, right? Operationally, that was your assessment that Sunday  
3 morning?

4 A Yeah. My assessment is, it would've increased my comfortable level.  
5 Knowing the size of our perimeter, the number of officers I have to put on that perimeter,  
6 yeah, I would've liked to have National Guard.

7 Q Yeah, I understand. So that informs your decision to ask for it, that you go  
8 to sergeant at arms, both of them, and make that request, right? That your motivation  
9 is to get help, to get the National Guard deployed.

10 And when you first talk to Irving he expresses, I think you said, two separate  
11 reservations about that. One, the intel doesn't support it, and, two, I don't like the  
12 optics of that.

13 Did you push back against either of those and tell him more about the intelligence  
14 or discuss with him the optics and why that was less important than the security of the  
15 perimeter?

16 A No.

17 Q Why not?

18 A You know, one, he made it clear about the optics, concern for the optics, and  
19 that's maybe -- anyway, an issue up at the Capitol anyway, but -- and the concern for the  
20 intel, that the intel didn't support it.

21 Going and requesting the National Guard is a big deal for Capitol Police to do.  
22 It's something that hasn't regularly been done. I went on my own because it was a  
23 comfort level for me, that, hey, I would've liked them. I had no idea the issues we'd be  
24 facing Wednesday. If I had, that would've changed things a whole lot.

25 But the intel that I was reading, it would've been a big stretch to say, Hey, based

1 on that intel we definitely need to bring in the National Guard.

2 So when he said that, I was like, well, okay. I wasn't going to argue with him.

3 But he referred me over to the chairman of the Board. I thought, okay, let's at least take  
4 it to the chairman, see where we go with it. So that's where we went.

5 Q So you didn't disagree with him about the intel? I mean, you, again, you'd  
6 made a decision, as the chief of the Capitol Police, that you needed the National Guard.  
7 And when the sergeant at arms says the intel doesn't support that, is that consistent with  
8 your understanding of the intel? It wouldn't seem to be if you felt like the National  
9 Guard was needed.

10 A Again, I wanted the National Guard to help support the perimeter, mainly to  
11 increase the comfort level I have. But, yeah, that's --

12 Q Well, my question is, did you agree with him that the intel didn't support the  
13 request?

14 A Yeah, I guess so, yes.

15 Q All right. So you made a request that you knew the intel, in your view,  
16 didn't support -- or you believed the intel didn't support?

17 A The intel on itself going and saying, Hey, I'm requesting a historic change for  
18 the Capitol Police, to put National Guard out there along the perimeter, which is a big  
19 deal, based on an assessment that's saying, Hey, this is going to be pretty similar to the  
20 previous MAGAs, that's a hard -- that's going to be a tough one -- a tough one to sell, so --

21 Q Yeah. Well, it sounds to me, Chief Sund, like you didn't really push very  
22 hard for this. You made the request. He said, nah, the intel doesn't support it, I don't  
23 like the optics, and you said, okay.

24 And you moved on and didn't push back, didn't provide a contrary perspective.

25 This was not a discussion. It was attempted ask to which he immediately said no. Is

1       that right?

2           A     It was clear, my request, and it was clear he was not going to approve it, so --

3           Q     And, again, you didn't give him any more facts to change his perspective.

4       He was relying on law enforcement assessments and some sense of optics, and you didn't  
5       push back on either of those. Sounds like he didn't even disagree with the intel  
6       assessment, at least as far as you knew, right?

7           A     I didn't say anything else, sir, no.

8           Q     Yeah. Okay. Thank you.

9                                  [REDACTED] Can I just ask one question? I'm sorry.

10              BY [REDACTED]

11           Q     Chief Sund, one question. I just want to make sure we're operating with  
12       the same words here.

13           So when you made the request for the National Guard, was that because of the  
14       intelligence, meaning, as we're saying intelligence as the threat picture, or did you make  
15       it because of what you expected the crowds to be?

16           A     I made it because of the size of my perimeter. I knew I had a substantial  
17       perimeter and I had a limited number of officers to post along the perimeter. So that's  
18       why I was asking for the National Guard.

19           Q     So it sounds like that request wasn't borne out of the intelligence  
20       assessments that we have discussed previously. Is that correct?

21           A     Well, in the sense of knowing there's large crowds, that we were expecting  
22       large crowds that were coming to the Capitol, that would've been supported by one and  
23       the same with the intelligence.

24           Q     But apart from the crowd, nothing about the increased rhetoric, about the  
25       tunnels, storming, that type of information?

1 A No. Not that I recall, no.

2 Q So just to Tim's point, Chief, when Mr. Irving says optics, did you respond,  
3 "But we're going to have a lot of crowds"?

4 A No, I didn't, ma'am.

5 [REDACTED] Thanks to you both.

6 BY [REDACTED]

7 Q So, Chief, I want to focus on the response from the Capitol Police Board.  
8 And correct me if I get this wrong, because I've already proven that sometimes I confuse  
9 the facts. So I want to make sure I understand.

10 So you go to Mr. Irving at first, who says he's concerned about the optics, he's not  
11 sure if the intel supports it, go talk to Stenger.

12 Then you go talk to Mr. Stenger, who says, Hey, don't you have a contact at the  
13 National Guard? Give them a call and let's see what they might be able to do.

14 You carry out that request, you come back, and you say, Mr. Stenger, here's what I  
15 was told.

16 Do I have that captured accurately?

17 A Yes.

18 Q Okay. You characterize very clearly and consistently that discussion, those  
19 discussions, as a denial, and I am not hearing them saying no to you.

20 So I'm trying to understand, did they explicitly say to you, no, you can't have the  
21 National Guard, or did you just interpret it as a no because it wasn't an immediate yes?

22 Because what it sounds like to me is they said, we're not really sure, go get some  
23 more information, and then you brought back that information. So I'm trying to  
24 understand why, from your perspective, that was a denial.

25 A Because they didn't ask me to move forward on a -- preparing an emergency

1 declaration for the Board to sign that would've allowed me to officially move forward on  
2 the National Guard request.

3 Q So it sounds like because they didn't say yes immediately, you took that to  
4 be a no?

5 A No. It's a very -- it's a set process. I have to go to my general counsel and  
6 start preparing a Board order, and they wouldn't even say, Hey, let's go ahead and start  
7 the Board order. There's a process for it.

8 It wouldn't have been, hey, talk to our general counsel, and let's get this moving.  
9 That wasn't turned into an option, so it was a no.

10 Q Okay. And I appreciate the process. I guess what I'm asking -- again, to  
11 oversimplify it -- did either Mr. Irving or Mr. Stenger expressly tell you, "No, Chief Sund,  
12 you cannot have the National Guard"? Did those words, or words to that effect, ever  
13 come from Mr. Irving or Mr. Stenger?

14 A Those words did not come from either of them, no.

15 Q Okay. So it sounds like because they didn't say, "Go forth verily and start  
16 the process," you took that to be a denial. Would that be a fair assessment?

17 A No, absolutely not. It was 100 percent a denial. If you knew --

18 Q Well, why do you say that? Why do you say --

19 A Because it was -- I'm sorry. Go ahead.

20 Q I don't mean to cut you off. I was just trying to get -- I just wanted to  
21 understand, based on what we've just discussed, why do you call that a denial?

22 A Because it was clear that they were not going to allow me to move forward  
23 with requesting an emergency declaration, nor were they going to move this forward  
24 requesting leadership approval for me to request the National Guard.

25 Q Copy.

1           So from your perspective then, why do you think Mr. Stenger asked you to contact  
2       the National Guard to see what resources might be available if, in your mind, it was  
3       already a hard no to the use of the National Guard? Why, in your mind, would he ask  
4       for that?

5           A     Because if for some reason it looks like we needed them on the 6th, how  
6       quickly could we get them?

7           Q     So it was like a contingency thing?

8           A     Yes.

9           Q     Okay. Part of the reason why I wanted to drill down to that level is to get  
10      your response to the following.

11           We've had the opportunity to talk to Mr. Irving about this interaction, and this is  
12      what he told the committee.

13           He told the committee that you, the chief, had received an offer from the National  
14      Guard for their potential involvement.

15           That you brought this to Mr. Irving and had a discussion, along with Mr. Stenger,  
16      who I believe was not in the room but was part of the discussion via phone, or had been  
17      briefed later, and that collectively all of you decided, to use your term, based on the  
18      intelligence, that the National Guard would not be needed.

19           Mr. Irving goes on further to say that he asked -- he expressed to you concerns  
20      based on the intelligence about what might happen and how Capitol Police would  
21      respond to that, and that you told Mr. Irving that you had, sir, you had all hands on deck,  
22      you had bike racks, you had CDU, you had all of these things in place, and that  
23      contributed to your assessment, that was collectively agreed by others, that the National  
24      Guard would not be needed.

25           What is your reaction and response to that?

1

2 [2:42 p.m.]

3           Mr. Sund. So a couple of things. My phone records will support it. I think if  
4 you talk to General Walker as well. He will support the fact that I first talked to Irving  
5 and Stenger Sunday morning and didn't call General Walker till Sunday evening. I didn't  
6 even hear the No. 125 until after I had talked to Stenger and Irving that morning.

7           So that's impossible that I told him I had an offer of 125. And then for the rest of  
8 the discussion never occurred.

9           BY [REDACTED]

10          Q     So I appreciate that. And if I meant to imply that general -- that you had  
11 brought an offer specifically of 125, I apologize. I don't think Mr. Irving said that. He  
12 just said that you had an offer from the National Guard, but if I'm understanding your  
13 position, you're essentially saying that Mr. Irving is wrong in his recollection of those  
14 discussions. Is that accurate?

15          A     Yes.

16          Q     So all of this happens prior to the 6th, right? This is on -- the initial  
17 discussion with Mr. Irving and Mr. Stenger happened on Sunday morning, then you have  
18 a discussion with General Walker on Sunday evening, and then on Tuesday, you brief Mr.  
19 Stenger about what you had learned from Mr. General Walker.

20           Just so I'm clear, the Tuesday that we're talking about, is that January 6th itself or  
21 is that some other date?

22          A     That would be January 5th.

23          Q     January 5th. So the day before?

24          A     Yes.

25          Q     Okay. And I think you said that after that, there weren't any other

1 discussions that you had, although you may have had a discussion somewhere in the  
2 timeline with -- which would then have been Assistant Chief Gallagher about  
3 him -- someone reaching out to him about whether or not the Capitol Police were going  
4 to be requesting National Guard support.

5 Do I have that right?

6 A Yes, with the one exception that it then it wasn't Assistant Chief Gallagher, it  
7 was Deputy Chief Gallagher.

8 Q Apologize. Thank you for the correction, Deputy Chief Gallagher. Okay.

9 So after the 5th, are there any other discussions with anyone outside of what we  
10 just captured that talk about requesting the National Guard for assistance on the 5th?

11 A No, sir.

12 Q So then that's a good way to segue into the 6th.

13 [REDACTED] I have a couple more questions.

14 [REDACTED] After you answer [REDACTED] questions.

15 BY [REDACTED]

16 Q Tell us about the briefings with Representative Lofgren and Representative  
17 Ryan. What generally did you convey to them as to the Capitol Police's state of  
18 readiness for the next day's events?

19 A So let's say I handled the briefing. It was a video conference call, and they  
20 were both -- both almost identical. Irving had reached out to me or emailed me saying,  
21 Hey, let's handle the second one the same way we did the first one. I think Pittman and  
22 Chad Thomas and -- were at the table with him. I'm trying to think. Tad DiBiase may  
23 have been in there with me, my general counsel. Irving, I think, dialed in. Went over,  
24 provided a briefing of what we're expecting, you know, the large crowds coming down,  
25 some members of antifa -- not antifa, some militia members, White supremacists that we

1        were fencing off the south perimeter.

2            I'm trying to just recall. Walked over with our deployment, kind of talked about,  
3        you know, we'd have officers out there, we'd have CDU ready. We were talking with our  
4        partner agencies. If members got stuck outside, we'd have the ability to go and get  
5        them and bring them in to the Capitol through alternate routes, talked about some of the  
6        groups that had permits on Capitol grounds, and I don't recall what else -- general briefing  
7        like that.

8            Q      Was your general message to them that Capitol Police was sufficiently  
9        prepared, had what it needed and was ready to meet the security needs of the joint  
10      session?

11          A      That we -- we felt we were prepared based on the information we had, yes.

12          Q      The reports we've gotten from those briefings were that you conveyed to  
13      them that everything was under control; that certainly it was potentially a lot of people  
14      there, but they got the clear impression that your message was, we have what we need,  
15      we are prepared.

16            Is that a fair -- if they got that impression, is that consistent with your intention in  
17      those briefings?

18          A      Yes. I believe so, yes. That would be a good interpretation.

19          Q      All right. And is that a fair assessment, Chief Sund, of your personal  
20      opinion going into the morning of the 6th that you felt like Capitol Police was ready, that  
21      you had what you needed to meet the contingencies that were going to come the next  
22      day?

23          A      Yeah. I would've -- you know, I would've felt more comfortable having  
24      additional resources on the perimeter, but, again, I didn't expect anything -- you know,  
25      2020 can be rough with what we faced, but, you know, I would've, you know -- anyway,

1        yeah. I would have been more comfortable with more support, but that's where we are.

2            Q    Yeah. I mean, I guess I'm just getting hung up on that -- that you keep  
3        saying I'd have been more comfortable. I mean, I'd be more comfortable driving a  
4        Mercedes than a Honda, but the Honda gets me around.

