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

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12     INTERVIEW OF: ROBERT J. CONTEE III  
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16                                 Tuesday, January 11, 2022  
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18                                 Washington, D.C.  
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21     The interview in the above matter was held via Webex, commencing at 11:33 a.m.  
22     Present: Representatives Lofgren, Schiff, and Aguilar.

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2       Appearances:

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4       For the SELECT COMMITTEE TO INVESTIGATE

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

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7       [REDACTED], CHIEF INVESTIGATIVE COUNSEL

8       [REDACTED], SENIOR INVESTIGATIVE COUNSEL

9       [REDACTED], INVESTIGATIVE COUNSEL

10      [REDACTED], INVESTIGATIVE COUNSEL

11      [REDACTED], INVESTIGATIVE COUNSEL

12      [REDACTED], PROFESSIONAL STAFF MEMBER

13      [REDACTED], RESEARCHER

14

15      For ROBERT J. CONTEE III:

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17      KELLY O'MEARA, EXECUTIVE DIRECTOR, STRATEGIC CHANGE DIVISION, EXECUTIVE OFFICE

18      OF THE CHIEF OF POLICE

19      MARK VIEHMEYER, GENERAL COUNSEL, METROPOLITAN POLICE DEPARTMENT

20      DOROTHY BROWN, ASSOCIATE DIRECTOR, D.C. MAYOR'S OFFICE OF LEGAL COUNSEL

21      RACHEL NOTEWARE, ASSOCIATE DIRECTOR, D.C. MAYOR'S OFFICE OF LEGAL COUNSEL

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2 [REDACTED]. So this is an interview of Robert J. Contee III conducted by the  
3 House Select Committee to Investigate the January 6th Attack on the United States  
4 Capitol pursuant to House Resolution 503.

5 Chief Contee, could you please state your full name and spell your last name for  
6 the record?

7 Chief Contee. Robert J. Contee III, R-o-b-e-r-t J. C-o-n-t-e-e III.

8 [REDACTED]. Perfect.

9 I'm going to introduce everyone in the virtual room on our side for the record.  
10 Joining us virtually is [REDACTED], investigative counsel for the select committee, as well  
11 as here in the conference room is myself, researcher [REDACTED], professional staff  
12 member [REDACTED], and senior investigative counsel [REDACTED]

13 Just if I could see the list really quick, [REDACTED], just to make sure there's no one else  
14 on our side that needs introducing?

15 Okay. Perfect.

16 This will be a staff-led interview, and members of course may choose to also ask  
17 questions, if any join the call. I don't see any present currently.

18 My name is [REDACTED], and I'm an investigative counsel for the select  
19 committee.

20 I'd like to now ask that anyone, Chief Contee, on your side, if they could, introduce  
21 themselves for the record.

22 Chief Contee. Sure. They're virtually.

23 Kelly O'Meara and Mark Viehmeyer, if you guys could introduce yourselves?

24 Ms. O'Meara. Good afternoon, Chief and everyone. Good morning. My  
25 name is Kelly O'Meara. The last name is spelled O'-M-e-a-r-a. And I'm the executive

1 director of strategic change for MPD.

2 [REDACTED]. Who else have we got? Is that it?

3 Chief Contee. No.

4 Ms. O'Meara. Mark?

5 [REDACTED]. Okay. He may not be at his computer --

6 Mr. Viehmeyer. Yeah, apologies for that. I had technical difficulties. I'm  
7 Mark Viehmeyer. I'm the general counsel for the Metropolitan Police Department.

8 Chief Contee. And we have someone from the MOLC, as well, on.

9 Ms. Brown. Hi. I also had tech issues. I'm Dorothy Brown from the Mayor's  
10 Office of Legal Counsel.

11 Ms. Noteware. And I'm Rachel Noteware from the Mayor's Office of Legal  
12 Counsel.

13 [REDACTED]. Perfect. And I think those are all the names that I see on this side  
14 other than, of course, court reporters and administrators.

15 Before we begin, I'd like to describe a few ground rules.

16 There is an official reporter transcribing the record of this interview. Please wait  
17 until each question is completed before you begin your response, and we will try to wait  
18 until your response is complete before we ask our next question.

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

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

24 I also want to remind you, as we remind, of course, every witness, that it is  
25 unlawful to deliberately provide false information to Congress. And you will have an

1 opportunity to review this transcript when it is made available.

2 I see also joining us from the select committee is [REDACTED]. If he would  
3 introduce himself for the record?

4 [REDACTED]. Hi, [REDACTED] Thank you.

5 Chief Contee, welcome. I'm [REDACTED]. I'm the chief investigative counsel to  
6 the select committee. Really appreciate you being here today. Thank you.

7 [REDACTED]. And I also believe joining us now is Congresswoman Zoe Lofgren.  
8 I don't know if you'd like to introduce yourself?

9 Ms. Lofgren. Yes. [Inaudible] able to join for a few minutes this morning.  
10 Thank you very much.

11 [REDACTED]. Of course, Congresswoman. Just let me know if you have any  
12 questions to ask.

13 EXAMINATION

14 BY [REDACTED]

15 Q Okay. So, Chief Contee, if we can begin, just, where do you work?

16 A Washington D.C. Metropolitan Police Department.

17 Q What is your current title there?

18 A Chief of police.

19 Q Was that your position back on January 6th of 2021?

20 A I was the acting chief of police at that time.

21 Q When did you officially assume that title of acting chief?

22 A January the 2nd, 2021.

23 Q And, if before that, when would you say you began in a practical sense to  
24 take on some of the responsibilities of the role?

25 A After December 22nd. So probably sometime around -- the Mayor made

1       the official announcement on December 22nd, so maybe -- I don't know. Maybe a  
2       couple of days after Christmas, somewhere around there.

3           Q     And when did you officially become chief of police without the "acting"  
4       before it?

5           A     I think it was May -- May 4th was the confirmation date.

6           Kelly, is that correct? I think that was May 4th.

7           Ms. O'Meara. Yes, I believe so.

8           Chief Contee. Yes. May 4th.

9           BY [REDACTED]

10          Q     All right. Perfect.

11          Let's begin with some background, Chief. May you briefly describe your  
12       professional experience leading up to your appointment as acting chief?

13          A     So I've been with the Metropolitan Police Department since November 1989.  
14       I started out as a police cadet with the department. Became a fully sworn police officer  
15       in December of 1992. Served in many, many different capacities, as patrol officer,  
16       sergeant, several different assignments as sergeant, as a lieutenant assigned to the  
17       intelligence branch, a patrol, worked in operations.

18          As a captain, I was head of homicide as well as of our violent crimes unit. As a  
19       commander, I was commander of the Second District, commander of the Sixth District,  
20       commander of the First District, commander of Special Operations Division, and  
21       commander of the Recruiting Division. As an assistant chief, assistant chief over  
22       Professional Development Bureau, assistant chief over Patrol Services South and  
23       Investigative Services Bureau.

24          And I have been serving in this role as the chief of police since January the 2nd  
25       officially or since -- chief of police, since January 2nd of 2021.

1                   I want to note for the record, I believe Congressman Pete Aguilar  
2 has joined.

3                   Good morning, Congressman.

4                   BY [REDACTED]

5                   Q      Chief, you mentioned a background in law enforcement intelligence. I kind  
6 of want to ask you if you think any of that experience helped you in assessing the threat  
7 and operationalizing the intelligence for January 6th as acting chief of police for MPD. If  
8 you can explain a little bit of how that either assisted you or informed your  
9 decisionmaking.

10                  A      I would say, you know, assisted from the standpoint of, you know -- I mean,  
11 you know, in the intelligence world, when you're talking about, you know, open source  
12 data and First Amendment issues, there's really a fine line between the two. And if  
13 there is no, you know, criminal nexus or criminal intent, you know, especially in the early  
14 stages of an investigation, or things that are being said in the open source space, that  
15 doesn't necessarily equate to criminal behavior.

16                  So, I mean, just kind of that knowledge as background, you know, going into this.  
17 You know, leading up to January the 6th, you know, there was a lot of things being said  
18 online, but, you know, certainly, I mean, that's, you know, something that kind of plays in  
19 the background, so to speak, just based on my experience.

20                  Q      Right. And I'll get a little bit more into those sort of First Amendment  
21 constraints in a little bit.

22                  Let's start with the first two MAGA marches on November 14th and December  
23 12th of 2020. How would you characterize the posture of Metropolitan Police  
24 Department, strategically, tactically, for those two events?

25                  A      We were planning for First Amendment demonstrations that have the

1 potential for violence, as we have been really kind of in that posture at least for the last  
2 year, it seemed like. Going back to the riots that we had following the George Floyd  
3 incident in Minnesota, I mean, we have been working 12-hour shifts. Here in the  
4 Metropolitan Police Department, we've had several riots leading up to that time. And,  
5 obviously, this was very sensitive in nature just because it had to do with the election  
6 and, you know, a lot of the rhetoric that was surrounding it.

7           But the Metropolitan Police Department, our posture -- you know, we had our  
8 officers, our CDU officers fully deployed, still, again, managing things that are happening  
9 in the city, you know, that are not related to things that were involving the MAGA march,  
10 you know, just things that happen in regular communities, in the District of Columbia.

11           So, you know, we had this, and we continue to have, you know, this dual role of  
12 making sure that our city is safe in terms of communities but also, you know, doing the  
13 things that we need to do as a law enforcement agency for many of the First Amendment  
14 activities that we see here in our Nation's capital on a daily basis.

15           Q     So, if you could, maybe in relation to how many resources MPD was  
16 deploying, as you mentioned, in the summer of 2020, as well as maybe on January 6th,  
17 for these two MAGA marches, how would you characterize the resources that MPD was  
18 deploying in those days? How much of the force was out there?

19           A     So, for January 6th, I mean, it was the entire department, essentially, was  
20 deployed in one respect or another, whether they were dealing with communities or  
21 dealing with CDU matters.

22           We had full CDU deployment, but, in addition to the Metropolitan Police  
23 Department, we also brought in resources from surrounding police departments from the  
24 DMV area. We had those resources in the city pre-staged at select locations, because,  
25 you know, obviously, the potential existed for things to get beyond the capacity of the

1       Metropolitan Police Department.

2           And not necessarily knowing -- you know, if you look at the two MAGA marches  
3       that occurred prior to January 6th, you know, sometimes these altercations occur at the  
4       White House or Lafayette Park. This was following George Floyd, but Black Lives Matter  
5       Plaza. Sometimes it was downtown streets in Washington, D.C. Sometimes some of  
6       the behavior was in areas where there are churches. Sometimes it was in front of police  
7       headquarters.

8           So a lot of real estate to cover with the Metropolitan Police Department officers,  
9       but, in addition to that, inviting in those officers from surrounding jurisdictions as well,  
10      those CDU officers, was absolutely important for us for January the 6th.