5            I guess my question is, did you feel like with your Honda, you had sufficient  
6        resources to meet the contingency and the threat, as you understood it, going into  
7        January 6th?

8            A    Yes, sir.

9            Q    I'm sorry. You said yes?

10          A    Yes, sir.

11          Q    Okay. And you conveyed that to the congressional leaders that you briefed  
12        and Capitol Police Board, everybody, you felt like you were ready?

13          A    Yes, sir.

14          Q    So the National Guard request, when it was denied, did not lead you to the  
15        conclusion that you're not ready, we're going to be overrun? That would have been  
16        nice, but was not something that, in your view, was essential for you to be ready?

17          A    Yes, sir.

18          Q    Okay. And that's consistent with you not really pushing for? It doesn't  
19        sound to me, like, really, you're pushing for it when you raised the National Guard with  
20        Sergeant At Arms Irving or Stenger? It would have been nice, but not essential for you  
21        to be ready.

22            Is that a fair characterization of your personal position on that?

23          A    Yes.

24          Q    Okay.

25          Ms. Cheney. Hey, █ I've got a quick question. This is Liz Cheney. Thanks.

1           Chief Sund, just to be clear, did you anticipate that the President of the United  
2       States was going to mobilize an angry mob to attack the Capitol?

3           Mr. Sund. No, ma'am.

4           Ms. Cheney. I'm sorry. I didn't hear that.

5           Mr. Sund. No, ma'am, I did not anticipate that.

6           Ms. Cheney. Thank you. I think most people did not anticipate that. I  
7       appreciate it. Thanks.

8           ██████████ Thank you, ma'am.

9           BY ██████████

10          Q      Chief, just to pull on the thread a little bit based on the questions that my  
11       colleague, ██████████ asked you before we segue over to the 6th itself. Starting with  
12       this joint session meeting that was just discussed, did the topic of the National Guard ever  
13       come up during that conversation, either your request of the Capitol Police Board, or  
14       what you were told by General Walker in terms of potential availability? Was any of  
15       that discussed, or did any of that come up during that discussion?

16          A      Can you clarify which discussion you're referring to, which meeting you  
17       thought it may have been --

18          Q      I'm talking about the briefing, sir, that you just discussed with ██████████

19           ██████████ Of Lofgren and the others.

20           ██████████ Of Lofgren and the others, yes, sir.

21          Mr. Sund. No, sir.

22           BY ██████████

23          Q      Okay. So there was, from your understanding and recollection, the issue of  
24       the availability of the National Guard, them being a phone call away, nothing like that  
25       came up during that discussion?

1           A     Okay. During the discussion, which is interesting actually now that you  
2 bring it up, Paul Irving did say, Hey, also I had Chief Sund -- during the briefing, I had Chief  
3 Sund reach out to the National Guard, and they're on standby if needed, and that was  
4 what Paul Irving said.

5           Q     Okay. So the comment referencing availability of the National Guard didn't  
6 come from you, it came from Mr. Irving?

7           A     That's correct, sir.

8           Q     Okay. And outside of the briefing, did you have any other discussions with  
9 members and/or their staff about Capitol Police readiness for January 6th?

10          A     Outside -- when you say -- so outside those briefings, did I have staff, I don't  
11 know. Members, I did a briefing for Senator Blunt. I did a briefing for Representative  
12 Waters. I don't know -- I think just Chairperson Lofgren and Member Ryan, I think those  
13 were the only -- only ones I recall.

14          Q     Okay. So let me make sure I've got all the names. So I have Lofgren -- I  
15 have Blunt, Waters, Lofgren, and who was the last one, Ryan?

16          A     Yes, Tim Ryan.

17          Q     Okay. And the briefings with these individual Members was outside of the  
18 briefing that you described earlier, or were these people also part of that briefing you  
19 described earlier?

20          A     Outside -- outside the briefing, sir.

21          Q     Okay. So let's start with the Blunt discussion. Do you recall who was part  
22 of that discussion?

23          A     So let's see. I had gotten the request that came in through Stenger to brief  
24 Blunt. Again, I think it was December 30th, or the 1st. I'm trying to recall, because  
25 Blunt and Representative Waters were both in close proximity to each other. I was at

1 home at the time. It was a phone call. It was me, Senator Blunt, Fitzhugh Elder, and  
2 Rachelle Schroeder, I believe, were on the call at the time, and it was a briefing very  
3 similar to what I gave Lofgren minus any discussion about the National Guard. It was  
4 just an overview about our expectations for the day, our deployment of the Department,  
5 fully activation of the Department, what we had staff set up, things like that.

6 Q And did this -- appreciate that, sir.

7 And did the conversation with what I think I understand to be both with  
8 Representative Blunt and Representative Waters, did that occur before or after the  
9 briefing that we were just discussing earlier?

10 A Before. That would have happened the end of  
11 December -- December 30th, I believe it was. December 30th right around the 29th,  
12 31st, right in that area. So it would have happened -- both those briefings for Senator  
13 Blunt and Representative Waters would have happened before the briefing for  
14 Chairperson Lofgren and Tim Ryan.

15 Q Okay. I appreciate that, sir. And then the ones for Lofgren and Ryan, just  
16 tell me briefly what those were about, and if you can recall when they were?

17 A The ones for Lofgren and Ryan were both Tuesday the 5th. One was, I  
18 believe, at 10:00 a.m. in the morning, and that was Chairperson Lofgren. And the  
19 second one was Tim Ryan, and that was 4 or 4:30 p.m. in the afternoon.

20 Q Appreciate that. And you specifically mentioned that with respect to Blunt  
21 and Waters, there was no discussion of the National Guard. When you briefed  
22 Representatives Lofgren and/or Ryan, do you recall if the National Guard was discussed?

23 A The one with Lofgren was where Paul Irving had brought up about, he had  
24 me reach out to the National Guard and that they're on standby if we need them. I'm  
25 trying to recall if he said the same thing -- I think he said that we've been in touch with

1       the National Guard [inaudible] but the same discussion was there, and I concur that that  
2       did occur.

3           Q     Copy that, sir. I appreciate that. Okay. I think now we're ready to segue  
4       into January 6th itself unless anyone's got any other questions before we --

5                   [REDACTED] Take 2 minutes. Take a break.

6           Mr. Sund. Yes. If we can take a few minutes, actually.

7                   [REDACTED] So let's go back on the record at 3:05. Sound good?

8           Mr. Sund. Okay. Sounds good. Thank you.

9           [Discussion off the record.]

10                  [REDACTED] We're back on the record at 3:06 p.m.

11               So Chief, before we cut to the 6th, my colleague has just a couple of questions  
12       regarding a couple of more planning questions before we segue over to that day, so I'm  
13       going to turn it over to [REDACTED]

14                  BY [REDACTED]

15           Q     Yeah, Chief, I just wanted to ask about whether -- when you said there was  
16       an operational plan, was that a department -wide plan, meaning for all the CDU, all  
17       comprehensively in one document laid out?

18           A     The way the plans up at the Capitol work -- anyway, do you want me to take  
19       you through the plans that we do -- I want to make sure I answer your question. So let  
20       me say this: So we usually do for an event like what we have up on the Hill for the joint  
21       session, there would really be two -- two plans.

22               So you have the regular order of business. You have the officers that are  
23       assigned to the congressional office buildings, the Library of Congress, the House and  
24       Senate Office Buildings that are standing on posts, letting people in. They're on what's  
25       called a post requirement list. They're on a daily log, a daily assignment for that. So

1       that would be outside the operational plans. We have never done a plan that  
2       incorporates every, you know, 1,900 people on the Department or all the civilians into  
3       one comprehensive plan.

4           So what you'd have is, you have a plan that would address the CDU response on  
5       the outside, which was the operational plan that you see for the 5th. There should have  
6       been a plan for the joint session of Congress inside the Capitol to reflect all the planning  
7       and all the coordination that goes on inside the Capitol. That's the plan that I think  
8       you've heard a lot about that didn't occur that wasn't prepared.

9           Q     Why not?

10          A     It should have been prepared.

11          Q     Okay.

12          A     Go ahead. I'm sorry.

13          Q     Whose responsibility would it have been to prepare it?

14          A     So there's policies and procedures we have for preparing, those type of  
15       events, are NIMS, National Incentive Management System policy talks about putting  
16       together operations plan for special events. That's considered a special event. It has  
17       been done before. It was unusual that it wasn't done. We also have units, entire  
18       units, the Command and Coordination Bureau, that my policy are the ones that are  
19       supposed to coordinate, develop a special events plan. That's a special event.

20           So there should have been one. That should've occurred, and I'm surprised that  
21       it didn't.

22          Q     But going back to my question, as you know, the Senate report dealt with  
23       this issue and when asked by -- asked the same question to Chief -- Acting Chief Pittman,  
24       she said as to why there was no department-wide plan specifically for the joint session,  
25       she said it would have been the responsibility of then-Chief Sund.

1           What's your reaction to that?

2           A     Yeah. I saw that, the responsibility of me to direct a plan to be put  
3     together. No, that's not the case. These plans are put together. Chief Thomas  
4     should've had that plan put together with his units underneath him. You may want to  
5     interview some of the people from the special events branch.

6           Q     But don't you oversee all these different branches? Aren't you Chief  
7     Thomas' boss?

8           A     Yes, ma'am, I am.

9           Q     So then, when I ask you who's responsible, aren't you ultimately  
10    responsible?

11          A     Like I was saying before, ultimately as the chief, yes, I am. I'm responsible  
12    for -- for my department and what goes on, but I also put a lot of responsibility into the  
13    people that I have working below me, the assistant chief, both assistant chiefs, their  
14    subordinates. Like I said, this is a large organization. There's a reason why the org  
15    chart isn't one person, then everybody's flat.

16          You've got an organization where people have responsibility, critical  
17    responsibilities. The responsibility to develop an operations plan for a joint session of  
18    Congress where you're going to be having the Vice President come with -- goes into a lot  
19    of planning is surprise that it didn't occur.

20          It usually does occur, and I just -- you may want to interview some people from  
21    the special events branch to find out why that didn't occur.

22          Q     We have, sir, but isn't it your responsibility to say, Hey, Chief Thomas, why  
23    isn't there an operational plan?

24          A     Well, again, you know, we're dealing with the stuff going on the outside  
25    preparing. I took that as he was developing a plan. It was an ordinary course of

1 business. I would've expected it to be done and I was surprised that it wasn't.

2 Q But you never saw -- Chief Sund, though, respectfully, you never saw a plan,  
3 correct?

4 A No, ma'am, I did not see a plan for the joint session, no.

5 Q If it was a concern to you, wouldn't you have asked your subordinate to  
6 create a plan?

7 A A plan -- again, a plan should have been put together.

8 Q Is it not -- you did not ask for one?

9 A I didn't go through the process to direct him to do it, because it's in our  
10 policies and procedures to do it. He knows that, you know -- my standing order for  
11 events in the Capitol is for a plan to be put together.

12 Q But, sir, isn't it your responsibility when you don't see a plan to make sure  
13 there is a plan in place, particularly when you are expecting crowds of such volume that  
14 you requested the National Guard, yet there's no department-wide plan?

15 A Again, when you say a department-wide plan, it wouldn't have been a  
16 department-wide plan. We had the CDU plan, which would have been addressing the  
17 crowds, the issues that we had on the outside which you saw. The other one was a plan  
18 for how, you know, Members of Congress will traverse the Capitol, where's the waiting  
19 rooms for VIPs when they come up there, who's going to be in the Chambers, what are  
20 the two Chambers?

21 Those are the things that are in the other plan. I would've expected Chief  
22 Thomas to have that plan put together. Yeah, I should've asked for it, I should've  
23 reviewed it, but I was dealing with -- I should've done that, but it should've been put  
24 together. That shouldn't have been something I have to direct.

25 [REDACTED] do you want to ask?

1 [REDACTED] No, it's sufficient. Thank you.

2 [REDACTED] Thank you, [REDACTED]

3 BY [REDACTED]

4 Q All right. Chief, as a segue question into the 6th, I want to piggyback off of  
5 a question that Vice Chairperson Cheney asked you, and I think she asked you, you know,  
6 were you expecting an insurrection mob to attack the Capitol, and your answer was no.

7 Putting January 6th aside --

8 A Yeah. I think just to clarify, I think her question was, did we expect the  
9 President to direct an angry mob -- direct an angry mob toward the Capitol, something  
10 like that. I just want to make sure --

11 Q That's correct. No, that is absolutely correct, sir. Thank you for that  
12 clarification.

13 Did you expect the President to incite or whip up an angry mob of insurrectionists  
14 to attack the Capitol?

15 So putting that aside but using it as context, a question that I've asked every single  
16 person that I've spoken to in the U.S. Capitol Police to include Deputy Chief Pittman, and  
17 Deputy Chief Gallagher, Deputy Chief Waldow, a number of line officers and they all had  
18 the same response, and here's the question, and then I'm going to sort of get your  
19 reaction.

20 My question was, given that your job as the Capitol Police is to protect the Capitol,  
21 did it ever occur to you at any point that one day, people might actually breach the  
22 Capitol, right?

23 Putting aside whether or not the President whipped them up or not, did it ever  
24 occur to you that people might actually try and break into the Capitol, and each and every  
25 one of those people said no. It never occurred to them that that could actually happen.