11       Q      And so you characterize the level of resources on January 6th as full  
12      deployment. Is it fair to say, then, in the previous two MAGA marches it was somewhat  
13      a step down from that?

14       A      I'm trying to think back. I believe December the 12th it was definitely full  
15      deployment, but it didn't include -- it would not have included, like, the outside agencies.  
16      I don't believe we had outside agencies.

17       We were probably on 12-hour shifts. That's kind of my recollection. I think we  
18      were on 12-hour shifts at that point. I can't remember. All of this stuff kind of runs  
19      together because, from the time of George Floyd through MAGA, I mean, there were so  
20      many things that were going on. We even had a situation that we were dealing with  
21      here in the city, and we were in a posture where our officers' days off or day off was  
22      canceled. They were working 12-hour shifts, and that had been consistent for quite  
23      some time.

24       I don't recall specifically. I would assume that we had a full civil disturbance unit  
25      deployment, but that's just really to the best of my recollection right now. And that was

1 prior to me taking over as chief of police.

2 Q And if you know, it sounds to me as though it's your belief that also from the  
3 summer of 2020 through the two MAGA marches, at least relationally between the two, it  
4 was sort of high alert, same sort of deployment, resources. You wouldn't characterize it  
5 as much different between the summer of 2020, which I know of course was over a  
6 longer period of time, and the two MAGA marches of November 14th and  
7 December 12th. Is that fair?

8 A Yeah, that's fair to say. Again, both of these -- all of these events, you  
9 know, there was a lot of First Amendment stuff that's involved in both of them, whether  
10 it's people at BLM Plaza and some of the other, you know, sites, like I said, Lafayette Park.  
11 I mean, you know, we had some of our, you know, statues in the city, you know, were  
12 pulled down. I mean, there was a lot in that timeframe, just a lot of stuff,  
13 civil-disturbance-unit-related and First Amendment-related things, that were going on in  
14 that time.

15 Q How would you characterize the level and type of violence that was seen on  
16 those 2 days?

17 A It was more -- you said for "those 2 days." For the two MAGA marches?

18 Q Yes, sir. November 14th and December 12th, for the record.

19 A Yeah. For the two MAGA marches, the violence was really -- it was focused  
20 on the two opposing sides, the two opposing groups. You know, there was a brawl, like,  
21 in the area of 10th and H Street, between the opposing groups, you know, antifa and  
22 Proud Boys. There was a stabbing and a brawl that occurred outside of Harry's around  
23 11th and E Street.

24 There were other locations in the city where the -- I mean, it was really, like, just  
25 roaming groups of people looking for opportunities to confront each other and fight.

1       There was one point where some of the individuals were trying to make their way to BLM  
2       Plaza to, you know, rip down what was termed, you know, the artwork that was up on the  
3       fence. You know, they wanted to do that.

4                   So, at different points, Metropolitan Police Department is kind of, you know,  
5       infusing themselves between these two opposing sides basically to keep people from  
6       fighting each other.

7                   Q      Was there any sort of curfew imposed by the Mayor or any sort of  
8       discouragement of counterprotesters from coming and interacting with the pro-Trump  
9       demonstrators, that you recall of course?

10                  A      I believe that there was. The Mayor had made -- she had made comments  
11       about -- when I say "comments," I mean public appeals, you know, basically, you know,  
12       for residents, you know, to stay home or not be involved or something along that. I  
13       mean, obviously, we still had COVID and everything else going on at that time.

14                  So I remember, you know, statements being made. But, again, all that time for  
15       me is really kind of running together because, you know, statements were made and the  
16       curfew was implemented, you know, at the time, following the George Floyd murder that  
17       occurred, but, like I said, a lot of those instances just really, quite frankly, a lot of that  
18       stuff runs together.

19                  I don't recall a curfew being in place for the MAGA 1 and MAGA 2 marches. I  
20       don't recall a curfew for that. But certainly after we had the riots that were going on in  
21       the city, there was a curfew imposed back then. But I don't think during the two MAGA  
22       rallies.

1

2 BY [REDACTED]

3 Q You characterized the violence as, you know, primarily between protesters  
4 and -- skirmishes between protesters and counterprotesters. In that vein, how would  
5 you characterize the attitude of the pro-Trump demonstrators toward law enforcement  
6 on those 2 days, the first two MAGA marches?

7 A It wasn't -- it was not adversarial towards law enforcement. I mean, for  
8 example, you know, let's say a group of them were, you know, coming down an alley,  
9 right, trying to link up or trying to intercept an opposing or a counter-group of protesters,  
10 trying to intercept them on a street to fight or something like that, and we had a line of  
11 police officers, they were not fighting through the line of police officers to get to the  
12 other protesters. So we didn't have that experience with either of the MAGA marches.

13 But, in the same vein, you know, when we had a brawl in the middle of the street  
14 on H Street, like at Tenth and H, where they were actually, you know, mixing it up, and  
15 we're trying to, you know, get these groups separated, you know, I mean, nobody,  
16 neither side, you know, were listening to the police.

17 I mean, those were physical interactions where we were trying to get these groups  
18 separated, you know, from one another, but I wouldn't say that, you know -- and I don't  
19 recall exactly, and I'm sure we had some police officers that were probably, you know,  
20 injured, you know, minor injuries or something like that. But there was not  
21 active -- there were not active, combative assaults against the law enforcement officers  
22 during those two demonstrations that I recall.

23 Q The President made small appearances, drove by in the motorcade in the  
24 first march and flew over by helicopter in the second. Can you tell us about how far in  
25 advance you or others in the Metropolitan Police Department learned about those

1       appearances and whether it affected your preparation for the events in any way?

2           A     I don't recall how far in advance. For the MAGA 1 and MAGA 2, like I said, I  
3       was not the chief. I was an assistant chief at the time.

4           But, you know, it's not uncommon for a President, you know, to make a, you  
5       know, OTR, off the record, or to make an adjustment to his schedule where, you know,  
6       they get into a helicopter or something like that. I mean, our posture is what it is, in  
7       terms of us working with Secret Service to move the President, you know, from one  
8       location to another. We generally, you know, are able to coordinate those things. We  
9       obviously like notifications in advance.

10          But let's say, for example, if the President is coming in to Andrews Air Force Base  
11       and there's a weather call and he's supposed to take the helicopter from Andrews to the  
12       White House but we have to bring him in through the city, as an example, you know, we  
13       would, you know, marshal up the resources that we need to be able to, you know, make  
14       whatever adjustment we need to make to successfully, you know, move the President  
15       from one location to the next, in coordination, obviously, with our other partners.

16          So a helicopter thing, you know, would not necessarily be something that would  
17       require us to, you know, do a lot of pivoting or changing of strategy or anything like that,  
18       if you're talking specifically about, you know, a helicopter flyover.

19          Q     All right.

20          Unless there are any other questions on the first two MAGA marches, I'm going to  
21       switch over to talk about the intelligence surrounding January 6th between the second  
22       event of December 12th, 2020, and the December 30th briefing with Mayor Bowser.

23          First, can you tell me about the intelligence shop within MPD? How is it  
24       structured, and what are its aims?

25          A     So, at the time, our intelligence unit, or intelligence branch, they worked

1 under Assistant Chief of Homeland Security Jeffery Carroll. And they dealt with all  
2 things related to intelligence with respect to First Amendment stuff. They dealt with the  
3 intelligence with respect to criminal intelligence, like some of the -- you know, just some  
4 of the day-to-day stuff that we see in the city -- you know, neighborhood rivalry, you  
5 know, that kind of thing. They deal with threats against public officials, you know, D.C.  
6 government officials specifically. And they just -- you know, they operate in that space,  
7 and that's pretty much how they're set up.

8           They have a representative that's assigned to -- or several people who were  
9 assigned to the Joint Terrorism Task Force, and they work with the FBI and other entities  
10 as part of the Federal task force. And, again, our assistant chief of homeland security is  
11 really kind of the main point of contact and overseer for the intelligence unit.

12           Q    What sorts of things was MPD seeing as it relates to January 6th in the  
13 lead-up? And how were these things communicated to you?

14           A    So, I mean, obviously, there was a lot of social media chatter around January  
15 6th. I think the President had -- I forgot what date it was. I forgot the initial date.  
16 But, you know, when he put the tweet out -- or -- well, yeah, I think it was a tweet -- that  
17 said -- I forgot the date of it, but the tweet where he says, hey, you know, come to  
18 Washington, D.C., it's going to be wild, and all that kind of stuff, I mean, we saw all of  
19 that. And, obviously, from that point forward, you know, all right, we need to be  
20 posturing up, you know, because this could be a thing for the city.

21           And, obviously, you know, that's not something -- the day that we count votes  
22 following the Presidential election is not something that we would normally posture up  
23 and have a full CDU deployment, cancel days off. You know, that's not something that  
24 we would normally do. But, obviously, as we got closer from the time of the initial  
25 tweet leading up, with all of the rhetoric that's out there on social media, you know,

1 people were going to bring guns, were going to do this and that and so forth, that caused  
2 us obviously to change the way that we were going to deploy for January the 6th.

3 Q Can you talk a little bit about those changes? What in the lead-up, you  
4 know, those things that you said you just saw, what was it that changed in your posture?

5 A So a couple things. I mean, like I said, first and foremost, we are normally  
6 not fully deployed for civil disturbance for counting votes at the U.S. Capitol. I mean,  
7 that's not something that we would normally do.

8 We wouldn't normally post signs down on The Mall to say that you cannot have  
9 firearms. You know, "having firearms in the District of Columbia is illegal, and you can  
10 be prosecuted," we would not normally do that. We would not -- we did  
11 that -- although we did that for the MAGA march because there was information out  
12 there, social -- and I know we've kind of moved from that -- but we did that because there  
13 was social media information out there, you know, "Bring your guns," that kind of thing.

14 We were very intentional about messaging around that for January the 6th, I  
15 believe -- for January the 6th as well, that, "Hey, look, if anybody comes to our city and  
16 they have firearms, you know, they will be arrested."

17 We deployed teams of officers out there, our gun recovery unit at the time,  
18 specifically to respond to these calls of individuals who might be armed with firearms.  
19 Or if people saw them that were in the crowd that had firearms, we deployed people for  
20 that and actually made some arrests, going back to the MAGA marches and for January  
21 the 6th. There were several individuals who were apprehended with firearms.

22 There was intelligence or information that was coming in on that particular day  
23 about -- I think it was some person -- and I'm trying to remember even where that came  
24 from. But some person that was, you know, like, driving up from North Carolina, and  
25 they had some kind of a bus-looking personal vehicle that may have contained weapons

1 or something like that.

2 So there was a lot of social media chatter that was going on just leading up to  
3 January 6th. But, again, most of it, most of the stuff, you know, that was out there, you  
4 know, if we didn't have it, you know, we may have got it from U.S. Park Police or may  
5 have got it from the FBI Washington Field Office or the NTIC. There was a lot of, you  
6 know, a lot of discussion, again, leading up to January the 6th.

7 Some of the stuff, I would -- you know, Chief Carroll was the assistant chief -- or he  
8 is still currently the homeland security assistant chief, but he was part of many of those  
9 conversations kind of leading up to January the 6th with some of our sister agencies and  
10 partners from the Federal Government side, just kind of really taking the temperature  
11 and hearing from them, you know, what were they seeing on their end.

12 And, by all accounts, you know, things seemed to be pretty consistent across the  
13 board, that this was something a little different, from the standpoint that there were  
14 people, you know, who were coming, you know, sort of like what we saw before, people  
15 said that they were going to be armed and all of that kind of stuff. There was a lot of  
16 chatter about that out there.

17 Q So it's clear from your answer that, you know, intelligence very much  
18 informed operations for the day of January 6th within MPD.

19 I was wondering, what's the process by which that intelligence is communicated  
20 to you or the operational side, leaders on the operational side of Metropolitan Police  
21 Department? Does intelligence sort of have a seat at the operational table within the  
22 department that allowed that intelligence to inform what you did on January 6th?

23 A Yeah. So, for us, the intelligence piece and the operational side of things,  
24 the SOD that really kind of ran the operational side of things, they live under the same  
25 umbrella under Chief Carroll, under the Homeland Security umbrella. So, in that, you

1 know, they got a front-row seat, if you will, at the table, because a lot of the things that  
2 we do in terms of the areas where we're going to deploy people, you know, was informed  
3 by the information that we were receiving from them.

4 You know, when we had people, as I mentioned before, people saying, oh, we're  
5 going to target BLM Plaza, or we're going to meet up here at this location, or we're going  
6 to do this at that location, we're going to meet up at the Ellipse at, you know, whatever  
7 time we're going to meet up there, those deployment decisions were based on  
8 information that we had gathered.

9 And then, again, to your point, really, you know, them being in lockstep with the  
10 operational folks who were out here actually doing the work and deploying the people in  
11 the field.

12 Q But, as far as you know, during that time, were there weekly meetings  
13 between the intelligence folks in your department and the operations side? How was  
14 that information communicated?

15 A So, I mean, leading up to big events, you know, if we're talking about  
16 inauguration and all this -- and I was not, you know, part of every single meeting, but our  
17 normal posture in that space is, you know, these are daily conversations that are taking  
18 place. I mean, you know, whether we're getting an intelligence briefing internally that  
19 says, hey, this is kind of what's on the radar for the day -- the chief, you know, when  
20 I'm -- you know, the point where I'm sitting in the chair, I mean, those are things that we  
21 talk about during our crime briefing. There's things that we talk about just leading up in  
22 terms of our preparedness.

23 So there is, you know, constant discussion, I guess, within the Metropolitan Police  
24 Department that's taking place. And, again, Assistant Chief Carroll is the guy that  
25 oversees that. So, if there is a change in, you know, something that we're hearing or

1 anything like that, you know, those things are then, you know, obviously shared with the  
2 chief of police. Our posture changes as a result.

3 You know, if we need to, you know, pivot differently -- you know, let's say, you  
4 know, for example, you know, if there was, I don't know, a threat of some radiological  
5 release or something like that, oh, okay, that's something that we need to posture  
6 perhaps a little differently for that. You know, do we have members with our radiation  
7 detection devices, you know, as part of the response platoons? You know, that kind of  
8 thing.

9 So, you know, MPD is -- you know, it's -- when it comes to handling First  
10 Amendment demonstrations and assemblies, I mean, those conversations, like I said,  
11 especially the lead-up, you know, we have to work in lockstep with our intelligence folks,  
12 with our deployment, because it really is the -- it really is the -- it really is the important  
13 piece that helps to inform, right?

14 So we don't know -- like, for example, we learn from our intelligence folks, you  
15 know, who has applied for permits, where, and how many people. Right? That  
16 informs, all right, well, person X has applied for a permit for 10,000 people for this  
17 particular location, and so is it the probability that person X will get 10,000 people?  
18 Yeah, it's a great probability. So, even though we're not approving the permit, certainly  
19 it would be prudent for us to deploy CDU personnel so it's operationalized.

20 Now, we have to deploy CDU personnel to, let's say, Freedom Plaza because there  
21 are going to be X amount of people that we think, you know, will show up at Freedom  
22 Plaza. You add to that, okay, from the intelligence side, who's going to be speaking at  
23 Freedom Plaza? Well, you know, they've got this named person and this named person  
24 who could certainly draw a crowd of 10,000 people. Right?

25 It doesn't always shape up that way. Recently, again, another example, we had a

1 person who said that they're going to have a demonstration at BLM Plaza; 10,000 people  
2 they're going to -- you know, they're going to have out there. And this was on January  
3 6th, just passed. But for that person, you know, again, just kind of looking at the  
4 information, what we know about this person, their ability to get 10,000 people, you  
5 know, probably slim to none. And, you know, maybe two people showed up at that  
6 particular demo.

7 So, you know, we have to work collaboratively with that, which is why, you know,  
8 when it comes to that First Amendment stuff, they live under the same umbrella as the  
9 operational folks. Because I didn't -- I certainly, you know, did not want a  
10 separate -- you know, them reporting to different people and then there be  
11 miscommunication, that kind of thing. So they all report to the same guy. And he  
12 certainly would know if he's hearing, you know, something different or the plan over here  
13 does not support what we're hearing over here on the intelligence side of things.

14 [REDACTED]. I want to acknowledge Congressman Adam Schiff has joined us.

15 Good afternoon.

16 Mr. Schiff. Thank you.

17 BY [REDACTED]:

18 Q Chief -- oh, and also for the record, I believe you used "SOD," the  
19 abbreviation. It's Special Operations Division. Is that right, Chief?

20 A That is correct. And I think I've used several others too: CDU, civil  
21 disturbance unit. SOD, Special Operations Division. If I happen to use one, I'll try to  
22 preface it with, you know, what it actually means.

23 Q No worries. I'll try my best as well.

24 A Yeah.

25 Q So I'd like to ask you about the collection or surveilling of that intelligence by

1 MPD. Does it face the same constraints that Federal intelligence community agencies  
2 tell us that they face, such as First Amendment concerns or the difficulty in distinguishing  
3 between language that is aspirational versus specific and imminent threats?

4           What are your views? Your background, obviously, was in intelligence. You  
5 spoke a little bit about knowing those sorts of tensions in the intelligence community.  
6 What do you think MPD faces in terms of those same potential constraints?

7           A     Yeah, I mean, they are the same restraints. I mean, the Metropolitan  
8 Police Department, you know, if we -- and we have a long history of dealing with this  
9 stuff, going all the way back to the IMF/World Bank protests and the way that we handled  
10 those. And the way that we've dealt with intelligence before, we've been sued, you  
11 know, and had to pay out, you know, several millions of dollars over the course of years  
12 and so forth for perhaps getting too, you know -- or I guess what could've been perceived  
13 as crossing the line with respect to intelligence infringing upon First Amendment rights.  
14 So it's a very protected space, one that we certainly respect.

15           Certainly there are a lot of aspirational things, you know, that we see out there.  
16 There are threats that are coming in, you know, daily, you know, whether it's to elected  
17 officials within District government, you know, to me personally. I mean, those things  
18 are -- I mean, we deal with a lot of mental health consumers in the space, but a lot of  
19 well-organized people who oftentimes will, you know, in that First Amendment space,  
20 you know, just stop shy of committing a crime, if you will. So we see a lot of that.

21           I think there's a Federal code that kind of -- that they abide by. Now, I'm a little  
22 rusty on that, but I want to say it's, like, CRF23 or something like that, if I recall correctly.  
23 I remember back then, you know, when I was in intelligence years ago, we had to kind of,  
24 like, read all of the stuff related to this First Amendment space, pretty much, to kind of  
25 help us better understand the difference, you know, what's criminal in nature and what's

1 not criminal in nature.

2           And if you're, you know, doing investigations -- for example, you know, the BLM  
3 protesters. I mean, those are things we get accused of now. You know, "The  
4 Metropolitan Police Department is following us." You know, we've seen, you know,  
5 people doing the "defund the police" movement. You know, same kind of thing.

6           You know, we're trying to balance the thing between, you know, what are we  
7 actually doing. So, when we're looking at open source data, you know, as an example,  
8 you know, that's generally viewed to be, you know, okay, right? There are no issues  
9 there.

10          But when you get to the point of, all right, now you're, like, infiltrating First  
11 Amendment groups, that kind of thing, it gets a little sticky in that space and, quite  
12 frankly, you know, some would even say unlawful, you know, that we are infringing on  
13 First Amendment rights. You know, here people are coming, they want to, you know,  
14 protest whatever it is they want to protest, but law enforcement, you know, have  
15 undercover officers, you know, deployed as part of these groups.

16          So we've kind of had some experience with that over the years. I'm not exactly  
17 sure what the Federal Government experience has been, but certainly the Metropolitan  
18 Police Department, we have been on the side of, you know, being accused of really  
19 stepping over the line over the course of years, like I said, going back to probably 2001,  
20 somewhere around there.

21          Q      Is it because so much of this intelligence was open source, so much of it was,  
22 in essence, being put out there in plain sight, that those sorts of constraints maybe didn't  
23 inhibit at least MPD from coming up with a pretty clear picture of the threat that January  
24 6th was going to pose to the city and to the capital region?

25          A      I think it may just be the -- you know, I mean, we, probably more so than any

1 other agency in this country, I mean, we deal with First Amendment stuff and civil  
2 disturbance unit deployment, I mean, probably more so than anybody else. And, I  
3 mean, that is not an exaggeration. I mean, you know, there are tons of things going on  
4 in the city all the time. But I think, you know, just through that experience, you know  
5 when something feels different, right?

6 And, in this case, that thing about, you know, here's this intelligence, here's this  
7 thing, this information that's making this feel different, you know, I believe is the thing  
8 that really rang the bell for us to say, hey, because this is different, we now have to  
9 posture differently than what we have in the past, right, because this doesn't feel like,  
10 you know, the last thing and the thing before that and the thing before that. You know,  
11 this feels differently. So what else could we be doing?

12 You know, worst-case scenario for us -- again, we have a whole city that we're  
13 worried about, you know? And, again, as I mentioned earlier, going back to the MAGA  
14 marches, I mean, there's a lot of real estate to cover, and, as we saw based upon our  
15 previous interactions, these fights, these skirmishes, whatever you want to call them,  
16 have the potential to break off anywhere in the city, and we have to be prepared to deal  
17 with that, right?

18 We saw during the riots, you know, several businesses in our downtown looted  
19 and just cars -- I mean, we saw all of that stuff happening here in our Nation's capital.  
20 And we had to be prepared, like, if that happens in the 1500 block of K Street, or if it  
21 happens in Georgetown, or if it happens on Capitol Hill, or if it happens in Congress  
22 Heights, or if it happens in Shaw neighborhood. You know, it's like, all of these things  
23 could potentially happen. You know, you've got access to our subway system.