1           Given your 20 years or so, if I've got the duration right with the Metropolitan  
2       Police Department, and then your time on the Capitol Police with the United States  
3       Capitol Police itself, is that a view that you share that it was so -- that no one ever  
4       expected that that could possibly happen?

5           A     So just to -- just to clarify, when you talk about expectation that someone  
6       could break into the Capitol --

7           Q     Uh-huh.

8           A     -- yeah. That's -- that's been a concern. Yeah, that's been a concern.  
9       That's why we have people assigned to certain posts on the outside. We've had people  
10      actually scale parts of the building and break some of our windows in the past. So I  
11      don't know why they would say that -- that concern for somebody accessing the Capitol  
12      has never been a concern. That's -- I don't know why they would say that.

13          Q     I apologize. That's my inartful phrasing of the question. I didn't mean to  
14      suggest an individual, or several individuals. I meant lots of people all at one time,  
15      regardless of who sent them, regardless of why they were sent, all right. I asked them,  
16      did it ever occur to you that one day, kind of like back in the 1800s, a bunch of really mad  
17      people might come and attack the Capitol, and every one's response was no.

18          And I'm trying to understand, one, if that is a view that you share, and if yes or no,  
19      why?

20          A     I think when you relay it to, you know, what we saw on the 6th, yeah, no,  
21      that's not something I had anticipated. We weren't dealing with a foreign invading  
22      force; we were dealing with a group of what I suspect were mainly, you know, United  
23      States citizens, and no, I would not -- I did not anticipate thousands of them trying to  
24      break into the Capitol, no.

25          Q     But I guess part of the reason why I ask, and I'm trying to

1 understand -- because I am clearly not a law enforcement person, but when I speak to  
2 other law enforcement agencies that have a similar force protection mission to the  
3 Capitol Police, like, for example, the Secret Service and I say, Do you have a plan, for if a  
4 bunch of people attack the White House and try and get in?

5 And their response is, yes. We don't expect it to happen, but we have a plan in  
6 place in case it does.

7 So regardless of how remote the possibility, they have a plan, because they know  
8 it is a possibility, and it sounds like, from the Capitol Police perspective, that everyone,  
9 including you, didn't even think it was a possibility that people might try and break into  
10 the Capitol in a mob-like fashion, and if that's true, I'm just trying to understand why you  
11 felt that way?

12 A Yeah. Let me just for clarification purposes. Yeah. Having a response  
13 capability and concern for a group whether it's a Mumbai style, a group of active  
14 shooters, or something like that, that is something that we plan for, we have concerns  
15 for, and that's something I've anticipated. A group, a number of people. What I was  
16 referring to is literally having your building surrounded by thousands of people trying to  
17 gain access. That's -- yeah, that's something that I -- I haven't really conceived before.  
18 I think Secret Service would be overwhelmed as well, but yeah. Up until -- up until  
19 January 6th, that's not something I really conceived.

20 [REDACTED] Can I just follow up on that?

21 BY [REDACTED]

22 Q Were you aware in, Chief Sund, in the planning lead-up to January 6th that a  
23 number of State capitols around the country had breaches, had trespassers, had armed  
24 people that entered their capitol buildings for specifically protest-type activity?

25 A I don't know -- I didn't recall anything for protest activity. I do recall -- I

1       don't exactly remember when it's been, if it was before or after, but I believe Michigan  
2       had some people, a group, a protest group get in.

3           Q     Did that affect your planning at all?   Did you incorporate lessons learned  
4       from Michigan or Georgia or Wisconsin?   Their capitols have actually been occupied by  
5       armed protesters in the past.   Did that affect your planning whatsoever in preparation  
6       for January 6th?

7           A     You know, we had anticipated that, you know, the process we had in place  
8       would be able to address that, our lockdown capabilities and things like that would have  
9       been able to lock down the building and keep them out.   So I think it was something  
10      that, you know, I was aware of, but I don't know how much it played a role in driving my  
11      planning.

12          Q     Yeah.   And there were certainly lots of mass demonstration events  
13      involving some of the same groups and some of the same people that your intel  
14      suggested were coming to the Capitol.   Were you in touch with law enforcement  
15      officials in those other places, or study any of their after actions about how some of these  
16      same people in mass demonstration events had operated?

17          A     No, I had not.   I personally had not, no.

18          Q     Okay.   Do you know if anybody in the Capitol Police had talked to folks in  
19      Charlottesville, or people in Portland or in Berkeley, California, or places where, again,  
20      some of these same people that intel suggested were coming to the Capitol were going to  
21      come and present danger?

22          A     Not that I know of, no.

23                   [REDACTED]   Okay.   Thank you.

24                   [REDACTED]   Thank you, sir.

25                   BY [REDACTED]

1           Q     Chief Sund, let's cut to January 6th, and let's sort of just -- probably easiest  
2 way to talk about it is in a narrative form. So why don't you just sort of start with what  
3 your morning looked like, how did January 6th start for you, and we'll just sort of walk  
4 through the day. And as you tell your story, if -- I'll ask questions along the way if that's  
5 okay?

6           A     I mean, it can be -- you know, it was a bit of a tough day, a little emotional,  
7 so I'm trying not to drag myself through it too much --

8           Q     I understand.

9           A     -- but -- so I -- I mean, I woke up in the morning. I mean, needless to say,  
10 we got in. I usually call a number of my partner agencies to check in in the morning. I  
11 checked in with MPD, checked in with Park Police, I checked in with command center. I  
12 arrived 7, 7-ish in the morning. Everything seemed to be well. Got up into the  
13 command center.

14          Q     Okay. And that was all in the morning, sir?

15          A     Yeah. That would have been in the morning that I was handling this. I'm  
16 trying to think of any other discussions I had -- oh, yeah. Up in the command center, we  
17 had guys in the command center. We had a guy that had a wagon, if I remember  
18 correctly, that was -- looked like -- looked like he had an open flame, like, he was heating  
19 water, like in a kettle.

20          So I asked, Hey, can you have the command center zoom in on that. They said,  
21 Yeah. It's an open flame. Have somebody go over and deal with that. Sent him on  
22 his way. Then we got a suspicious package call. It was his wagon. He left it over by  
23 the Supreme Court. So we had to deal with that. I just don't know the time frames  
24 that it happened.

25          Then we had the suspicious package at the RNC, 300 First Street that we were

1 dealing with. And I was up in the command center, and 12:53 p.m., we had the group  
2 hit the West front and the fighting began.

3 Q Copy that. So let's pause there for a second, sir. Beginning when you  
4 woke up in the morning and you get to work and you sort of make your -- what sounds  
5 like your normal rounds in connection with folks, did it feel like a normal day to you?  
6 Was there something different about the day at that time prior to when, you know,  
7 people started attacking, but what was your sense, I guess, of what the day was like, what  
8 the potential threat was like in the morning when you first got to the office?

9 A You know, on my way in, I called Inspector Glover with MPD just to get a  
10 read. He said he was actually parked over by the Ellipse. Asked him, Hey, how are  
11 things going over there? He said, there's big crowds, lots of people in line, but right now  
12 he wasn't seeing any concern with the folks that we had. So that was my initial take.

13 I got back. We had the command center -- I was in the command center for -- for  
14 a while. We scanned the cameras. We had a group of Proud Boys reportedly marching  
15 toward the Capitol. They came up, they marched up around parts of the Capitol, then  
16 marched back toward the Mall. So that wasn't an issue.

17 A lot of the similar stuff that we've seen in some of the other rallies. Large  
18 groups in, walk around, people carrying their flags, things like that, milling around, and  
19 large group down by the Ellipse.

20 Q Copy that, sir. And when, if at all, did you sense a shift in the day? Like,  
21 when did you sort of sense that this might be something other than what we initially  
22 anticipated?

23 A So when we -- when we think that, Hey -- when things are starting to go  
24 bad?

25 Q Yes. Yes, sir.

1           A     So we had -- we had the pipe bomb come out, and I don't have the exact  
2 time, but it was a little bit before the attack on the West front. When the watch  
3 commander in the command center showed me a picture of the device, that raised some  
4 concerns. It looked like a viable -- a viable pipe bomb, although it had a kitchen timer,  
5 egg timers, manual egg timers. That raised some concerns. That's just odd, you know.  
6 Usually we'll get suspicious package and some backpackings like that.

7                   So I was getting a little concerned at that point. But, you know, I don't think we  
8 had a wholesale change. Hey, this is now bad until we had the group hit the West front,  
9 you know. They hit it, and as soon as they came to the West front, the fighting was on.  
10 I've never seen anything like it.

11           Q     Copy that, sir. And describe for me what you were doing when you first  
12 learned that that was occurring or had occurred?

13           A     Sitting at the dais, it's a U-shape, raised, kind of area in the command center.  
14 I had -- Chief Thomas I think, was right to my right. Chief Pittman was to my left. I  
15 don't know who else was extra, but we saw the group come up. And they said, Hey, we  
16 got a large group. I remember watching and them saying there's a large group walking  
17 across First Street toward the West front.

18                   When we looked up, and I saw them approaching the officers that were standing,  
19 you know, right there on the barrier, I looked over to Chief Thomas and I said, Chad,  
20 where's our -- where's CDU? Get CDU down there now. Where's CDU? And they  
21 approached, and as soon as they approached, the fight was on. It wasn't like a group  
22 I've seen before that comes up and stops and begins to yell, begins to scream, things like  
23 that.

24                   They came up and the fight was immediately on. And I could tell my officers  
25 right away were overwhelmed.

1           Q     Copy that, sir. And what steps, if any, did you take after that?

2           A     At that point, I called MPD, Jeff Carroll. I talked to Jeff Carroll a little bit  
3     earlier in the day. Having been with MPD, I know how they -- sometimes they'll move  
4     their CDU around. They're CDU platoons, but I called him and said, Hey, you know, if  
5     you got some extra CDU and you want to keep them around by the Capitol, feel free to  
6     put them over on Constitution Avenue or something.

7                 I called Jeff just in case for some reason we need them. I called Jeff and said,  
8     Hey, Jeff, we need those -- can you send in those resources? That's why you saw the  
9     MPD officers in the yellow and black bicycle uniforms come in pretty quick, because they  
10    had been over on Constitution Avenue or Louisiana Avenue right on the North side of the  
11    Capitol.

12                 That was about at 12:55. At 12:57 or 58, I called Irving and it was a very short  
13    call. He picked up. I said, we are getting overrun on the West front by thousands.  
14    We need the National Guard now. It was clear. We need the National Guard now.  
15    He said, I'll run it up the chain. Click.

16                 I'll run it up the chain and I'll call you right back.

17                 [REDACTED] Sorry, Chief. I didn't mean to interrupt you.

18                 BY [REDACTED]

19           Q     Just to be clear, you're able to see from the Capitol Police command post a  
20    number of different locations around the Capitol via your network of cameras, correct?

21           A     Yeah. We do have a network of cameras, yes.

22           Q     Yeah. So that allows you and other command staff to essentially see all  
23    over the place internally and externally what's going on at particular vantage points,  
24    locations in the Capitol complex?

25           A     Yes.

1           Q     And you're monitoring those -- those screens or those feeds when you're  
2     getting this information and making those decisions?

3           A     So we have 1,800 cameras. There's a lot of cameras, but the screens in  
4     front of the command center -- I don't know if you've been up to the command  
5     center -- you have maybe a dozen -- dozen screens up there. So some of them are set  
6     on internal spots, so you would've had probably five or six external locations.

7           So, yeah, you'd have a vantage point to look anywhere around the campus that  
8     you want.

9           Q     Okay. And can folks in the command center, you or others say, Hey, can  
10    you zoom in over here or can you turn on this camera over there if you knew that there  
11    was activity at a particular location and that location was covered by a camera, could you  
12    switch to that and get access to that?

13          A     Yes, sir.

14          [REDACTED]     Okay. I didn't mean to interrupt you, Bryan. I just wanted to  
15    make sure it was clear how you were seeing this from the command center.

16          [REDACTED]     Copy that, sir. Appreciate it.

17               BY [REDACTED]

18          Q     So Chief Sund, you mentioned that Mr. Irving said, Let me run it up. I'll call  
19    you back. Then he hung up. How soon, if at all, did he get back to you on your request  
20    for the National Guard?

21          A     When you say, "get back to me," you talking about get back to me with a  
22    final thumbs up?

23          Q     Right. So if I understood how you described the event, you said, Hey, we're  
24    being overrun by thousands on the West front, we need the National Guard now. And  
25    his response was, Let me run it up the chain or words to that effect. I'll call you back or

1 I'll get back to you. And I guess I'm trying to figure out when, if at all, he got back to you  
2 and what did he say?

3 A Okay. So it was very, very specific. He said, Let me run it up the chain, I'll  
4 get back to you, and the call ended. After that followed a series of calls back and forth.  
5 Numerous calls where I was calling other partner agencies to get assistance for the  
6 officers. Calling them, coordinating assistance. I mean, back-to-back calls,  
7 approximately -- about 38 calls until I finally got the approval. I did not receive a call for  
8 approval. I immediately called Stenger, too, and this is all in my supplemental  
9 testimony, the tick-tock of all the calls.

10 I immediately call Stenger and told him, We need the National Guard. He goes,  
11 Have you talked to Paul? I said, Yeah. Paul's waiting -- he's running it up the chain.  
12 He's going to call me back. He said, Okay. Let me know what you hear from him.