24 All of these things that could potentially happen, this feels different. And, you  
25 know, with the resources that we have, in terms of just the Metropolitan Police

1 Department, it's like, there's no way that we can cover all of these contingencies that  
2 we're thinking about with just the Metropolitan Police Department, you know, which is  
3 why, again, we postured differently.

4 Q Did MPD create a threat assessment, a written product meant to be shared,  
5 for January 6th?

6 A I'm hesitant to say absolutely that we did, that there was, like, just a threat  
7 assessment for January 6th. I don't know the -- I don't know the answer -- perhaps I  
8 should, but I don't recall, like, a particular document.

9 I recall, like, our NTIC, you know, our HSEMA, which handles, you know, things for  
10 the city. I think -- like, I recall, like, them providing something. But I don't necessarily  
11 recall, like, a product specifically, like, "Here's an MPD product." I think it was more  
12 along the lines of what we got -- you know, it was more of a city product that we were  
13 dealing with.

14 Q Okay.

15 And I would like to ask you about the D.C. Homeland Security and Emergency  
16 Management Agency, HSEMA, and NTIC, which is the National Capital Region Threat  
17 Intelligence Consortium.

18 How is its role different from the intelligence shop at MPD? Do you also get your  
19 intelligence from them as well? Do you get your intelligence from one more than the  
20 other? How does their relationship to one another work?

21 A So, you know, the NTIC folks, I mean, they are taking a look at things really  
22 on a national level, right? The fusion centers -- they have access to other fusion centers  
23 across the country, right? I mean, you know, if there's something that's happening in  
24 Boise, Idaho, that might have an impact on our Nation's capital, those guys would be the  
25 ones that would get it and most likely share it, you know, share it with the Metropolitan

1 Police Department because it impacts the city.

2 You know, I, obviously, leading up to January 6th, was working very closely with  
3 Dr. Rodriguez. So, if it was something that was coming up on the national landscape  
4 that impacted, you know, Washington, D.C., I mean, certainly I would -- I'm sitting at the  
5 table, and I would be hearing whatever information he's relaying.

6 The MPD personnel, you know, operationally, the intelligence folks, yes, you  
7 know, they work with the intelligence folks at HSEMA. Those are primarily analysts,  
8 though. You know, they don't carry badges and guns. They're not really out on the  
9 street. They're not, you know, doing anything like that.

10 Our guys who work in intelligence here at MPD, these folks are actually -- you  
11 know, while they are intelligence gatherers, if you will, they are also kind of, you know,  
12 operational as well. You know, they're monitoring the things that are happening on  
13 social media, but they're also out there, you know, on the ground, you know, checking  
14 out the things that are going on, you know. And that is also very informative.

15 So, you know, it's really a relationship. Some of the other information that our  
16 intelligence folks, the internal MPD intelligence folks, are able to gather is as a result of  
17 their relationships with other, you know, police departments, right? So it's not  
18 uncommon, let's say, for the D.C. intelligence commander to have a conversation with  
19 the intelligence commander from NYPD or from one of the other law enforcement  
20 agencies.

21 So, you know, there's probably -- and I'm sure there's some overlap that occurs,  
22 but, you know, the relationship as it stands right now, you know, it works. We get what  
23 we need for the city. We get what we need, you know, on a local level with respect to  
24 intelligence that impacts things that happen here in our Nation's capital.

25 Q It was reported in The Washington Post that, after Donell Harvin, the head of

1       NTIC, raised a few red flags with Dr. Chris Rodriguez of HSEMA, that Dr. Rodriguez  
2       consulted with you first before you two briefed Mayor Bowser in that December 30th  
3       briefing.

4                  Do you recall that conversation between yourself and Dr. Rodriguez? And can  
5       you tell us what it is that he told you?

6                  A      I don't recall the conversation specifically. But anytime we brief the  
7       Mayor -- I mean, that's just normal practice -- what we would do in the course of our call  
8       with the Mayor, we would sync up before, just, for example, to make sure of what I just  
9       shared with you about the intelligence unit that works for MPD and the Fusion Center  
10      folks that he has, that, you know, we're hearing the same thing or, if we're hearing  
11      something different, what are we hearing different. And then, you know, obviously we  
12      share that information with the Mayor so that she has a full picture of everything that's  
13      happening out there, at least everything that we have access to.

14                 So I don't recall anything, you know, specific about the conversation. That's just,  
15       you know, like I said, the normal course of business. We did it, you know, recently with  
16       the last January 6th, the January 6th that just passed. You know, we had a conversation,  
17       a pre-meeting. You know, we talked about things. You know, hey, this is what I'm  
18       hearing, this is what you're hearing. Okay. This is how we'll -- and then, you know, we  
19       have the followup conversation with the Mayor. But I don't remember the specifics of  
20       the conversation.

21                 Q      To the best of your recollection -- you mentioned you get together to talk  
22       about whether the intelligence is mostly in line, what you're seeing from MPD and he's  
23       seeing from HSEMA, or whether there may be something different or more alarming that  
24       either of you has to share with one another.

25                 To the best of your recollection, was there anything that was different or alarming

1       that either he said or that you said to him? Or do you recall the intelligence from both  
2       sides kind of being in line with one another?

3           A     I recall it being in line with one another, for the most part. I mean, there  
4       were certainly times where, you know, we may have -- someone may have sent us -- I  
5       mean, we were getting -- everybody was getting information from everywhere. But,  
6       you know, someone may have sent a flyer or something like that, right, that said, hey, you  
7       know, see you in D.C., blah, blah, blah, you know, and it may have said something, and he  
8       might not have seen that yet but it came up on the MPD side. So those kinds of things  
9       would be shared.

10          But I don't recall anything that was, like, you know, specifically alarming, like, oh  
11       my God, like, you know, we haven't heard -- we haven't heard any of that. You know, I  
12       don't recall in any of those conversations prior to January 6th Dr. Rodriguez raising, you  
13       know, any major issues like that.

14          Like I said, for the most part, you know, things were in line. I mean, I'm sure in  
15       the intelligence space there's a lot of, you know, a lot of discussion that happens between  
16       people who operate in the intelligence space based upon relationships that they have,  
17       right? So, for example, I mentioned, you know, our guy who's in intelligence, who may  
18       be talking to the NYPD guy, right? That's borne out of a relationship. Or our guy  
19       talking to the guy from Virginia State Police, right? And that's, again, borne, you know,  
20       really kind of out of relationship a lot of times.

21          So, like I said, I just don't recall hearing anything, you know, specifically that was  
22       alarming that we had not heard before, you know, just in all the different meetings that  
23       were taking place.

24           Q     And that December 30th briefing with the Mayor, had that already been on  
25       the schedule? Or was that put up because of what you were hearing, the urgency in

1 trying to address the intelligence that you were receiving?

2 A If I'm not mistaken, I believe that that was scheduled already. The  
3 Mayor -- I remember, from the time that I became the acting chief -- actually, a little bit  
4 before that, so in December -- because I didn't get sworn in until January 2nd -- you know,  
5 the Mayor was really -- you know, she wanted to know -- you know, she wanted to make  
6 sure that the city was in a posture of preparedness. So, you know, I mean, we were  
7 having regular meetings in terms of, like, updating and that kind of stuff.

8 And I don't remember, you know, all the dates that we had a phone conversation,  
9 all the days that we met, but I remember, you know, she just, you know, definitely  
10 being -- as she was on January the 6th. You know, she was very involved in what was  
11 going on. You know, she was receiving updates from me, receiving updates from  
12 Dr. Rodriguez on, you know, the things that we were hearing, how MPD was posturing,  
13 anything that we needed, anything that she could help with, you know, in terms of things  
14 that we needed to get.

15 For example, when we brought in the law enforcement agencies from around the  
16 area, right, I mean, it was like, do we need any help with that? And we were able,  
17 through relationships, pretty much, with chiefs of police from surrounding jurisdictions,  
18 able to get that and not really need the Mayor to get involved in that.

19 But she wanted to make sure that whatever resource we needed to be prepared  
20 for January 6th, that we had what we needed.

21 Q All right.

22 Let's talk about the December 30th briefing with the Mayor and Dr. Rodriguez. I  
23 know you three were present. Was there anyone else who was present at that briefing?

24 A It probably would've been the Mayor's executive team. John Falcicchio  
25 would've been there. Probably the Mayor's senior advisor, probably, Ms. Perry,

1 would've been there. The city administrator would've been there.

2 From my side, Chief Carroll would've been there. The fire department chief  
3 would've been there. Commander Glover would've been there.

4 Like I said, there were a lot of meetings leading up, but, you know, like I said, you  
5 know, the Mayor -- she just wanted to make sure that we had what we needed. So we  
6 were briefing her probably beyond -- not "probably." I know we were briefing her  
7 beyond, like, what we would normally brief her on. Normally, we would kind of give her  
8 kind of a very high-level "we got it," you know, "this is what we're doing." Leading up to  
9 January the 6th, those briefings they were more -- they were more frequent, and it was  
10 more detailed than what we would normally do.

11 Normally when I brief the Mayor, I wouldn't have my assistant chief and a  
12 commander -- at the time, Glover was an inspector. He wasn't even a commander. He  
13 was an inspector at the time. But they would not ordinarily be there in a meeting where  
14 I'm briefing the Mayor. It would just normally be me. But because we were really kind  
15 of, you know, getting into more details, we wanted to make sure everything was really  
16 syncing up.

17 You know, I had to go, you know, several layers down within the agency to make  
18 sure that, operationally, intelligence-wise, et cetera, you know, we had, real-time  
19 information. You know, Inspector Glover, for example, you know, he and Chief Carroll  
20 regularly meet with, you know, either U.S. Secret Service -- because we had inauguration  
21 coming up the same time -- so, you know, regularly meeting with Secret Service, Capitol  
22 Police, Park Police. So we wanted to make sure that we heard, you know, the latest and  
23 the greatest stuff.

24 And, again, through relationships. They've been in those positions for some  
25 time. And, you know, if you're hearing something on a different level of the agency that

1 may have not made it up to the chief but maybe you're hearing it, you know -- like, for  
2 example, we heard early on that, on January 6th, the President was going to come out  
3 and address the audience or the people that gathered. And I don't think that that  
4 information was necessarily, you know, stated, like, right out of the gate but kind of  
5 through a relationship. Like, hey, look, we need to be planning for this; he looks like  
6 he's going to be addressing.

7 So there were a lot of, like I said, meetings and conversations that took place  
8 really to try to make sure that we had the best information that we possibly could.

9 Q Had you heard anything about the potential of him marching from the Ellipse  
10 to the Capitol? You mentioned that in that meeting you brought up the fact that he was  
11 going to be addressing the crowd. What about after the speech?