13 Back and forth, there was a number of repeated calls. It wasn't until 2:10, 2:09  
14 that I finally got the thumbs up that we can go ahead and call in the National Guard --

15 Q Copy that.

16 A -- 71 minutes later.

17 Q So appreciate that, because that was going to be my next question.

18 So 71 minutes later from your initial call to Mr. Irving is when you got the official  
19 thumbs up to say, Yes, you can call the National Guard, and that was around 2:09 p.m.?

20 A Yes.

21 Q Okay. And somewhere in between, then, you also spoke to Mr. Stenger  
22 who said to you -- you told him what Paul Irving had said and he said, Okay. Let me  
23 know what Paul says. And then after that you get -- you get the approval?

24 A That is correct, sir. And there was a number of repeated calls. It wasn't  
25 just one call. It was numerous calls back and forth. He would call me for an update

1 and I'd say, Hey, this is what we're dealing with. This is really bad. Where are we?  
2 Every time I asked, Where are we on the request to the National Guard? And he said,  
3 Still waiting.

4 Stenger was waiting -- Stenger was waiting for Irving and Irving was waiting for  
5 someone else to give him approval.

6 Q Okay. So I just want to make sure I'm clear. So you mentioned earlier  
7 that there were a series of 30 calls, right, that you're making a lot of different calls?

8 A Approximately, yeah.

9 Q So am I right that part of that subset of those calls were additional calls  
10 between you and Stenger and/or you and Mr. Irving about, Hey, where are we on the  
11 Capitol Police issue?

12 A Yes. Where are we on the National Guard issue. Now, keep in mind, I'm  
13 calling, you know, a number of other agencies to get my men and women help, okay,  
14 because they need help as quick as possible. And I'm trying to get them help, but I know  
15 the National Guard has a lot of people in the city, okay? I know they're doing traffic  
16 closures for MPD, things like that. They probably have the biggest cadre of personnel  
17 that I can get in fairly quickly. That's why I keep pushing this issue with Stenger and  
18 Irving, repeatedly. I keep calling. So -- go ahead. I'm sorry.

19 Q I appreciate that. I didn't mean to cut you off, sir.

20 So when you say Irving was waiting on Stenger and Stenger was waiting on Irving,  
21 when Paul says to you, I need to run it up the chain, in your mind, what does that mean?  
22 Like, who does he have to check with in order to grant approval?

23 A He's -- he's checking with his boss. He's checking with House leadership.

24 Q Okay. So it sounds like the Capitol Police Board would need the  
25 permission, or the input of sort of the House oversight function before they can make a

1 determination whether or not to call in the National Guard. Is that accurate?

2 A I think Irving was waiting for that before giving me permission to make the  
3 connection. Is it a requirement for him to do that? It's not a requirement. Under  
4 emergency situation, he's able to make a determination for his side of the Capitol, but he  
5 wasn't doing that, and neither was Stenger.

6 Q Okay. And I'm going to put you over to my colleague to sort of run you  
7 through the rest of the day, but part of the reason why I asked is, I want your reaction.  
8 So, again, we talked to Mr. Irving, and Mr. Irving told us that you, in fact, did call him or  
9 communicated with him, Hey, we need the National Guard and we need it now. And his  
10 response was, Go do it, or words to that effect, that you have the authorization to do it  
11 and that, from his perspective, there was no one else that he needed to check with. I  
12 asked him specifically, was there anyone else that you needed to get approval from, and  
13 he told me no, because it was an emergent situation, it was an immediate situation that  
14 he didn't need to check with anyone, and that he gave you his approval to call the  
15 National Guard immediately upon your request.

16 What's your reaction to that?

17 A That's incorrect. 100 percent incorrect. My repeated calls to him were  
18 made in the company of most likely, most time the two assistant chiefs, but my general  
19 counsel, Tad DiBiase. There's a reason why I called him right at -- when I called at 12:58  
20 repeatedly. Finally at 2:09, I think it was when I talked to him, I hung up the phone. I  
21 yelled across the command center, mark the time, 2:10, I finally got approval from the  
22 Capitol Police Board for the use of the National Guard.

23 That is categorically false what he's telling you.

24 Q Appreciate that, sir. Thank you.

25 [REDACTED] With that, I'm going to segue you over to [REDACTED]

1 BY [REDACTED]

2 Q So at this point, you now have that approval. What do you do in terms of  
3 trying to reach out to the National Guard --

4 A Sorry, sir. Go ahead, finish. I'm sorry.

5 Q Go ahead.

6 A 2:10 p.m., as soon as I hang up that phone, I call General Walker and advise  
7 him I've gotten verbal approval for the National Guard, please send them as fast as you  
8 can.

9 Q Let me ask you about -- go ahead. I'm sorry.

10 A And we'll start the board order, because I still have to put it to him in  
11 writing.

12 Q Can I ask you what your understanding at that point -- you know, you had  
13 spoken with General Walker on the Sunday about him having a potential standby, you  
14 know, contingent, right, of 125 were there in the city for COVID. What was your  
15 understanding of the requirements on his side? Did you think -- yeah, what did you  
16 think of the requirements on his side were to get the Guard deployed?

17 A It sounded like he had to make a notification to -- in the city. The way it  
18 works the Secretary of the Army is in charge of the National Guard, unlike governors of  
19 States. He said he'd just have to make the notification and we should be good to go.

20 Q What was your thinking in terms of having sort of tipped him off about this  
21 sort of standby force on the Sunday before? Was your thinking that that helped in any  
22 way or that the speed with which he was able to get troops for you would have been the  
23 same whether or not you guys had had that sort of conversation about keeping some of  
24 the COVID troops on standby?

25 A So, you know, I don't want to say they're on standby. They're still serving

1       their mission, but he's leaning forward on it. And what I would think is that would give  
2       him the opportunity that, Hey, quick phone call. I've already identified the 125. Let's  
3       go ahead and get it going. Rather than, Hey, cold call, let's see who do I have, okay. I  
4       would've thought it would've sped things up.

5           Q     And so was that your expectation that at the very least you were hoping that  
6       the 125, that that number was what you were going to get in relatively short order. Is  
7       that fair?

8           A     That's -- yes. I think that's fair to say.

9           Q     Do you recall if you talked about numbers with General Walker at that first  
10      sort of talk, whether you mentioned that you knew that 125 wouldn't be enough, or did  
11      you have any sort of position as to --

12          A     At 2:10?

13          Q     Yes.

14          A     There definitely wasn't a discussion of the number needed. I got the  
15      distinct impression, as soon as he picked up, he was well aware of what was going on at  
16      the Hill, whether he was watching on the news or something. And he immediately  
17      picked up, Chief Sund, what do you need? I said, We're getting our rear ends handed to  
18      us. I'm -- I've gotten approval from the Capitol Police Board. I need the National  
19      Guard here now.

20          Q     Okay. After you said that, was there anything more from him or did you  
21      guys hang up at that point?

22          A     We hung up. He said, I'm on it. We hung up, and I -- I don't recall -- there  
23      was a number of other calls where we had to coordinate some of the submissions of the  
24      written requests, but that wasn't -- that wasn't what he was waiting on.

25          You know, again, it was several hours. Matter fact, I want to say the first

1       National Guard was not sworn in -- I think it was 5:44 p.m. that the first National Guard  
2       were sworn in as special police officers to support the Capitol Police.

3           Q     So, obviously, you have insight into the sort of infamous 2:30 phone call  
4       where your requests are being presented to some Army officials in that call. I want to  
5       go through that with you, but I want to first make sure that between 2:10 and 2:30, is  
6       there anything -- are you just waiting until, you know, you hear back from General Walker  
7       that he has -- go ahead.

8           A     No. No. I'm still making other calls to other agencies for support -- ATF,  
9       FBI, you name it, Secret Service. So I'm still making a number of calls. I don't know --

10          Q     And I guess, I mean, in terms of the National Guard, you're not -- are you  
11       speaking to General Walker in that time in between or not?

12          A     Yeah. I just -- there was a call -- so I don't know if there was other calls, but  
13       General Walker called me shortly before 2:34 -- oh, texted me with a number and said,  
14       Hey, we need you on a conference call. I was already talking to Chris Rodriguez, Dr.  
15       Rodriguez. He was texting me, Hey, you need -- can you get on this conference call?  
16       He gave me a number. I kept calling, and it's like, I'm the only one here. I even texted  
17       him back -- it's in my text -- Chris, I'm on the phone. I'm the only one here. I hear the  
18       music. And so five times back-to-back I'm trying to call to get in.

19           So finally Chris calls and puts me in. So I don't know if I spoke to Walker in that  
20       time period, that 20 minutes or so, but I finally got dialed in to a call with the Pentagon at  
21       2:34.

22          Q     And before the 2:34 call, is there anyone else, congressional leaders, people  
23       within Department of Defense or the Army who are calling you, or within the city, so  
24       Mayor Bowser, is there anyone else who's trying to reach you in order to figure out what  
25       sort of support you need in terms of the National Guard?

1           A     No, not that I recall in that time period. Again, I think I've submitted all my  
2 call logs because there's a lot of back-to-back calls during that time, but no, not that I  
3 recall coming in. I think Chris Rodriguez was the first person from the city that called me  
4 about the National Guard and getting on the DOD call with the Pentagon, but no. I don't  
5 recall any others.

6           Q     Okay. So when Dr. Rodriguez patches you through to this conference call,  
7 do you get a heads-up as to who's on the line as to who it is, what the  
8 purpose -- objective of the call, who are you trying to reach?

9           A     So at first I had no idea what it was. It was the Pentagon needs you on a  
10 call for -- the Pentagon needs you on a call. Then it was, Hey, we understand you need  
11 the National Guard. And I don't know -- again, I don't know who it was. I came to  
12 know the person I was talking to was Lieutenant General Piatt that was on the call.  
13 There was a number of other people in the back of the call.

14           I'd have to -- but, in essence, it was, We understand you need the National Guard.  
15 I said, Yes. It's an urgent, urgent, because I remember saying it twice, and I said it a  
16 couple times. I need them up here now. We need their assisting in re-establishing the  
17 perimeter. I need the National Guard ASAP.

18           The person that was on the line said, which was General Piatt said -- and I will  
19 never forget this -- yeah, I don't know. I'm concerned about the optics of the National  
20 Guard standing a line with the Capitol in the background.

21           You know, here I am getting -- my officers are getting beaten, and they're worried  
22 about the optics of the National Guard. And then he said, I would rather relieve your  
23 officers on other posts, other traffic posts so they can come and they can get in the fight,  
24 and relieve you on the traffic post. I said, I don't have that as an option. I don't have  
25 officers sitting on a bunch of traffic posts like MPD. I don't have that option. I need

1       National Guard assistance here now.

2           And he goes, Yeah, I don't -- he repeated, again. I don't like the optics of the  
3       National Guard standing in line with the Capitol in the background. Again, he said that.  
4       I said, I don't have that option to pull people off. And he said, My recommendation at  
5       this point, I'm going to go and talk to -- I don't know who he said, the Secretary of  
6       Defense, the Secretary of the Army, My recommendation is to deny the request.

7           I will not forget that. Contee, Chief Contee, who I've known many years, chimes  
8       in and goes, Whoa, whoa, whoa. Let me get this right, you're denying the chief of police  
9       requests for the National Guard? Steve, and he turns to me, Steve, are you requesting  
10      the National Guard? And I said, Yes. This is an urgent, urgent request. Second time I  
11      said it. I need the National Guard to help reestablish our perimeter. And Lieutenant  
12      General Piatt came back and he said, It's not that I'm just denying it; I just don't like the  
13      optics of the National Guard standing a line with the Capitol in the background.

14           Again, he talked about relieving people. I said, I don't have that as an option,  
15       you know. And he said, Well, I'm getting ready to brief -- I'm getting ready to brief  
16       whoever it was, and he didn't really say what he was going to do. I'll let you know.  
17       And so it's kind of an open line. He leaves, and it's an open line for a while. And then  
18       we ended up having the -- the shooting.

19           Q     So let me run through that a little slower.

20           When you were informed that the Pentagon needs to speak to you, and that was  
21       your understanding of what the call was, who was it do you recall that told you that you  
22       were going to be basically patched in to people at the Pentagon?

23           A     I think it was Dr. Chris Rodriguez.

24           Q     Okay. And did you have an understanding of, or an expectation of either  
25       the Secretary of the Army, McCarthy being there, or Secretary of Defense, Miller being

1 there or you really had no clue who in the Pentagon you were talking to?

2 A I had no clue. I kind of figured it was going to be about, Hey, where do you  
3 need them to go? What kind of equipment do they need? Or something like that. It  
4 was going to be about my request. I had no idea it was going to be about me trying to  
5 get them to approve the request.

6 Q And when you say you now -- is it that you now know it was General Piatt  
7 the one you were mostly interacting with, or is that something you came to find out  
8 afterward?

9 A I came to find out afterwards.

10 Q Okay. So the time you were interacting with him, he had not identified  
11 himself or, at least, not in any way that you heard as to who he was?

12 A Not that I recall. I think he may have said general or something. He may  
13 have said a name. I just -- there was a lot going on, but I knew -- I knew he was a pretty  
14 important person.

15 Q And I think it sounds, though, you understood him to be in that moment  
16 speaking a representative from the Department of Defense, that's who you were trying to  
17 convince?