12 A I'm not certain. I can't recall specifically if that came up. But with my  
13 recollection -- not my recollection -- my experience would've kicked in to say that the  
14 Secret Service would've have said that that would be too -- he would've been too  
15 vulnerable at that point to make that march from the Ellipse down to the Capitol. Not  
16 to say that he couldn't do it, but my experience would've kicked in and said, the Secret  
17 Service probably would have gated that and would not have allowed that to happen.  
18 Right?

19 But I don't, like I said -- and I don't know if those were, like -- you know, like I said,  
20 a lot of things were being discussed, and I don't know if we were thinking -- I can't  
21 remember if we were thinking contingency, that based upon what happened over at  
22 Lafayette Park, is it a possibility that he might do this, or if we got that information from  
23 Secret Service. I don't remember that specifically.

24 But, at that point, I'm sure, you know, again, just based on my experience, that  
25 would've been highly unprobable -- or not probable for him to do that. I mean, you

1 think, for example, when we move the President from -- after inauguration, we move the  
2 President from the U.S. Capitol down to the White House. To do that, we bring in  
3 thousands of police officers from all around the Nation to secure that area in order to do  
4 that. And it just would not make good sense.

5 And, you know, like I said, I wouldn't have spent a lot of time on that, unless we  
6 had confirmation from Secret Service that he was, in fact, intending to do this.

7 Q Back to the December 30th briefing, can you just give us the highlights of  
8 what was discussed at that briefing? What picture was painted for the Mayor, and how  
9 did she respond?

10 A Again, I mean, I don't remember the specifics of it, but just the tone of all the  
11 meetings that we had, the tone was: Hey, this is something different. Our level of  
12 preparedness, we have to do something different based upon the rhetoric leading up to  
13 this.

14 There was also the issue with the Proud Boy leader that was still kind of lingering  
15 out there. I remember, you know, we were kind of talking about that little bit, talking  
16 about it from the standpoint that there was a -- I forgot the date that the warrant was  
17 actually signed for his arrest. But that was kind of lingering out there, MPD world,  
18 something that we were following up on. And we knew that, you know, Proud Boys  
19 would be here as well.

20 So the whole tone was, you know, we need to be running on all cylinders. We  
21 need to make sure whatever resources we need we have. In that conversation, I think  
22 on December the 30th -- it may have been somewhere around that time where we had a  
23 conversation talking about the National Guard, you know, requesting National Guard to  
24 come, you know, and assist.

25 And, again, all those things are happening. And, again, the reason why I'm not

1       totally clear on, each particular day, what was said was because, you know, we're talking  
2       about a very short runway of time between January 6th and December the 30th, there  
3       was a lot of stuff that was going on. Again, you know, while operationally, you know,  
4       involved on December 30th, you know, my official swearing-in date wasn't until January  
5       2nd. So just a lot of things.

6              The former chief, I can't recall if he was on one of these calls, you know, involving  
7       this. But just, like I said, a lot of discussion about readiness, preparedness, what do we  
8       need to do, what do we need that we don't have. All of those discussions happening.  
9       And National Guard were also part of that discussion.

10          Q      Let me ask you a little bit about the National Guard. We'll get a little more  
11       into specifics later. But --

12          A      Okay.

13          Q      -- if you did have counsel in terms of how to use the National Guard to stem  
14       the threat on January 6th, what was your counsel to Mayor Bowser?

15          A      That we needed National Guard here, primarily to free up our law  
16       enforcement officers in the event that, you know, we had to tend to things that we've  
17       been -- you know, dealing with things that we've been dealing with.

18              We needed deployment of National Guard resources. And, historically, you  
19       know, we tell them what the mission is, we say, "Hey, you know, this is what we want,"  
20       and they come back to us and say, "Okay, this is what we can provide."

21              So, you know, the ask was pretty much, you know, to have a contingency of  
22       National Guard personnel to cover down for the traffic control posts. That would  
23       alleviate Metropolitan Police officers having to be there on traffic posts.

24              We needed them for crowd management. That would be helpful, because we  
25       certainly were expecting large crowds. Not really sure how they would get here, but,

1 historically, if you look at inauguration and other things, you know, how people get  
2 around in the city, you know, it's not a bunch of cars that necessarily show up. You  
3 know, sometimes people come from Virginia to D.C. A lot of times, people take the  
4 Metro. And, in this instance, we wanted to, you know, be prepared in the event that we  
5 had large crowds coming out of the Metro and so forth and we would need assistance  
6 with crowd management there.

7 So that was the request, really, to have them to assist us in that space.

1

2 [12:30 p.m.]

3

BY [REDACTED]

4 Q We will get back to the National Guard.

5 Outside of the National Guard, was there any other specific counsel in terms of  
6 resources or recommendations that you made to the Mayor at that briefing that you  
7 recall?

8 A I don't recall any additional resources. I think we had -- you know, curfews  
9 and things like that, those are last resort kind of things. I think, you know, that we  
10 advised, like, Hey, for D.C. residents, you know, like, you know, Hey, look, it's best for D.C.  
11 residents to stay put. We're still in a pandemic.

12 I want to say maybe we did some media around that leading up to January the  
13 6th, I think. But those kind of things were certainly, you know, discussed in terms of  
14 how we would move forward, how we would speak about, you know, what we wanted  
15 the public to do in this space. And, you know, I think we were very intentional about  
16 that.

17 Q The briefing notes provided by Dr. Chris Rodriguez and given to the Select  
18 Committee sort of outlined some of the things that he briefed the Mayor about. And  
19 one of the things there it says, quote, "There is greater negative sentiment motivating  
20 conversation than the last two events in November and December 2020."

21 We talked, obviously, about the two MAGA marches. Did you and your  
22 department see January 6th as different in kind than the previous two events, leading up  
23 to it, of course? And in what way did you recognize it as different?

24 A Yeah. So, I mean, it was different, just the tone of some of the people  
25 that -- how they -- you know, when they got here on the ground, I mean, I'm out on the

1 street and riding around. The first two events that they had, you know, I was riding  
2 around the street, you're encountering people, you know, not a lot of -- you know, it's  
3 kind of hard to say this if you haven't -- you know, if you don't have any experience in this  
4 area.

5           But have you ever heard the term "sometimes you can feel the tension,"  
6 like -- and it was like that, like these were large crowds of people. I mean, we've had,  
7 you know, hundreds of thousands of people in the District of Columbia before, and it's  
8 just -- it's a good vibe, if that makes sense.

9           But for this last one, the way people talked to the law enforcement  
10 officers -- some people were pleasant; a lot of people were not this last go-around, the  
11 last go-around on January the 6th. I mean, it was just a different -- it was a different  
12 kind of vibe. It was a lot of tension that existed, or at least it felt that way to me.  
13 Based upon -- I drove up and down Pennsylvania Avenue, Constitution Avenue, around  
14 the Capitol, down by the Ellipse, and it was just different. Like I say, some people were  
15 pleasant, Hey officers, thank you for your support. I mean, we support you guys.  
16 Some people were like that. You know, some people were not and saying some not so  
17 nice things, right?

18           And you certainly felt that the second go-around where we really didn't  
19 experience a lot of that with the first two events.

20           Q     What about where the violence would be targeted, so in terms of counter  
21 protesters versus potentially a different target? I know in hindsight, it's maybe difficult  
22 to disentangle what you felt at the time versus what you now know, of course, happened  
23 on January 6th. But did you feel as though that was different than in the previous two  
24 MAGA marches, the target of their anger or violence?

25           A     Yeah, it was different. I mean, obviously, we know -- as you mentioned, I

1 mean, we know that. But I think going into this, I think most people -- I certainly felt  
2 like, you know, it could be anywhere. It doesn't have to be just at the Capitol. I felt  
3 like it could be anywhere, in the streets of the District of Columbia, you know, I mean.  
4 You know, based upon potential for counter protestors, based upon the protestors who  
5 were coming here, what they were coming here for, certainly I think everybody, you  
6 know, knew where the votes were being counted, and that was an issue. But I think  
7 that the potential for things to get out of hand, you know, it could have happened  
8 anywhere in our city.

9 Q So the notes from Dr. Rodriguez also say, quote, Others are calling to  
10 peacefully storm the Capitol and occupy the building to halt the vote. Not sure what  
11 peaceful means, but they are calling to occupy the building.

12 Was that in line with the intelligence you were seeing? What did you think of  
13 that line from Dr. Rodriguez in the briefing? And do you recall hearing that otherwise,  
14 that there was chatter about storming the Capitol and occupying the building?

15 A Yeah. So, I mean, I'm sure -- we heard those things, and I'm sure those are  
16 some First Amendment things that he is probably quoting, you know, that we heard out  
17 there. But, you know, that wasn't, you know, surprise by that at all. I mean, certainly,  
18 while that is, you know, under the -- you know, storming the Capitol, you know, while  
19 that at the time, you know, it's not the Metropolitan Police Department's, you know, sole  
20 focus and all that kind of stuff. I mean, certainly we were talking about, you know, just  
21 the different Open-Source stuff, you know, that's being talked about that's out there.

22 And I'm sure -- you know, I can't say I specifically, you know, remember, you  
23 know, what flag flyer we got, or what social media page, you know, we saw this on, but, I  
24 mean, there was a lot of chatter. I'm sure that one that he got was probably one of  
25 many individuals who posted something similar.

1           Q     There has been some talk about that sort of idea being unimaginable, so  
2 even if -- particularly within Capitol Police, coming across those sorts of maybe what  
3 some might consider aspirational thoughts, that it's something that just wouldn't come  
4 across as realistic or possible.

5                 To your mind -- and, again, it's difficult in hindsight, but to your mind, did that  
6 seem unimaginable?

7           A     You know, I was really thinking -- you know, I have seen some -- I have been  
8 here for a long time and seen some pretty bad things in my time, not just related to First  
9 Amendment stuff, but period.

10              Unimaginable? I don't really operate in that space. I mean, I operate in the  
11 space of that, you know, anybody that's motivated to do something -- and, again, I'm  
12 thinking of this through the lens of this is the Metropolitan Police Department. We deal  
13 with First Amendment assembly all the time. There are hundreds of thousands of  
14 people that gather in our city. What does it take for one person to come with an IED, or  
15 something like that, in the middle of 100,000 people and create disaster, right? Is it  
16 probable? Is it possible? You know what I'm saying?

17              So I think for some people who don't operate in this space, you know, some  
18 people probably, you know, felt like unimaginable. Certainly it's something that we  
19 didn't want to see, but, I mean, I think that -- you can ask that question really across the  
20 spectrum.

21              With all the people who came to work that day, lawmakers, et cetera, if they  
22 imagined that something of that magnitude would have happened, would all of the  
23 people have come to work that day that came to work? You know, would we have had  
24 the Vice President, the Vice President-Elect, all of these people in the building if people  
25 kind of consistently across the board thinking that this is something that they could

1 imagine happening?

2 I mean, that's the best way for me to kind of understand it. I try to think of, you  
3 know, again, all these different contingencies, which is why for the Metropolitan Police  
4 Department, some people might, you know, say, Hey, why would you, you know, tap in,  
5 you know, these other agencies from around the D.C. area, and outside of the D.C. area  
6 and have Virginia State Police on standby? Well, because bad things can happen. Bad  
7 things can happen when motivated people get together to do things.

8 So I hope that answers your question. But, you know, I mean -- again, that's  
9 something that we want to see. But based upon what people were out there saying in  
10 the social media world, certainly there was aspirations for people to do something  
11 different from what they have done in the past.

12 Q Chief Contee, The Washington Post reported that Mayor Bowser, at that  
13 briefing, was concerned, quote, "about a repeat of the Federal response to Black Lives  
14 Matter protests when the Justice Department sent prison riot teams, U.S. Marshals, and  
15 others onto D.C. streets without name tags or badges identifying them as Federal  
16 agents," end of quote.

17 Were those concerns discussed at the December 30 briefing or had you heard  
18 those concerns at any point from the Mayor or her aids?

19 A I may have raised those concerns. I mean, those are real concerns. Back  
20 when we had -- during the earlier protests in response to George Floyd, I mean, that  
21 actually happened, right. And this will maybe help inform. You know, when we start  
22 talking about National Guard, there is some discussion I'm sure you'll probably talk about  
23 armed, unarmed, that kind of thing.

24 But, you know, I mean, there would be outside of where my office is, you know,  
25 35, 40, 50 Federal agents walking down the street with long guns with tactical pants on

1 and a T-shirt, you know, maybe with an emblem of their agency or agency letters on their  
2 back. And, you know, the first thing I'm thinking as the chief of police in a major city,  
3 like, when do we bring long guns to demonstrations? To any kind of demonstration?  
4 When do we bring long guns to deal with those situations? Again, we've dealt with riots  
5 and all kinds of stuff here in the Nation's Capital, and, I mean, we don't -- when we deploy  
6 our Civil Disturbance Unit folks, we don't deploy them -- you will not see Metropolitan  
7 police officers on the west lawn of the Capitol with long guns deployed.

8           And I understand that everybody does not deploy Civil Disturbance Units the  
9 same. Everybody is not trained in the space for Civil Disturbance Units, which is why we  
10 were very concerned about having, again, what we learned from the previous protest,  
11 having people who not trained in this case. A guy who is normally, you know, chasing  
12 career criminals, or whatever he is doing in his Federal job that day, now armed with a  
13 long gun, going out into, you know, crowds of thousands of people, people who don't  
14 normally operate in that space may respond differently. And that would be a tragedy  
15 for our city.

16           So certainly, it was a concern of mine. I think I raised the issue to the Mayor  
17 because I received a picture or information or something about the Bureau of Prisons  
18 folks that were -- I think they were somewhere down in the area of the Justice  
19 Department, and we had not asked for these guys to be deployed. The chief of police  
20 had no information about these guys prior to January the 6th being deployed in our city  
21 for what reason in the gear that they were wearing at that time.

22           So, again, obviously, we wanted anything that the Federal Government was doing  
23 with respect to deploying their personnel in our city streets, that that be coordinated with  
24 the chief of police for the Metropolitan Police Department.

25           Q     And I understand and you're making a distinction between Federal

1       Government officers, agents versus D.C. National Guard who are identified. I'm  
2       wondering, those concerns, how did they translate into your ask? How was it that you  
3       and the Mayor and Dr. Rodriguez, how was it that you contemplated keeping that from  
4       happening again, having these officers, these agents out on the streets without you guys  
5       knowing about it?

6           A     So the Mayor did a letter, and when she did her letter -- I mean, some have  
7       referred to this letter to be something that it's not. This letter that the Mayor wrote -- I  
8       don't remember the date of it, but it was a letter, you know, that was sent, you know,  
9       basically saying that, Hey, look, if you are going to deploy -- you know, basically D.C.  
10      police are, you know, capable of handling what they need to handle, blah, blah, blah,  
11      blah, blah. If you are going to -- or if Federal resources are going to be deployed, you  
12      know, that needs to be coordinated with the chief of police.

13           That was really the reason for that memo, and some people have tried to, you  
14      know, make this out to be, Oh, well, you know, D.C. certainly had, you know, everything,  
15      da, da, da, da, and so on, the Mayor and the chief and, you know, they should have asked  
16      for this or that, whatever, in hindsight.

17           But that communication was specific because we did not want, again, individuals  
18      with long guns running around the streets of the District of Columbia. Uncoordinated  
19      with what we were dealing with in the city, the information that we had, that would not  
20      have been productive, and, quite frankly, not the best way to deploy for an event of this  
21      magnitude, a civil disturbance event or potential civil disturbance event.

22           Q     And that letter you referred to, is it fair or does it sound like it might be the  
23      January 5th letter, so after the first December 31st request for the National Guard, a  
24      follow-up letter by Mayor Bowser indicating what you just said?

25           A     Yes.

1           Q     That's what you are talking about; right?

2           A     No, that sounds about right because, again, it was getting closer to the 6th  
3     when these guys with green on were observed in that area. And that was really, you  
4     know, kind of during a pre -- you know, pre-game day, pre operation on the 6th, you  
5     know, just kind of seeing what the landscape is.

6                 It's not uncommon when we have these huge First Amendment assemblies in the  
7     city for people to come, you know, a day before and people to be in the downtown area,  
8     to be in the mall area.

9                 So, you know, for us it really would have been, you know, a temperature check,  
10    you know, of that day just to see really kind of what's going on when this was observed.

11           Q     And I want to, for the record, put a certain date on that. You're referring to  
12    the Bureau of Prisons folks that you saw, you took a picture, and raised with the Mayor.  
13    That was one of the days leading up to January 6th?

14           A     Yes. And I can't remember if I -- if the picture was sent to me, or I took a  
15    picture or something. But they were certainly observed out there. I observed them,  
16    and a couple of other people had observed them as well on the day before January 6th,  
17    yes.

18           Q     Is it your understanding that that was sort of the impetus behind sending  
19    that letter, seeing those officers out there without your --

20           A     Yeah. Because their deployment was not coordinated; right. I mean,  
21    where were they supposed to be, and what were they supposed to be doing? What was  
22    their chain of command? Who were they reporting to? We didn't know any of that,  
23    and that's not how we do business.

24                 You know, our -- the national capital region, in my opinion, in terms of the way  
25    that we handle regular First Amendment assembly, Metropolitan Police Department, U.S.

1 Capitol, U.S. Secret Service, U.S. Capitol Police, I mean, work very well together. We  
2 talk. We know who has what boundaries. If this group needs help, we're going to  
3 send some -- you know, we work through that.

4 But when you're adding in a group of individuals that we don't normally work with  
5 to do, you know, what's their mission, I mean, those things just add in potential problems  
6 to what it is we're trying to accomplish in terms of managing large First Amendment  
7 assemblies.

8 Q Was there anything else about the response to the summer of 2020 protests,  
9 incident with the low-flying helicopter, the Lafayette Square incident, anything else that  
10 was on your mind, concerns about the use of either the National Guard or other Federal  
11 Government agents or officers with regard to January 6th?

12 A The major -- the main thing is they are not trained. They are not trained.  
13 They are not regularly trained for Civil Disturbance Unit response. They are not. And if  
14 you're taking, you know, a guy who is investigating white collar crime, you know, on  
15 Monday, and, you know, you put them in tactical gear, or tactical pants and a T-shirt, and  
16 give them a long gun saying, Hey, go out here and help out the police, that's not helpful  
17 to us.

18 Q Just to make clear for the record, you're not referring to the D.C. National  
19 Guard? You're referring to other Federal -- or Federal officers or agents?

20 A Absolutely. I mean, if they were properly trained and it was coordinated,  
21 that's a different set of facts; but that's not the facts that we're dealing with. You know,  
22 the Washington field office of the FBI, for example, I mean, they don't have, you know,  
23 just regularly trained -- I mean, they have some specially trained people, you know, a  
24 small cadre. But what was deployed during the summer in response to the initial  
25 George Floyd protest response, you know, those were not, you know, your regularly

1        trained people who do this stuff on a regular basis.

2            You know, we get the -- we have the opportunity to operate in the space of  
3        dealing with First Amendment assemblies regularly, today, tomorrow, yesterday, the day  
4        before yesterday, and on into the foreseeable future, as long as the seat of government is  
5        here in the Nation's capital. We have an opportunity to do that. Most people don't do  
6        that.

7            And, again, to just deploy bodies for the sake of having bodies and then you add  
8        that without proper protection, without headgear, and other gear, and then you give  
9        them the only -- the only thing that you're arming them with is a long gun, that's a recipe  
10      for disaster.

11           Q     So The Washington Post reported also that Mayor Bowser was concerned,  
12        quote -- or excuse me -- was, quote, "reluctant to request the National Guard, concerned  
13        that the troops could be given orders by the President and abandon their posts," end of  
14        the quote.

15           Were those concerns discussed at the December 30th briefing or had you heard  
16        those concerns from the Mayor or her aids at any point?

17           A     I don't recall her specifically saying that, although it would be a valid concern  
18        from the standpoint that the White House, you know, months prior to that, you know,  
19        had -- there was discussion about the White House taking over the Metropolitan Police  
20        Department. And that certainly, you know, would raise a concern, right.

21           So, I mean, if it wasn't necessarily said in a meeting, I mean, it doesn't stand out to  
22        me that, Hey, this specific thing was said. But, you know, I wouldn't say it's out of the  
23        realm of possibility to, you know, consider that.

24           If you're thinking strategically, all right, how are we going to deploy, and what are  
25        our vulnerabilities, that kind of thing, that's certainly something that you would want to

1 think about, what if that happens?

2 Q Was that a concern of yours at the time?

3 A Maybe in the back of my mind. Our relationship with D.C. National Guard,  
4 you know, has been -- we've had a great working relationship with them over the years.  
5 General Walker, you know, we have worked with him. So, you know, maybe just based  
6 on that. It wasn't like, you know -- it wasn't something that was overly -- you know, I  
7 can't say that I was overly -- I can't say I was overly concerned that -- you know, maybe,  
8 perhaps, I should have been, but -- in light of what happened with MPD. But like I said,  
9 I'm sure in all of the things that were going on, it was something that, you know, that was  
10 probably considered, you know, thinking about these different contingencies.

11 And, again, you know, you think about possibility and probability. You know,  
12 how probable is that? Um, I don't know. Anything is possible, right?

13 And I can't say that we spent a lot of time within MPD, you know, talking about  
14 that. I didn't have a conversation with General Walker to say, Hey, what happens if the  
15 President decides to take over the National Guard? I didn't have those conversations.  
16 I didn't have a conversation with Secretary McCarthy and say, Hey, what happens if the  
17 President takes over? I mean, it was really, you know, MPD being focused on what  
18 MPD's role and responsibility would be on January 6th.