18 A I figured he was the representative from the Pentagon that was between me  
19 and support for my officers.

20 Q Did anybody, at any point, clue you in as to whether they were going  
21 to -- they had run off, either Secretary McCarthy had gone off to get approval from  
22 Secretary Miller, or if anyone was, you know, currently, you know, reaching out to higher  
23 levels to try to get approval? Did that come up at all?

24 A No. I'm trying to think after -- after the call, again, when I got off the call, I  
25 got off the call right after the shooting we had in the Capitol, and we got more requests

1       for the supporting documentation for it. So it looked like the request was moving  
2       forward.

3           Q     Okay. But I just -- I'm just thinking to the conversation itself, no one, it  
4       sounds like, at any point said, Hey, Secretary McCarthy is going to go get approval from  
5       Secretary Miller, nothing like that that the higher-ups were --

6           A     No, not -- no, not that I recall, no.

7           Q     Okay. So Chief Contee describes, you know, your appeal as pleading. He  
8       says, quote: I want to say he even used the word like I am pleading, and Colonel  
9       Matthews, who is the counsel for General Walker who was also on the line said that your  
10      voice was cracking, He was almost crying. I want to get your version of -- how would  
11      you characterize your tone and when you were asking for National Guard assistance on  
12      the phone call?

1

2 [3:50 p.m.]

3           Mr. Sund. It couldn't have been any clearer, the urgency at which I was  
4 requesting the National Guard to assist the women and men of the Department. It was  
5 an extremely serious matter.

6           So I would categorize it as it was loud and clear for me that I needed assistance.

7           BY [REDACTED];

8           Q    Would you have -- do you consider it an emotional appeal?

9           A    I don't know if I'd say -- it was a direct appeal. I was borderline getting  
10 pretty pissed off.

11          Q    What was your understanding of whether they had the authority to deny or  
12 reject your requests?

13          A    I've got no idea. But if a -- I have no idea. But if a general says his troops  
14 are not coming, his troops aren't coming.

15          I mean, for me, I take it as someone over there is making a decision whether to  
16 send me assistance, and I'm talking to the guy that's probably one of the people helping  
17 him make that decision.

18          Q    Dr. Rodriguez told the select committee he heard Army officials say, quote,  
19 "We don't like the optics of having military personnel at the Capitol against peaceful  
20 protesters." And you've already testified to the first sort of part of that. I just want to  
21 see if -- do you recall hearing anyone on the line describe them as peaceful protesters?

22          A    No, sir. Did not hear that at all.

23          Q    Chief Contee told us that he heard an Army official say, "that it  
24 wouldn't be in their best military advice or guidance to suggest to the Secretary that we  
25 have uniformed presence at the Capitol."

1           Does that sound in line with what you heard as well?

2         A    Absolutely. That sounds exactly what Lieutenant General Piatt said.

3         Q    And I think you sort of went through a moment where Chief Contee kind of  
4    interrupts you and says, Let me make sure I understand this correctly. He asks you, Are  
5    you asking for support from the National Guard for the U.S. Capitol?

6           You say, Yes.

7           And then he asks the Army generals, Are you guys honoring his request?

8           And he said that they didn't say no, but they also didn't say yes, and that he sort of  
9    did that a couple of times back and forth.

10          Is that accurate the way that he sort of described that?

11         A    Yes.

12         Q    Okay. And, in your mind, was the fact that they weren't saying yes right  
13    out, that they were, as you mentioned, suggesting alternatives or were talking about  
14    what their best military advice was, you took that -- you took a "not a yes" as a "no," or at  
15    least a "not right now"? Is that fair?

16         A    You know, it wasn't what I expected of, yeah, the cavalry's coming. It was a  
17    bunch of, round-the-house, oh, hey, let's do this, let's do that. So I didn't get off that  
18    call thinking that they had made a decision at that point.

19         Q    And when you got off the call, was it your impression that -- did you  
20    consider -- did you think that the National Guard -- your National Guard request would be  
21    denied? Was that a possibility in your mind? What was your thinking, as soon as you  
22    ended it, the prospects of getting the National Guard to come?

23         A    When I got off the call?

24         Q    Yes.

25         A    I don't know if I thought about that, because I was getting off into a shooting

1       incident. And I was working on trying to get other support for my officers. Law  
2 enforcement was arriving on the scene.

3           So I don't know if I sat there and said -- I was perplexed and I was dumbfounded at  
4 the response. And I was like, I'll be damned that this is occurring.

5           But, honestly, I don't recall sitting there going, yeah, these people are going  
6 to -- National Guard is not coming. I didn't think that till we were sitting here and  
7 waiting hours and hours and hours.

8           Then I was like, this is just getting ridiculous later on, but not right when I got off  
9 the call. My mind was dealing with other things.

10          Q     Just one last question on the call.

11           Did you overhear anyone threaten to tell the media that DOD was denying the  
12 request for National Guard?

13          A     I don't recall any -- so this is just dealing with a little bit of time between  
14 then and now. I know that -- and, again, I don't know if this came after I got off the  
15 call -- that allegedly somebody from Bowser's office or even Bowser herself said she'll go  
16 to the media. And I think they even put a tweet out. Again, I saw that.

17           So I don't want to get it mixed up that I heard it or it's after the fact that I have it.  
18 But I don't recall that specifically.

19          Q     You noticed the tweet. It was brought to your attention after January 6th.  
20 So it wasn't in real time that you --

21          A     No. It was definitely after the 6th. And having known Mayor Bowser, it  
22 doesn't surprise me. You know, she's --

23          Q     There was a point --

24          A     -- very forward.

25          Q     Yes. There was a point at United States Capitol Police headquarters where

1       Jeffery Carroll arrives, along with the ground commander for the D.C. National Guard,  
2       Lieutenant Colonel Craig Hunter.

3                  Do you recall when they arrived to headquarters and your interactions with that  
4       D.C. guardsman?

5                  A      I don't recall when they initially arrived, no.

6                  Q      Okay. I guess not so much the timing, but do you have a sort of  
7       recollection of them being there at the headquarters with you?

8                  A      I have a recollection of him being there when I come back after briefing the  
9       Vice President. And this is after things began to calm down. And I finally went over to  
10      brief him after 5 o'clock or something like that. And that's when I came back, and Jeff  
11      was in the Command Center. Sorry, Assistant Chief Carroll.

12                 Q      Okay. So was there any conversation that you had with D.C. National  
13       Guard's people, either them working -- starting preparations to get together and create a  
14       plan for their eventual deployment to the Capitol? Did you either overhear any of that  
15       going on, did you see that, any of that going on? Did anyone tell you that that was sort  
16       of going on in the periphery while you were waiting for approval?

17                 A      Not that I recall. Not that I recall. That would have been maybe  
18       coordinated with Chief Thomas. But, no, I don't recall them saying, Hey, we're  
19       developing a plan.

20                 We knew that we wanted their assistance on the perimeter helping to support our  
21       officers so we could reestablish the perimeter.

22                 Q      So between the 2:30 phone call and the, as you put it, eventual 5:30, 5:40  
23       deployment of the National Guard, are you corresponding with anyone, either General  
24       Walker over the phone or any servicemember, sort of inquiring what the delay, where it's  
25       coming from, or what we were waiting for, that sort of thing?

1           A     There were some discussions with Walker, and I think I turned to my general  
2     counsel, Tad DiBiase. He was, I think, dealing with general counsel from the  
3     Department of Defense, because they were starting the emergency Board order and  
4     information going that way.

5                 I was still communicating back and forth with the two sergeant at arms and  
6     advising them that, Hey, we've got a big delay. I talked to Stenger, and Stenger had  
7     offered to reach out to McConnell -- I think it was McConnell -- and have McConnell  
8     contact the DOD and find out what the delay is.

9                 I said, that would be a great idea, I'll call you back.

10                I don't know if I used those words. I think I said, that would be great.

11                When I followed up with him in about 20 minutes, I said, Hey, what did you hear?

12                He goes, Hey, I got it. Thanks for reminding me. I've got to do that.

13                And I don't -- I think, by the time we finally heard from that, we were starting  
14     to -- the tide was starting to turn. And I don't -- I never got an answer of whether or not  
15     Mitch McConnell was stepping in to assist.

16               Q     And do you recall around what time was it that you reached out to -- was  
17     that Mr. Stenger or Mr. Irving?

18               A     No. That was Mr. Stenger.

19               Q     Mr. Stenger.

20               A     Yeah. McConnell --

21               Q     Asking for him to reach out to either Senator McConnell or to the  
22     Department of Defense to figure out what was going on with the delay.

23               A     Yeah. Let's see. So it would have been probably right around 3 -- almost  
24     2 hours later, so -- it was 2 hours later. We had not received approval for the National  
25     Guard. Mr. Stenger offered to have -- I'm just reading from my testimony.

1            Senator McConnell called the Secretary of the Army to expedite the request. So,  
2        in my call log it looks like to me around 3:20. Yeah, approximately that time. I'm just  
3        trying to do it. And I would have called him maybe 20 minutes later, so 3:40ish, I don't  
4        know, to find out. There was, again, no follow-up call. I'm just trying to recollect  
5        quickly for you.

6            Q        And so, outside of that, even when you were not given a reason, so in the  
7        2 -- 3 hours, excuse me -- did anyone at any point give you any sort of reason for what the  
8        delay might be?

9            A        No.

10          Q        Okay.

11          A        Other than -- I'm trying to think if I talked to Walker, and I'm just trying to  
12        remember. Other than him or saying they're still waiting for authorization for him to  
13        deploy.

14          So I'm just trying to recall if it was Walker. But I think -- yeah, because -- let's  
15        see. Yeah. So I think when I call him, because there are some discussions where I'm  
16        calling about the requesting -- the formal request where he tells me he's still waiting for  
17        the authorization to deploy.

18          Q        And so is it fair that you understood that to mean that people above him or  
19        that is where the holdup, for whatever reason, that that sort of authorization had still not  
20        come down from people senior to General Walker?

21          A        That's correct, sir.

22          Q        And it sounds as though you never -- from the moment you reached out to  
23        General Walker that day, there was no hesitation, at least on his part, as to wanting to  
24        deploy the National Guard in response to what was going on at the Capitol?

25          A        Oh, he seemed extremely eager and wanted to come provide support.

1           Q     At one -- at some point, the Secretary of the Army, McCarthy, arrives at the  
2     Metropolitan Police Department headquarters, which I know you were at, of course,  
3     Capitol Police headquarters, between the hours of 4:10 and 4:30, in which he says he,  
4     alongside Chief Contee, comes up with a plan for deploying the National Guard to the  
5     Capitol and what they would do when they get there, to whom they would report and  
6     where they would rally.

7                  Do you have any visibility, were you aware at the time that that was happening  
8     over at MPD headquarters?

9           A     No, sir.

10           Q     Okay. And Deputy Chief Carroll said that during the attack, quote -- and I  
11     believe this is in reference to the National Guard -- quote, "Chief Contee asked what  
12     Capitol Police's plan was, and it was clear to him that they didn't have a plan, so they, as  
13     in MPD, came up with one," end quote.

14                  But what's your response to that?

15           A     I don't know who they talked to about a plan. All along, it was to support  
16     our perimeter. If we had somebody on my staff that they had reached out to try and  
17     coordinate this we were ready to deploy them.

18                  I had a person up there deploying resources. We had set up a staging location  
19     for people to check in, to begin to assign them and deploy them from that location. We  
20     would have put them right into that deployment strategy and begin to put them out  
21     where we can -- where we were starting to reestablish the perimeter.

22                  So I don't know -- yeah. That's the first I'm hearing of that.

23           Q     And you used the phrase that the objective, the sort of operation -- the  
24     concept of the operations would be that they would fall in support of law enforcement  
25     and what they were doing.

1           Is that your vision of what the plan would be for the National Guard, to be in a  
2 supporting role to what your guys and the Metropolitan Police Department were doing to  
3 secure the Capitol?

4           A     Absolutely. I've used the National Guard on a number of events. They  
5 are always in a supportive role. I would have expected unarmed National Guard. And  
6 of course we're going to put them with police officers.

7           We had established the objectives of securing the Capitol, clearing the Capitol,  
8 and reestablishing the perimeter. Those were my three main objectives.

9           So as we were having resources come in, they were getting deployed to fulfill  
10 those directives. So I don't know why the National Guard is feeling that we didn't have a  
11 plan established. I wasn't getting that feedback.

12          Q     So I'd like to go back then just chronologically, now that we've sort of run  
13 through the National Guard and what you were waiting for, and ultimately they get  
14 deployed, as you've said, at 5:40, around there.

15          What are you doing outside of trying to get the National Guard? What other  
16 things are you -- can you run through the rest of your day, in essence, until the evening,  
17 with us?

18          A     So I continued to talk with some of our partner agencies. I talked  
19 with -- I'm trying to think of -- the FBI, Bowdich, Dave Bowdich, the number two at the  
20 FBI.

21          Again, it was probably sometime early afternoon. He had offered to send over  
22 SWAT team members. He said he's getting calls from Members of Congress saying, Hey,  
23 send help. I'd already reached out and talked to FBI already.

24          I said, Hey, that's great, Dave.

25          I'm calling, he goes, I'm just going to go ahead and send them over to the Capitol.

1           I said, a resource like that, we've got to be able to track. Send it over, let me put  
2 you with Sean Gallagher so he can coordinate where you are going to go, so I can have a  
3 Capitol Police officer with you so we know who is coming into our building. I don't need  
4 people running around with black outfits that we have no visibility on.

5           So I put Sean Gallagher in touch with him. I talked to Ashan Benedict with ATF  
6 for assistance. Metro Transit. Mike Gonzalo (ph). I'm trying to think who else.  
7 Getting assistance in there. Numerous calls to the Capitol Police. The two sergeant at  
8 arms. I'm trying to think what else.

9           But my main goal was trying to get as many resources as quickly as possible for  
10 the women and men.

11           When we saw that -- I received a call. it was one of those odd calls, and it turned  
12 out to be the White House calling, and they patched me over to the Vice President.

13           He wanted me to come over and brief him, and I told him I can't, we're a little  
14 busy. This was maybe 2 o'clockish, 2, 3 o'clock.

15           And he said, I just want to check how you guys are doing. Two, I just, as quick as  
16 we can, want to get back into recertifying these votes.

17           I said, I understand that, sir. I share the same concern. I'm trying to get  
18 resources in.

19           He said, When do you think you could come over?

20           I said, It's going to be a while.

21           So he said, I'll call you back. And I think called back once or twice, 3, 4, probably  
22 4, 4:30ish. Again, I said, I'm still busy, sir, I can't, I can't get over there. But, trust me, I  
23 don't even need to come over and see you. Trust me, we're doing everything we can to  
24 get you guys back into the vote.

25           Between that time, we started getting a lot more officers in. They started --

1           Q     Let me ask you just a follow-up. I'm sorry. Let me stop you.  
2           These conversations with the Vice President, were you able to update him as  
3     to -- and 2 or 3 is a little bit early -- but were you able to give him an idea as to when you  
4     felt you might be able to secure the Capitol and clear it so that they can get back to their  
5     business, or at that early hour you were not able to give estimates?

6           A     At that early hour, it was way too early. I told him we're doing our best,  
7     but we're -- you know, it's really bad out there.

8           It wasn't until -- it literally wasn't until I talked to him at probably 5:10, just trying  
9     to -- that he called back again. And, at this point, I had talked to Chief Thomas and  
10    Chief Pittman and said we've gotten another update, an assessment.

11           I had a deputy chief in the back that was deploying my resources, because, as we  
12    got resources in, I didn't want to lose any. We had hundreds -- actually, probably  
13    thousands coming to assist us, and I wanted to make sure we deployed them effectively,  
14    efficiently.

15           I had been in other major, active shooter incidents, and I didn't want to lose the  
16    resources. I want to make sure we were handling them effectively.

17           So I had -- and Deputy Chief Pickett in the back working with Chad Thomas. We  
18    had people in the staging area and a plan set up to deploy our resources as they came in.

19           So finally I talked to them. It looked like we were reestablishing the perimeter.  
20    We had started clearing the floors of the Capitol. The basement was cleared, the top  
21    floor.

22           We were trying to do it as chronological or as best as possible. So between 4  
23    and 5ish we were starting to turn the tide. Finally got to a point where it looked like we  
24    were pushing them all out of the building. We had enough resources there to  
25    reestablished the perimeter.

1           And I said, Hey, I want to go over, do a quick assessment. I'm going to talk to the  
2        sergeant at arms. And I got the Vice President keeps calling about wanting to get an  
3        update.

4           So they said, Yeah, everything -- both Pittman and Thomas said everything they've  
5        got, it's under control, things are starting to -- tide is starting to turn.

6           So this, I felt, was an okay time. I wanted to go over and do assessment; two, to  
7        go over and give the brief; and then talk to the two sergeant at arms.

8           So that was 5 -- I'd say about 5:35, I went over and met with the Vice President.

9           Q     So before you met with the Vice President in person, had you also received  
10      calls from congressional leaders, such as Speaker Pelosi or Leader McConnell, regarding  
11      when the Capitol would be secure to return to business?

12          A     The only Member that I had called before that was Representative Waters.  
13      She called me extremely upset that, I told you this was going to happen, I told you this  
14      was going to happen. What are you doing about it?

15          And I explained that we had resources coming in, things like that, trying to assist,  
16      stuff like that. But she was the only one that called.

17          Q     What was your understanding of what she meant? What particularly did  
18      she feel that she had told you previous that she felt was a warning?

19          A     She was concerned about the people issuing permits to these type of people  
20      that were going to be on the Capitol Grounds. So she was worried about permits being  
21      issued to these people and that these people can be very dangerous.

22          Q     Did you receive a call from the President of the United States that day?

23          A     No, sir. No, sir.

24          Q     How about anyone from the White House, representing the White House,  
25      such as Chief of Staff Mark Meadows?

1           A     No, sir. Only call I got was White House switchboard. I believe -- yeah,  
2     White House switchboard that put me in touch with the Vice President.

3           Q     Okay. And did you understand when you were speaking to the Vice  
4     President that he had been taken to a secure location, did you have that understanding  
5     when you --

6           A     I knew where he was. I knew where he was.

7           Q     Okay. Had he, in any of the conversations, remarked to you that he was  
8     going to stay put at the Capitol, or the opposite, that he was going to leave physically the  
9     Capitol, or anything like that? Did he talk about that?

10          A     I think on one of the -- the second call, I think he said, I'm -- you know, I  
11     don't plan to leave. I plan to stay here and hopefully we can get back in and get this  
12     thing done.

13          Q     Okay. And before you go head over at 5:35 in person to give the briefing,  
14     my understanding, Inspector Kim Schneider at some point gave a briefing to the Members  
15     where she sort of didn't have -- you know, she thought it would take quite a bit, a number  
16     of time -- quite a number of hours to get back into the Capitol Building.

17          Did that happen before you got there in person? Or talk us through what  
18     happened there.

19          A     So that had to have happened after I met with the Vice President. So I get  
20     over there. We talk. The Vice President again expressed the same thing, which I  
21     explained to him, like I told you over the phone, we're taking care of this.

22          And he said, When do you think you can get us back into session?

23          So I call Irving, Stenger, Chad Thomas, to kind of go over, Hey, what are we seeing  
24     about when we think the Chambers can be reoccupied?

25          There was a series of phone calls back and forth. I felt really bad because the

1 Vice President was kind of walking back and forth. And I was like, Hey, sir, I'll try to get  
2 you an answer, but hold on.

3 So I was finally -- it took several minutes, several phone calls to get an answer that  
4 the Chambers would be ready at, I believe, 7 p.m. The Architect of the Capitol needed  
5 30 minutes to clean it, and I don't know if that was before. But I think 7 p.m. we said  
6 the Chambers can be reoccupied, it looks like they can be reoccupied at 7 p.m.

7 He said, Are you sure? Because I want to call Speaker Pelosi and brief her.

8 So at that point, I said, Hold on, Mr. President, let me double-check -- I mean,  
9 Mr. Vice President -- let me double-check just to make sure, because I don't want any  
10 wrong information.

11 Double-checked with all -- with Chad Thomas. Checked with the AOC and  
12 checked with Tom Lloyd. They reaffirmed that 7 o'clock would work.

13 And I told the Vice President, at which point -- I also called Irving and said, Hey,  
14 just to give you a heads-up, the Vice President is going to put me on a conference call  
15 with Speaker Pelosi. Because that's how Mr. Irving was. He always wanted to know  
16 any communications you had with leadership.

17 So the Vice President dialed the Speaker, put his phone on speaker and set it on a  
18 ledge right next to where we were standing. The Speaker, in her distinctive voice,  
19 answered. He said, I'm here with the chief of police, Steve Sund. He says he can get us  
20 into Chambers by approximately 7 o'clock. I would like -- meaning the Vice  
21 President -- his desire is to get in as soon as possible.

22 He said, Chief, can you give the Speaker kind of an update?

23 So I briefed the Speaker briefly on what we had faced outside, the resources we  
24 were bringing in, how the outside law enforcement was coming and assisting us, and that  
25 we had talked to the Capitol division commander, the Architect of the Capitol. And even

1       though there is a fair amount of damage over here, we can get them into the -- into both  
2       the House and Senate Chamber, at 7 p.m.

3           I think she said, Are you sure of that time?

4           And I said, Yes, ma'am, I am sure.

5           The Vice President said, Thank you.

6           And the call kind of ended at about that point.

7           Finished up with the Vice President. I wanted to go over and meet up with  
8       the -- Stenger -- and just do a quick assessment of the Capitol, find out what are we  
9       dealing with, what does it look like, and just see what we're dealing with.

10          So I went walking out. Walked toward the Senate subway, where I met with  
11       Mr. Stenger. And we started walking toward the Capitol, I think.

12          At which time somebody in the entourage turned -- I believe it was  
13       Ms. Hemingway -- and said, Speaker Pelosi is on the phone for you. And this was maybe  
14       6:10, so this would have been the second time I spoke with Speaker Pelosi.

15          I got on the phone, and she immediately started accusing me of giving the Vice  
16       President wrong information, that I had given him wrong information, when she's being  
17       told they can't get in the Chambers till the next morning.

18          I advised, Ma'am, I'm not sure who is telling you that, but this is the latest  
19       information. I've confirmed it. I've double-checked with the AOC.

20          And right then, Kim Schneider, who at the time was an inspector, spoke up from  
21       the background. And she said, Chief Sund, this is Inspector Schneider. That was me.  
22       I briefed Speaker Pelosi that the Chambers wouldn't be ready. She goes, I thought that  
23       was the latest information.

24          I said, No, Inspector, I talked to Chief Thomas -- Tom -- and he's confirmed we're  
25       set to go in at 7 p.m. I think she turned on the phone and said, Ma'am, it seems like the

1 chief has the latest information. I trust his information. And the call ended.

2 I returned the call -- the phone -- to Jennifer Hemingway. We continued walking  
3 and went over to where the Senate had been sequestered. And Irving had told me he's  
4 going over to do a briefing of the Senate. And Stenger -- let me make sure -- Stenger  
5 had told me he's going over to do a briefing of the Senate and asked if I would attend  
6 with him.

7 I said yes. Walked over, went to where they were sequestered. We walked  
8 into a back room. And in the back room, I went into an office where Kelly Fado -- I think  
9 he used to be the secretary of the Senate. McAdams. McAdams. And I'm trying to  
10 think. Somebody else was in the room.

11 Kelly Fado asked, How is it going out there? I gave her a quick rundown.

12 Kikam. Karem. Robert Karem was in there. Robert Karem said, Hey,  
13 leadership -- who was offsite -- is looking for a brief. Let's get them on the phone so you  
14 can give them a brief.

15 He dialed his phone. I don't know who picked up. But he put it on speaker  
16 phone, and then put it in the table in the middle of the room.

17 I provided a briefing of what we had faced, what resources we had brought in to  
18 assist, and where we are in getting everyone back into the Chambers, when it would be  
19 available.

20 I heard Speaker Pelosi talking to maybe McConnell. There were some  
21 discussions in the background about what time they wanted to go in. The decision was  
22 made that both parties would go into session at 8 p.m., at which time the call ended.

23 The Senate ended up adjourning at -- not adjourning -- readjourning in the Senate  
24 Chamber at 8 p.m. and the House at 9 p.m.

25 After that, I went over, used the -- briefly used the restroom. And I came out,

1 and Stenger looked at me and he goes, Hey, if you need to go back, I can do the briefing  
2 on my own. I said, Yeah, I really need to get back to headquarters.

3 And, at that point, I left, walked out, and walked through the subway back and out  
4 and headed back to headquarters.

5 Q Did you remain at headquarters until the joint sessions concluded at 4 in the  
6 morning?

7 A I remained at headquarters almost till 7 p.m. that Thursday night.

8 Q Okay.

9 A The joint session, I think, ended right around 4 a.m. We had to handle a lot  
10 of notifications. We had -- I'm just trying -- we had to do a statement. We had to  
11 handle a bunch of different notifications.

12 So I kept working with my chief of staff all the way up. I had a briefing. Then  
13 we had Members asking for briefings. I had a briefing with Tim Ryan, I think at about  
14 11 p.m. Then there was an additional -- another briefing with Tim Ryan the next  
15 morning at 9:30, and then a briefing with Senator Blunt at, I want to say, 2 p.m.

16 Q Okay. So before I turn it over to ask you about [inaudible] I have a few  
17 wrap-up questions and maybe some other lingering questions we have up there.

18 I wanted to ask you about the end of your tenure with Capitol Police. How did  
19 that come about?

20 A Can you be a little more clear on your question?

21 Q Sure. Can you walk me through how you came to -- well, did you -- did you  
22 come to learn that your resignation was being asked for or wanted? And when did --

23 A So I was sitting there briefing Senator Blunt at 2 -- right after -- shortly after  
24 2. I see I had a call coming in from Jamie Fleet. He is on the House side. I don't know  
25 what his exact title is. Maybe staff director. I don't know. He works for Chairperson

1 Lofgren and also does a lot of work with Speaker Pelosi.

2 I saw him trying to call me. But I'm in the middle of briefing a Senator, so I let  
3 that go to voicemail, figuring I'll call him back, I'll be done with this in just a few minutes.

4 At which point I think my chief of staff stepped out, came back in and did one of  
5 these -- points toward her phone, like, hey, you need to look at your phone. I looked at  
6 her phone. She goes, I need to see you outside, it's important.

7 So needless to say, I stepped outside, and she said, Hey -- Tad DiBiase and myself  
8 stepped outside, and she said, I just got word from Jamie Fleet. The Speaker is going to  
9 go on national TV and call for your resignation in just a few minutes.