19 Q And we will get to some other folks who potentially, you know, did have  
20 concerns with the use of the National Guard, the phrase "optics."

21 I want to ask you in particular, outside of this -- and, again, this is sort of only in  
22 the back of your mind. But putting this aside, the sort of concern that, you know, that  
23 the President might give unlawful orders to the D.C. National Guard, were there any  
24 concerns in your mind about -- other than that, of course, other than the usage of the  
25 National Guard for January 6th? Anything that was concerning to you or you thought

1 about?

2           A Well, I mean, when you talk about the National Guard, we wanted to be very  
3 clear about what we were using them for, right, on the Metropolitan Police Department.  
4 We are very specific about that. And the discussion about long guns and, you know,  
5 people from the Federal Government being deployed on city streets, the ask of the  
6 Metropolitan Police Department was the ask that we needed for Washington, D.C. It  
7 wasn't for the Capitol. That is a separate request. It wasn't for the White House.  
8 That is a separate request. It wasn't for any of that. It was for what we needed. We  
9 needed assistance with crowd management. We needed assistance with traffic control  
10 so that police officers could interact, do what we normally do, interact with civilian  
11 population, right? We wanted to be able to do that and not, you know, mix those things  
12 where now you have the National Guard doing the job of the Metropolitan Police  
13 Department, or what local law enforcement agencies should be doing.

14           It's, again, the reason why we asked for Prince George, Arlington, Fairfax,  
15 Montgomery County, police officers trained in civil disturbance, but who also routinely  
16 deal with civilians, to deal with the unlawful things that could happen. The National  
17 Guard was specific for them to deal in the space that we kind of normally utilized, which  
18 is traffic control, crowd management. We did it with the Obama Inauguration. We do  
19 it with every inauguration. We did it for 4th of July deployment, you know, handle  
20 traffic, handle crowd management. Leave the unlawful stuff for D.C. streets, leave the  
21 unlawful stuff, leave that to the police to deal with.

22           Q And I hear in your answer, you know, guns was of concern. And I know  
23 that the -- you know, the letter requesting the D.C. National Guard was released by the  
24 Mayor, by Dr. Rodriguez the very next day after the briefing on December 31st, and in it,  
25 of course, it reiterated the position that the D.C. National Guard was to be unarmed.

1           My question to you is, isn't that -- is that common? Is that usual that the D.C.  
2       National Guard isn't armed? And so why do you think that that sort of reiteration was  
3       appropriate or necessary given that that's their usual posture?

4           A     Because we needed to be very clear about that. Again, when the Federal  
5       resources deploy -- and I also want to say, with the National Guard, it could have been a  
6       question -- it could have been a question that was posed to us. That comes up, you  
7       know, sometimes, are we requesting armed or unarmed resources. A lot of times, you  
8       know -- again, we tell them kind of here's what the mission is.

9           And in response to that, they say, Okay, this is what we can provide to accomplish,  
10      you know, the mission that MPD has laid out for us, whether it's any of those other things  
11      that I mentioned, Inauguration Day, 4th of July, those kinds of things.

12           So I'm not 100 percent certain, you know, exactly why we were specific, but,  
13      again, we were trying to be very intentional in our communications so that there would  
14      be no ambiguity about what it is that the Metropolitan Police Department is asking for  
15      D.C. Anybody else can do anything else they want to do.

16           If they wanted to have 100 National Guardsmen around the White House armed  
17      to the teeth with a tank and whatever, I mean, then Secret Service can make that request.  
18      Same thing at the Capitol. If they wanted A, B, C -- and they have, right? If they  
19      wanted to make those requests, then they can. But for what we needed, I don't need  
20      military guys with long guns, you know, ushering people coming out of the Metro or on  
21      traffic posts directing traffic. There was no need for firearms.

22           Again, in all of everything that happened on January the 6th, you know,  
23      Metropolitan Police officers and all that we did, there was no use of any firearms on  
24      those days.

25           So to ask other people who were coming to assist us, the National Guard, the D.C.

1 National Guard, this was not a mission for long rifles. I think that sends a message, you  
2 know, when you are -- again, I'm taking the temperature in terms of my experience of  
3 crowds that we deal with. That sets a certain tone for things, right? And those are  
4 things as we on the city side, you know, kind of respond to First Amendment stuff that we  
5 normally have in our city, those are things that we have to consider.

6 For example, to further explain this, I don't even deploy police officers who are  
7 doing Civil Disturbance Unit in tactical hard gear unless there are active assaults  
8 happening against the Metropolitan Police Department officers. So, in other words, if  
9 people are throwing bricks and bottles, or whatever, you know, then our officers, they  
10 put on their tactical gear.

11 Aside from that, we will not even -- and matter of fact, there is a law in the District  
12 of Columbia that restricts us from deploying in tactical gear unless there is an active  
13 assault that's happening against the Metropolitan Police Department.

14 So -- can you guys hear me? It looks like we may have lost some bandwidth or  
15 something.

16 [REDACTED] I can hear you.

17 The court reporter, can you still hear the chief?

18 The Court Reporter. I can hear you both, but I can't see counsel.

19 Chief Contee. I can't see you either.

20 [REDACTED]. And by "you," you mean mine; right.

21 Chief Contee. Yes. I'm sorry. Yes, sir, that's correct.

22 [REDACTED]. Okay. You can't see me right now.

23 Chief Contee. I can't. It's highlighted on the official reporter, Terri Martin,  
24 her --

25 [REDACTED]. Okay. We will work that out. But as long as both you and the

1       court reporter can hear me, we can keep going.

2              Chief Contee.    Absolutely.

3              So just to finish that -- Okay.   I got you back now.

4              So just to finish that, you know, we are very intentional on how we deploy our  
5        personnel.   We have learned through our experience that when you deploy police  
6        officers in, you know, tactical gear, you know, the outer-body armor, all of that kind of  
7        stuff, sometimes that increases the tension between law enforcement and the protesters  
8        that are there to express their First Amendment sentiments, so -- or express their First  
9        Amendment -- excuse me; their First Amendment rights.

10             So we're very intentional when we operate in that space about how we're going to  
11        deploy, what we're going to deploy.   Now, we have contingencies obviously, right?   If  
12        our officers who are not in the proper gear are out there, you know, we want to have a  
13        contingency in place to sub out those boots.   Operationally, though, those are things  
14        that we do within the Metropolitan Police Department, you know, taking into  
15        consideration all of the players that are involved.   You're talking about Federal agencies  
16        and all that kind of stuff.   You know, again, those entities don't routinely operate in this  
17        space, and I would doubt very seriously if those contingencies were in place for them.

18             BY [REDACTED]:

19             Q    All right.   So The Washington Post characterized the December 31st letter  
20        as, quote, "a narrow request to the Pentagon for troops to assist with mostly traffic  
21        control."

22             Do you agree or disagree with that characterization; that it was a narrow request?

23             A    I would say it's a specific request.

24             Q    So --

25             A    And it was specific to the needs of the District of Columbia.

1           Q     And you alluded to that. So my question is, why not agree to the role for  
2 the D.C. National Guard with regard to the Metropolitan Police Department? And you  
3 can answer with your expectation perhaps of what other departments might ask the  
4 National Guard for assistance with. But why only to assist with traffic control? Why  
5 not to request that the D.C. National Guard assist with civil disturbance?

6           A     Because we had other police officers from outside agencies to handle that.  
7 When you're talking about civil disturbance, I mean, again, it's not just -- you know, it's  
8 not just having a guy out there in uniform with a shield, right? What happens when  
9 people have got to do to jail? Who's processing those requests? Who's dealing with  
10 that? Who routinely deals with that?

11               That's not something that National Guard and all these other folks routinely deal  
12 with. We needed local law enforcement entities to deal with that, which is part of the  
13 reason why we invited our partners in who train in this space just like we do. They  
14 might not get as much -- they may not get as much activity in their respective  
15 jurisdictions, but certainly, it's something that they -- you know, something -- certainly a  
16 space that they normally train in in terms of, you know, how they report to Civil  
17 Disturbance Unit folks and what they do and what local law enforcement agencies, how  
18 you interact with citizens, and so forth. You know, again, the National Guard -- people  
19 can, you know, try to Monday morning quarterback that, you know, all day long.

20               For the request that they were asked for, what they did in the city, the response  
21 that -- the deployment that they had, it was sufficient for the District of Columbia's  
22 request, all right? So them being unarmed, the number of people that -- now, they had  
23 some restrictions in place, and I'm sure you'll probably get to that. They had some  
24 restrictions in place. But for what we asked for, their deployment, what -- that initial  
25 ask did the deployment to be unarmed, traffic control, crowd management, that was

1 sufficient for everything that happened that day for D.C. Government needs.

2           We didn't have, you know, thousands of people roaming around, fighting  
3 downtown, breaking stuff. We didn't have that. It was very concentrated. As you  
4 alluded to earlier, It was very concentrated to the Federal footprint, primarily on U.S. Park  
5 Police and U.S. Capitol Police property.

6           Q     So was it your understanding that when you're making that ask, when you're  
7 making that request, that the needs of the Capitol Police or the Park Police might be and  
8 likely would be different given that those areas where a lot of the demonstrations were  
9 to take place are outside of the jurisdiction of the Metropolitan Police Department?

10          A     Absolutely, absolutely. It's a -- I mean, Mayor Bowser cannot make a  
11 request on behalf of the White House or on behalf of the Capitol for U.S. Capitol -- for  
12 U.S. -- or D.C. National Guardsmen to deploy to those two entities. She can't. The only  
13 request that she has the ability to make is for how they would be mission specific  
14 assisting Washington, D.C. police officers. That's it. That's the only thing that she has  
15 control over.

16          So with her ask, it was sufficient for what we needed in the city. Again, if U.S.  
17 Capitol, if U.S. Park, U.S. Secret Service needed or wanted something different, that's an  
18 ask from them through whatever chain of command that they have to go through in  
19 order to get the services of the National Guardsmen to identify whether or not they are  
20 going to be able to fill whatever mission it is that they have for them.

21          Q     So then, to put a pin in it, to sort of sum it up, do tell me if this is fair. Is it  
22 fair to say that the ask was primarily driven by the needs of the District of Columbia and  
23 not driven either by concerns over the response of the National Guard over the summer  
24 of 2020, or potential involvement by the President in redirecting National Guard troops?  
25 Is it fair to say that the main driver -- and you have termed it, not a narrow, but a specific

1 request -- was just what was within your purview inside the District of Columbia?

2 A Absolutely.

3 Q So was it your -- also then at that moment, you know, if you put yourself  
4 back in your mind's eye, I know that you spoke to Chief Sund from Capitol Police in the  
5 lead-up to January 6th and his thoughts as to how the National Guard might assist his  
6 domain, his purview within the Capitol, what were your thoughts on that? Were you  
7 thinking that you were surprised that these other entities that might have a greater need  
8 for the National Guard weren't asking for that assistance ahead of January 6th?