10 Q Okay. And that was the first you had heard of that?

11 A Yes, sir. Yes.

12 Q Did you -- what was your response? What did you do in reaction to that?

13 A I prepared to -- I absorbed it a little bit. I thought about it, got ready to  
14 return back to brief -- finish my briefing with Senator Blunt, when my chief of staff and my  
15 general counsel said, Hey let's go in and watch this press conference.

16 So turned around, went in to watch the press conference. I don't know if the  
17 press conference had started or it had just started. I thought I sure as hell better call my  
18 wife pretty soon.

19 So I called my wife, gave her a heads-up, and then watched the press conference.  
20 And it looked like it was -- looks like it was going to end. It looked like it was getting  
21 ready to wrap up. And thought, okay, well maybe we're going to wait -- who knows -- at  
22 which point there were some questions. I think somebody asked about Schumer firing  
23 Stenger. Are you going to do anything?

24 And that's when she said, Well, first we need to do an after-action, which I  
25 thought okay, that's where I base my personal decisions on. And then she went back

1 and said, But I'm calling for the resignation of Chief Sund.

2 Q Can I get your opinion as to whether you think, given what happened on the  
3 day, that was fair or what was your -- what's your opinion looking back on it as to  
4 whether that was a fair move or --

5 A I think it would have been good for her to have probably a little bit more of  
6 the information of what occurred prior to making the decision. But I understand my  
7 role as a chief, and it's the same thing, I think, I said in the Senate. You know, I  
8 represent this agency, and what I saw my men and women go through really, I think, it is  
9 a terrible thing. As a chief the buck stops with me. So I'm not surprised by it.

10 Q It sounds, though, from your recounting of the events, you did not  
11 communicate informally any sort of resistance necessarily or disagreement with the call  
12 for resignation before it happened. You remained silent in between the time that you  
13 were notified that that was going to be her wishes for you and when it was actually  
14 announced.

15 Is that fair?

16 A Yeah. So I think, when you work through the timing, I think by the time I  
17 got the call, she was getting ready -- she maybe was already doing the press conference.  
18 So it wasn't like I was going to call her and they were going to call from the podium.

19 I didn't think there was -- I turned and I asked -- let's see. So my chief  
20 administrative officer had walked in at this point, Mr. Richard Braddock, and Tad DiBiase.  
21 I think I turned to the two of them and said, You've just seen the Speaker of the House go  
22 on national TV and call for my resignation. What do you think are my chance of  
23 surviving? And it was pretty slim.

24 So I figured, you know what? I called the -- Jamie Fleet, finally talked to him for a  
25 little bit, and said, You'll have my resignation by the end of the day.

1           Q     Can you tell me about that conversation with Jamie Fleet? Did you push  
2 back? I mean, her intention had been made known at that point, but did you push back  
3 with him on that phone conversation?

4           A     No. I didn't feel there was any reason to push back. There was -- I didn't  
5 feel there was any -- any wiggle room on that decision.

6           Q     Okay. I'm sure my colleagues have questions about that and other things  
7 to wrap up. I actually just have one really small question, if I can. It's a little bit off  
8 topic. It's a little bit miscellaneous.

9                   But are you aware of the reporting around the trainings that were held -- the U.S.  
10 Capitol Police officers held training with a group called Northern Red in 2018 and in 2019.

11          A     Yeah. The name sounds very familiar. Northern Red. I think it would  
12 have been some of our CERT team. They were having trouble finding range space, or  
13 something like that, and they had set up an opportunity that went through a  
14 procurement process.

15          So much like you bring in an outside vendor, they went out -- I believe it was  
16 Northern Red -- they went and did CERT training, the SWAT team training out with them.  
17 Yeah, that does sound familiar.

18          Q     And you were aware some of the reporting about them having White  
19 supremacist iconography pretty openly on their sites and that sort of thing?

20          A     Yeah. I've only heard that recently, since my departure from Capitol Police.  
21 But, no, hadn't heard that at the time. But it went through the regular procurement  
22 process for it, so --

23          Q     Well, no, the only thing I want to ask you about that is a little bit about that  
24 procurement process. And you're an assistant chief of operations starting in 2017, so  
25 that first year of 2018. But in 2019 you do become chief in June. And so I'm

1        wondering if you have any insight at all into how that training was approved.

2            That process that you talked about, did it go up to the chief level? Where within  
3        the -- how high within the organization does approval for a group providing a training go?

4            A     No. I don't know. I know they need to go through procurement for the  
5        GSA schedule, doing all that, that fun stuff. I don't know off the top of my head.

6            Q     Do you have any independent recollection of yourself approving training in  
7        2018 or 2019 for Northern Red?

8            A     They could have been one of -- I don't know. They could have been in the  
9        approved training. I very well may have.

10          Q     Okay. And is it your understanding that, through that process, the chief  
11        does ultimately sign off?

12          A     Again, I'm just -- I don't -- I don't recall who is the final signatory on people  
13        being able to go to outside training, because it was outside training, if I remember  
14        correctly, Virginia, West Virginia, something like that.

15          So I don't know. But there would be a paper trail through the chief  
16        administrative officer for that.

17          [REDACTED]     Okay. Thank you.

18          [REDACTED]     So I have one final question, but before I go, [REDACTED], do you have  
19        anything else?

20          [REDACTED]     It's along the lines of a final question.

21          [REDACTED]     Okay.

22          [REDACTED]     So you go next, and then I can follow up then.

23          [REDACTED]     Okay. So did you want to ask the recommendation question or --

24          [REDACTED]     Before we get to the recommendations --

25          [REDACTED]     Yeah.

1 [REDACTED] Yeah.

2 BY [REDACTED]

3 Q Chief Sund, you just mentioned an after-action, which I think is somewhat  
4 standard practice in law enforcement and military, that after any significant engagement  
5 there is an effort to kind of look back and evaluate what went right and what went wrong.

6 I understand that you weren't any longer the chief after January 6th and didn't  
7 engage in that.

8 But I'm wondering if you could do a little bit of that with us now, if you had, in  
9 retrospect -- I know you've had a lot of time to think about this. You've been asked a lot  
10 of questions about it.

11 What do you think Capitol Police did right and wrong with respect to the  
12 preparation for and management of the January 6th attack on the Capitol?

13 A I would look at -- there is probably a group of things that goes all the way  
14 from how do emergency responses get coordinated or get muddled down with the  
15 oversight from the Capitol Police Board when you have a true emergency. That's  
16 evident. I know they've recently gone through and made some changes to U.S. 2, 1974,  
17 to change that.

18 So I would look at, from Capitol Police, a couple of things.

19 One, the after-action. One, look at -- you know, we're intelligence driven.  
20 What happened with the synthesizing of intelligence that is apparent was residing  
21 with -- within the walls of our Department to get it into the products so people can make  
22 their decisions and it can inform those most reliant on good intelligence. So that's key.

23 I think when I have key people in critical positions, like Chief Thomas, it gets busy.  
24 It gets real busy in that spot. And it would have been -- you know, it would have been  
25 really good -- it's hard for me to keep visibility on everything. I do my best, and I felt I

1 developed a good relationship, was trying to move the Department forward.

2           But, like, Chief Thomas, would have been nice if he said, hey, if he had some  
3 concerns about it, should I do a report, should I do an operations plan, to inquire about it,  
4 but it's self-evident. It's required by our policy under NIMS.

5           So I think making sure the right people that are in the right place know they're  
6 there for a reason. They've risen to the second-highest-level rank of the 25th-largest  
7 police department in the country, and with that, commensurate, is a lot of responsibility.  
8 And it would really be nice if people would take care of some of that so, as a chief, when  
9 I'm trying to deal with a bunch of other stuff, I'm not having to go up and do your j-o-b for  
10 you. So I think doing some leadership training.

11           And, yeah, hindsight being what it is, I'm the chief. I should have gone behind it.  
12 I should have made sure he did that plan. I should have. Just making sure that that's  
13 taken care of.

14           A big issue that I would do is someone needs to do a manpower analysis of the  
15 Department. We have got a lot of added posts. The House side you have added posts  
16 as they're rebuilding, refurbishing, like the Cannon Office Building. Whereas before we  
17 may have had three entrances, well, now we have five. Well, each of those instances  
18 takes three people for each shift. So you do the math. It starts adding up real quick.

19           How the added posts begin to impact the rest of the Department, increases in  
20 DPD team sizes. All those impact the resources available.

21           Yeah, they can give us \$50 million in overtime to be able to send -- overtime to  
22 work our officers -- or 24,000 hours -- we're allotted 24,000 hours in overtime to send our  
23 officers to training. Well, I've got almost 2,000 officers. You do the math. That's  
24 12 hours of training for every sworn person?

25           A law enforcement agency should have anywhere from 80 to 120 hours a year of

1 professional development training if you want a good agency. So you've got to do a  
2 manpower analysis and make sure that you're taking care of the shortages.

3 We've been over 200 officers short. I've briefed down on it, Chief Verderosa  
4 briefed down on it at every one of our appropriations hearings.

5 Until you can get the Department up to a proper staffing and get rid of any of the  
6 ancillary posts that aren't really providing a good bang for the buck, you're going to  
7 continue to overwork the officers and not be able to send them to training.

8 I mean, look at it. I tried to get equipment for my officers, and now they're only  
9 getting -- able to get it. You've got \$105-\$106 million supplemental, and then a  
10 \$105 million additional budget.

11 Now they're able to get the equipment, but it's still -- the Department is even  
12 shorter than ever. Now they can't send the officers to training because people are just  
13 getting way overworked. Morale is going down.

14 So you've got to take care of that manpower issue first.

15 But I do think the relationship with the Capitol Police Board and the idea that the  
16 chief is the chief, they are the ones that make the decision on security on the Hill, that  
17 needs to be rectified. Because when you have a chief and then you have the chief law  
18 enforcement with the Senate, chief law enforcement with the House, it just gets really  
19 muddled, because they all got bosses.

20 Q Yeah. So let's break that down a little bit. I want to separate the  
21 substantive things that went wrong from the people that were responsible for them.

22 It sounds like you identified intelligence processing, a lack of an ops plan, and kind  
23 of a manpower shortage as the substantive issues that you'd identify as failures. I think  
24 with intel you said it was a colossal intel failure, and you've agreed that there should have  
25 been an ops plan.

1           Were there other -- set aside whose responsibility it is -- were there other things  
2       along those lines that you think should have happened that didn't happen within the  
3       agency?

4           A     Yes. So, if you look at the CDU plan, there is a field force commander. So  
5       you have the incident commander, which was Deputy Chief Waldow. Again, just you  
6       have the incident commander, you have the field force commander.

7           The field force commander is in charge of your CDU platoons -- when to put on  
8       the hard gear, when to take off the hard gear, what equipment to have, when to deploy  
9       to be on site.

10          There were severe deficiencies in how the CDU was pre-deployed, the fact that  
11       they weren't in their hard gear, that they weren't out there on post. That needs to be  
12       corrected through training.

13          The evacuation of the Chambers, way too late. Way too late. That should have  
14       happened much earlier. Again, you've got incident commanders that are out there  
15       fighting.

16          You look at Inspector Glover. He's the incident commander for MPD. He's  
17       coordinating resources. You're going to do a lot better as an incident commander  
18       coordinating the resources and getting in the fight. But you've lost your incident  
19       commanders. The deputy incident commander should have picked up. Somebody  
20       should have picked up where he left off.

21          The fact that officers are saying they're not getting directions and no one's  
22       communicating with them, ultimately that comes up to the Command Center. The  
23       Command Center should have immediately started working as what they call an area  
24       command, in charge of all the stuff going on inside, outside, and making sure proper  
25       communications and intelligence is being pushed out.

1           Again, that's -- it should have happened, and it didn't. It seemed people were  
2 overwhelmed, people were unexperienced. It seemed like there is a number of those  
3 failures and there was inability of some of the people, or incapability of some people, to, I  
4 mean, handle the responsibilities of the positions they're in, so --

5           Q    Yeah. I can represent to you, Chief Sund, that we spoke to a number of  
6 men and women, sort of line officers, who indicated that there was no direction in real  
7 time, that they essentially were moving from place to place based on anecdotal  
8 impressions as to where the need was, that there was not a unified command where  
9 someone was saying, all right, we need 15 people here, 25 people there.

10          It was very much kind of seat of the pants reactive in real time all the way down to  
11 the men and women themselves who were in a really, really difficult situation.

12          It sounds like you agree that there ought to have been a little more control --

13          A    I absolutely agree.

14          Q    Yeah.

15          A    The Command Center should have immediately kicked in. The chief of  
16 operation for uniform should have established some type of communication.

17          We had a plan for deploying the outside resources come in, because as I'm sitting  
18 there making these calls, that's what I'm thinking of.

19          So the resources that we have with -- our own internal resources, I wish the  
20 supervisors that were in charge of that would have handled that, because, yeah, that  
21 hurts.

22          Having been out there and been a cop and hearing that, I care a lot about these  
23 men and women, and it's just -- it's not -- it doesn't make me happy to hear that.

24          Q    Yeah. No, absolutely. They fought valiantly and did their best in a really  
25 hard situation. But it sounds like they weren't given the training, equipment, the

1 direction really that they could have used to more effectively defend themselves in the  
2 Capitol.

3 Is that an accurate assessment?

4 A Yeah, I would say that, I'd say it's accurate. A lot of times when you have  
5 training set up, officers are having to be pulled from training to cover the posts because  
6 they're so short. You can't send them to training as a group. If you're going to really  
7 train a CDU, you should train as a group, send them as a group.

8 I'd been working to try and get some new CDU equipment, but basic -- a  
9 respirator, an air -- APR, a helmet, and a baton for every person on the Department, since  
10 2017.

11 I was surprised coming in. Think about it. Capitol Police, they're one of the  
12 only agencies in the country that have been hit with biological, not once, but  
13 twice -- anthrax in 2001, ricin in 2013 -- and they didn't issue every officer a gas mask?  
14 It's terrible.

15 So I'd talk to -- I tried to push that initiative forward. Again, budgeting is the  
16 issue. And Richard Braddock was finally able to identify money to get helmets in 2020,  
17 which finally just started coming in.

18 So they need to just go back and outfit everybody with the basic gear. Again, not  
19 everybody needs the full CDU gear, but everybody should have just basic protective  
20 equipment.

21 Q Yeah. Not just have it, but are trained in how to use it and what the  
22 circumstances are in which it should be deployed.

23 A Yes.

24 Q Yeah.

25 [REDACTED] And this sort of leads us into recommendations. And, [REDACTED] I

1 don't want to steal your thunder so --

2 [REDACTED] I just want to ask --

3 [REDACTED] Go ahead, [REDACTED]

4 [REDACTED] Go ahead, [REDACTED]

5 BY [REDACTED]

6 Q Chief Sund, are you familiar with the GAO report that came out in March  
7 that interviewed about 300 officers in the Capitol Police Department about several  
8 aspects of training included, but also the use of force training?

9 A That was March of this year?

10 Q Yeah.

11 A No, ma'am, I'm not.

12 Q Just the top lines were essentially that they -- I can give you the numbers.  
13 They surveyed 315 officers, and the survey found that 80 officers identified concerns  
14 related to the use of force, and 57 of those officers indicated they felt the leadership  
15 culture in the Department generally discouraged them from using force or they were  
16 hesitant to use force because of a fear of disciplinary actions.

17 Had you heard that during your tenure?

18 A No.

19 Q There was also an aspect that there was a fear to use force because -- or to  
20 be -- have harder force shown on January 6th because of the optics that it showed. One  
21 officer said the Department is always worried about optics and never really wants us to  
22 go hands-on with the public in terms of the physical security needs that they had.

23 Had that ever been brought to your attention?

24 A No. No. For January 6th, there should have been no issue. I know, as  
25 we were dealing with some of the other demonstrations that we may have, whether it's

1 adapt, there is a group of wheelchair people or other demonstrations.

2                 Sometimes I would hear from my oversight committees about their concern for  
3 seeing our officers in hard gear, and, "Hey, can you just have maybe the gear nearby?  
4 We just don't like seeing them there in their hard gear."

5                 We get some of those kind of pushbacks, but not to the point where we would  
6 say, Hey, you can't be in hard gear. They needed to be in hard gear for this one, and  
7 they should have been.

8                 Q     And about the use of force, that had not been brought to your attention?  
9 It looks like there had been some changes obviously since you left, that the Capitol Police  
10 addressed some of the misconceptions that related to the use of force.

11                A     I've never heard that. Our officers, for the most part, aren't like in an  
12 urban city. You look at crime up around the Capitol. It's like a crime-free zone in the  
13 middle of an urban city.

14                So we do have some, but a limited -- what I would consider to be a limited use of  
15 force. But I've never had an issue where an officer said, I didn't use force because I was  
16 afraid to use it. No, I haven't heard that.

17                And if that's in relation to what went on on the 6th, you've got to look at it from  
18 this aspect. You had 17 law enforcement agencies send almost 1,800 law enforcement  
19 officers to my request for assistance, and all of them seemed to express the same level  
20 when it comes to use of force, like lethal force, because we all get trained in that same  
21 level of force. So just keep that in mind.

22                [REDACTED] With respect to the intel piece, again, Chief Sund -- I don't mean to  
23 keep coming back to that -- but do you have any -- some of the criticism has been that law  
24 enforcement failed to fully appreciate the risk because there was a perception that a lot  
25 of these groups were pro-law enforcement or didn't present as much danger perhaps as

1 some other groups, particularly groups of color. Black Lives Matter or other protesters  
2 were perceived as more of a threat than the kind of pro-Trump, pro-law enforcement  
3 people that were expected to attend this rally.

4 Did you ever hear discussion like that, or do you have a personal view as to  
5 whether the race or the ideology of these protesters presented less of a threat?

6 Mr. Sund. No. No. Always have patrolled and handled myself in an unbiased  
7 fashion. You treat everybody the same. But it should be based on intelligence. I  
8 mean, when you're talking about some of the intelligence that they had that should have  
9 been incorporated into the products that we were getting, that would have informed a  
10 much different response for the agency, regardless of who they are.

11 I mean, you're seeing people talk about getting into the buildings, watching  
12 our -- attacking Members, finding their locations coming in? That's concerning. And it  
13 doesn't matter, race, gender of the individual. We just need to be prepared.

14 [REDACTED] Yeah. No. I appreciate that. And as we went through before,  
15 there was a lot of intel that these people were not pro-law enforcement. There was  
16 intelligence that they intended to be violent, intended to disrupt the joint session, and  
17 believed that the election had been stolen, and needed to stop that.

18 BY [REDACTED]

19 Q One thing, Chief Sund, I know that you've been referring to your timeline  
20 and documents throughout this interview and your statement. Could we just include  
21 that as part of this record? And I'll ask your attorney to send it to us.

22 I know you provided it to the Senate. However, the Senate has not provided  
23 those documents to us.

24 A Okay. Yeah. I'll make sure you get the supplemental testimony for it, yes.

25 Q And whatever call logs or timelines that you were referencing, even if that

1       was not submitted to the Senate, if we can have that for our official record, that would be  
2       great.

3           A     Okay. Yes. It's all one and the same.

4           Q     Great.

5           And then my final question is, I'm not sure if this is your Twitter account, but there  
6       is a Twitter account that is from Chief Steven Sund that states, "Incredible misinformation  
7       fed to a divided nation. I was there. I know the truth. I'm going to be telling my  
8       story soon. I have the receipts."

9           Is that your account?

10          A     Yes, it is, ma'am.

11          Q     And is there anything that you feel that you need to tell us on the record  
12       here as far as what that truth is that you're referring to?

13          I'm sorry. You faded out.

14          A     No, ma'am.

15          Q     So do you feel that this has been an opportunity for you to tell your -- the full  
16       satchel, direct knowledge of the day that you had and the days preceding January 6th?

17          A     I think, yeah. I think there is a lot of -- I'm still -- again, I'm still kind of  
18       thinking about how to tell my story, how to formulate my story. So, yeah, I mean this  
19       has, I think, been an opportunity to address a number of issues.

20          Q     And when you say there have been many lies told about January 6th and the  
21       incredible misinformation fed to a divided nation, what are those lies and misinformation  
22       that you're talking about?

23          A     I'm referring to, like, the Speaker coming out on national television saying I  
24       never talked to her since the attack, when I did talk to her three times, much like you had  
25       talked about Irving's conflicting statements with me requesting National Guard, the

1 intelligence, you know. Those are things I think -- yeah.

2 [REDACTED] Is there anything else, Chief Sund? And I'm going to let [REDACTED] get  
3 to prospective recommendations last. Is there anything else that you want to make sure  
4 that we -- that the select committee knows, anything that we haven't asked you that you  
5 think is relevant about your experience in the lead-up to or the management of the  
6 events?

7 Mr. Sund. I think security on the Hill. Security should never be politicized.  
8 You should never have to worry about one side is worried about security and the other  
9 side is worried about security. Security should just be keeping people safe based on the  
10 information you have.

11 And that, ultimately, if you get to a point where you can do that up at the Capitol,  
12 I think it would be a much safer place.

1

2 [4:50 p.m.]

3 BY [REDACTED]

4 Q Do you think it was politicized here?

5 A I don't want to say politicized. Just, in general, you're dealing with, you  
6 know, the two Sergeant At Arms that are -- gosh, I'm tired here -- just, they're responsive  
7 to their leadership. So I just think they're going to be hesitant to do anything that may  
8 be in opposite to what they may want.

9 Q I see. So the problem, as you see it, is that you've got sergeant at arms  
10 who answer to political leaders, and that might impact security planning or operations  
11 that should be core law enforcement function, divorced from any political process?

12 A Yeah. That's maybe a good way of saying it.

13 Q Yeah. And that leads to the recommendations. It sounds like the current  
14 situation where you've got a Capitol Police Board that is answerable to political  
15 leaders/leader who has some inefficiency in it. Can you talk a little more about what  
16 would be better?

17 A I think like we had talked about, I think a single person that is, you know,  
18 truly a single person that handles security campuswide, that makes, you know, makes the  
19 final decisions. I think that would be a better way of handling it.

20 I don't think an oversight board is a bad thing, but I think ultimately there needs to  
21 be, you know, a single person that makes the final decisions, can call in assistance, can do  
22 whatever they need to do, regardless of, you know, any concerns.

23 BY [REDACTED]

24 Q And, sir, one question I had related to prospective recommendations, and  
25 then I'll ask if you have any others, other than the one you just identified.

1           But one that was identified to us by someone else we spoke to suggested that the  
2       Capitol Police should be reshaped into what they call a force protection division, sort of  
3       like the Federal Protective Service, where core arrest power would be removed and really  
4       the core function of the force would be force protection of people and property.

5           I'm curious as to your thoughts about that recommendation, given your  
6       experience in law enforcement over the last 20-plus years.

7           A     I've heard that -- I've heard that described a couple different ways. One, as  
8       a force protection, or maybe looking at it from a, like, a Secret Service standpoint where  
9       you have the uniform division and you have the agents, the plainclothes agents.

10          When you say a force protection, I think of the Pentagon force protection. We're  
11       not far from that. You know, we've got -- Pentagon has their plainclothes, their  
12       dignitary protection, their uniformed officers out there. The one thing I would -- I think  
13       we're very much like that. You know, I think we serve a national security role a lot more  
14       than a regular police department role.

15          The one thing I'd be hesitant to do would be to adopt a type of structure like the  
16       Secret Service, because it creates a lot of division between the uniform and the  
17       plainclothes, you know. There's always a little bit of friction between the two, and  
18       that's the last thing I think you want to have in an agency. You want everyone to get  
19       along, because it's tough being a cop right now.

20          Q     Copy that, sir.

21          So it sounds like you don't necessarily disagree with the idea that if we were to  
22       sort of excise out the law enforcement arrest function part of what you do now and focus  
23       more on a national security aspect of it, that that wouldn't necessarily be a bad thing?

24          A     You -- I think you need to have the law enforcement arrest capability. I  
25       really do. I mean, Secret Service has it, Pentagon has it. Because if you're going to sit

1 there and rely on the city police, MPD, come up and handle your arrests and things like  
2 that, you never know what kind of delay you might be facing.

3 So I think by having that arrest capability, you have the ability to control your  
4 investigations, bring in people, if you're going to interview them. I'd be hesitant to say  
5 you want to release your ability to handle arrests, but, you know.

6 Q Copy that, sir.

7 And finally, again, and I mentioned this at the very beginning of our interview,  
8 which I know started a long time ago, at 10 a.m., but -- and you've given us some thought  
9 and some -- what I think are good recommendations with respect to potential future  
10 interactions with the Capitol Police Board.

11 But from the global government we standpoint, any thoughts about what we the  
12 government in its totality might be able to do differently to help prevent something like  
13 January 6th from happening again, if you have any thoughts in that regard?

14 A That's -- that's a big question. So the totality -- I don't know. You know,  
15 this needs to -- this needs to start with an agency fixing its problems, and then, you know,  
16 go from there. That's -- that's a big question. I don't know.

17 Q Copy that, sir. And that's fair enough.

18 [REDACTED] So, with that, unless there are any other final questions from  
19 anyone, I want to, one, thank you for your time, Chief Sund. Thank you for your  
20 flexibility. I am very cognizant that we have kept you 3 hours over our intended time,  
21 and I really do appreciate your flexibility and your cooperation with us in that regard.

22 I think what you had to say was important, and I think our ability to hear it and ask  
23 questions was important. So thank you for accommodating us. Thank you for your  
24 service in your role as the chief of police for the Capitol Police as well.

25 And unless anyone has any other questions or comments, then I will call this

1 transcribed interview adjourned at 4:56 p.m.

2 [REDACTED] I think it's in recess.

3 [REDACTED] I'm sorry, sorry. In recess, excuse me -- in recess at 4:56 p.m.,  
4 unless there are any other comments from anyone before we do so.

5 [REDACTED] I just want to echo the thanks.

6 [REDACTED] Chief Sund, thank you.

7 [REDACTED] Thank you so much.

8 [REDACTED] Have we reached the point --

9 Mr. Sund. Thank you very much.

10 [REDACTED] Thank you, Chief. Thank you, Lisa. Thanks for your cooperation  
11 as well. We do appreciate it.

12 Ms. Banks. Thank you.

13 [Whereupon, at 4:56 p.m., the interview was recessed, subject to the call of the  
14 chair.]

2

3

4

4 I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the  
5 answers made by me to the questions therein recorded.

6

7

8

9

10 Witness Name

11

12

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14

Witness Name

15

Date