9 A I can't say that I was totally surprised. When I -- I can't say that I was totally  
10 surprised, right, because the U.S. Capitol Police just kind of historically, you know, how  
11 they operate, you know, the Capitol Grounds is their -- you know -- it's their space, their  
12 footprint where they operate. Just like the Secret Service, just like U.S. Park Police, you  
13 know, everybody kind of has their area of responsibility.

14 With them having a full activation of the police -- of their police force, you know,  
15 what would have been in the back of my mind I'm sure as I'm thinking about that is, you  
16 know, them perhaps having, like, what they call on the National Guard side is a QRF, a  
17 quick response force, which is equivalent to our CDU, right?

18 So it's like we have them if we need them, and we can figure out, you know, how  
19 we want to deploy them based on the need. So, for example, if there is a concern  
20 about, Hey, we don't want this -- you know, this robust appearance of National  
21 Guardsmen, you know, guys with rifles on the grounds of the Capitol, well, you know, we  
22 have staging locations; right. You can have these guys suited up. You can have a QRF  
23 suited up in the event, just like what I was mentioning to you how I have a contingency of  
24 officers in hard gear, the whole nine yards in the event -- you know, I don't want to put  
25 them out there on the front line. But in the event that things start to look like we're

1 going to need them, right, I can move these guys into place.

2 So I don't think it's a farfetched idea to be thinking about, Hey, I should have like a  
3 QRF of National Guardsmen -- you know, I don't know where you put them -- in the  
4 rotunda, wherever you put them, on a bus parked on the lot, but they are in close enough  
5 proximity if you need to deploy them, you can; right.

6 So I didn't -- you know, I did not -- you know, I can't -- I can't speak for Chief Sund  
7 and what he was thinking and why he was thinking what he was thinking, and so forth. I  
8 really just -- I don't know the answer to that. That's what I would have been thinking if I  
9 was, you know, seated in his seat. If I had made an ask, you know, and my ask was not  
10 well-received, or whatever, I would have come back to the table with different  
11 contingencies. That's just my thought, in my mind's eye, how I would have responded  
12 to that. But I really can't speak for why Chief Sund, you know, kind of responded the  
13 way he did or didn't.

14 Q But did you have conversations with Chief Sund in the lead-up to January 6th  
15 in which he expressed to you, you know, plans or desires to have the National Guard  
16 participate in some way?

17 A I don't -- I can't recall if he mentioned specifically about the National Guard.  
18 I know we were on, like, one Zoom call or something like that, a Webex, him, you know,  
19 other leaders within the Federal footprint, head of, like, the Washington field office of  
20 FBI, as well as the Senate and House Sergeant at Arms and -- gosh, who else may have  
21 been on that? The Architect of the Capitol was on there. And, you know, I mean, it  
22 was really just talking about the preparedness leading up to, you know, January the 6th,  
23 right, you know, what everybody is kind of doing, a report-out essentially. The MPD is  
24 doing this. The U.S. Capitol Police is doing this. We will have our command center  
25 here, you know.

1            You should have somebody -- so, you know, it was really kind of a report-out of  
2 what everybody was doing, how everybody was going to be postured for that particular  
3 day.

4            Sund called me separately, separate from that -- it wasn't raised on the call but  
5 separately from that -- to say, Hey, if we need you guys on January the 6th, you know, will  
6 you guys be able to deploy some resources over here to assist us over at Capitol Police?

7            And that's not an uncommon request, right? Over the summer we assisted  
8 Capitol -- I mean, Secret Service, we assisted U.S. Park Police with everything that was  
9 going on in response to the George Floyd stuff. I mean, we've assisted with equipment.  
10 We've assisted with personnel, the whole nine -- so it's not an unusual request, just like  
11 I'm asking for the assistance of the surrounding agencies in D.C., Hey, look, we need you  
12 guys to assist.

13           But at that time I don't -- I don't recall, you know, Sund specifically, you know,  
14 saying to me like, Hey, you know, I'm requesting the National Guard. And he may have.  
15 I just don't -- I don't remember him specifically making that ask at that point, you know,  
16 early on. You know, he certainly -- I don't recall him discussing in-house Capitol politics  
17 with me. Hey, I've made this request, and my guys tell me -- I didn't have that level of  
18 discussion with him.

19           Q      Can you describe for me his tone when he asked to make sure that as  
20 backup, MPD would be available in case of an emergency? Because I'm trying to get a  
21 feel for whether this was sort of routine, sort of dryly asked or whether you detected  
22 something different, something urgent in his voice?

23           A      I would say there was a heightened sense of everything. And I just -- I  
24 credit that to a number of different things, right, just based upon I have been knowing the  
25 guy for over 20 years. He is the former Special Operations Division commander here

1       within the Metropolitan Police Department. I think this is probably, at least that I can  
2       recall, probably his first, like, major, major thing since he had been, you know, named  
3       chief of police. He went over there as the number two guy before being elevated to the  
4       chief.

5           So I'm sure a lot of eyes were on him, as they were for me. You know, I'm just  
6       new into my seat at the time. So, you know, I think it was, you know, him being -- he is  
7       a detail-oriented kind of guy. So based upon my interaction and experience -- I mean,  
8       he even worked for me at one point -- I mean, it's him being detailed, trying to make sure  
9       that he has all of his bases covered, so to speak, like, Okay, if this happens, whatever, you  
10      know, I can pivot to MPD and have MPD to assist kind of thing. That's the way that I  
11      took it. I mean, I didn't -- you know, that's just the way I took it based upon my  
12      interaction with him on that day.

13           And there was an absolute, you know, we will be there to support, you know,  
14       however we can help if MPD is called upon to assist.

15           Q     You mentioned the QRF, quick reaction force. I wanted to ask you, what  
16       was your understanding -- given the specific request that you and the Mayor made of D.C.  
17       National Guard, what was your understanding of how quickly the QRF or other D.C.  
18       National Guard members could be repurposed and re-missioned in the event of an  
19       emergency? Was there anything in your request that you felt limited either  
20       intentionally, or could have been interpreted as limiting the ability to switch missions  
21       should an emergency arise?

22           A     So, I mean, before anything -- you know, before anything -- there were a  
23       couple of things.

24           So before we got to, you know, denials, approval, any of that kind of stuff, I think  
25       it was on a Sunday, I had a conversation with the Secretary of the Army, Ryan McCarthy.

1       He called me, and he was calling in response to the letter that was received from the  
2       Mayor or Director Rodriguez. I think it was Director Rodriguez that authored the letter,  
3       but he was calling in response to that request for the National Guard.

4           And initially -- I thought initially that the response to the request, that he is just  
5       calling me basically as a rubber stamp to say, Hey, look, you guys got it. You asked for it,  
6       you got it. Here's how many people you are getting, blah, blah, blah, blah, blah. And  
7       that's kind of what my -- that's what I thought the conversation -- the way that the  
8       conversation was going.

9           It didn't go that way. He was a very pleasant fellow. I appreciated him calling  
10      me. But he was -- he had concerns about deploying National Guard for this event. He  
11      talked about the optics of the event, having boots on the ground. All of that was part of  
12      the discussion.

13           And I pushed back on that, and I said, you know, Mr. Secretary, respectfully, I  
14      appreciate that. And he -- and he -- as an alternative to National Guard, he had  
15      recommended or suggested that we consider deploying Federal officers to the streets of  
16      the District of Columbia. And, of course, in my mind, I'm thinking about the Federal  
17      officers that were deployed before, and that was not what we wanted here in the District  
18      of Columbia. And I told him, you know, respectfully, I appreciate that, but if we can't get  
19      the D.C. National Guard to deploy, I'm not making a request for Federal officers because  
20      they don't have the training, for all of those reasons that we talked about. It just  
21      doesn't make sense to deploy these guys. I would have to think of something else, some  
22      kind of contingency in this short window of time to figure out how are we going to free up  
23      Metropolitan Police Department officers. You know, in my mind, I'm thinking, like, okay,  
24      we have traffic control officers who work for the Department of Transportation. Maybe  
25      we have -- I'm thinking about these things, but I push back on it.

1           And he said that he would get back to me the next day, I think, which was a  
2       Monday. He was going to have some conversations. He had a meeting set up with the  
3       Secretary, Secretary of Defense, the next morning or something, and he would let me  
4       know something by, like, 10 o'clock or something. I think he gave 10 o'clock as the time.  
5       And he certainly -- he honored his word because I told him that we will be doing a press  
6       conference around 11:00 talking about what our deployment was, blah, blah, blah, that  
7       kind of thing.

8           So in his response on the next day, that Monday he called me on, and he told me,  
9       Hey, National Guard approved. This is how many you're going to get. We're going to  
10      approve them for A, B, C, you know, the traffic control, the crowd management. You're  
11      going to get X amount of National Guard. And the limitation was when they deploy,  
12      they cannot go anywhere east of Ninth Street. That was restriction number one.

13           Further, if there was a request for a new mission, that would have to be approved  
14      through the Secretary, that we had to contact him, and we were in contact all that day or,  
15      you know, go through General Walker. If there was even an incidence like a minor thing  
16      that happened, we, like, wanted to move somebody from one post to the next, if we  
17      changed the mission, they were, like, Nope, you've got to call, you know.

18           People on my team had to reach out to General Walker, and General Walker kind  
19      of, you know, reemphasized, yep, you know, if we change the mission, you know, I've got  
20      to talk to my bosses pretty much is what the conversation was.

21           So, I mean, that was restrictive, right, somewhat, right? If I needed to move  
22      them on D.C. space, right, to Third Street, because Third Street, you know, is like the end  
23      of where you pick up D.C. space and where you pick up U.S. Capitol territory, so if I  
24      wanted to repurpose National Guardsmen to line up along Third Street, you know, again,  
25      that request had to go up to the Secretary. And that's something that we normally do.

1        You know, this is not our first time interacting with the National Guardsmen.

2           So I felt like that was an unnecessary restriction, you know, and not that he was  
3        not -- I'm not saying that he wasn't responsive -- "he" being Secretary McCarthy -- he was  
4        responsive, right? If I picked up the phone and called him, you know, he would want to  
5        meet somewhere, he wanted to have discussions, you know, all that kind of stuff. So it's  
6        not that he wasn't responsive. It's just that, you know, in that initial ask, the limitations,  
7        it was not, yes, you have the National Guard. It was, Hey, can you consider this  
8        alternative?

9           No, we're not going to consider the alternative because that's not what we want.

10          This is what we want.

11          Okay. Approved for what you want, but you can't move them past Ninth Street.

12          And if you send them to any other kind of mission, that has to get approval from me.

13          And I just think that those were unnecessary restrictions, but --

14          Q      And I want --

15          A      But let me just finish this.

16          Q      Yes.

17          A      But for what we were asking, for what we were asking for, you know, I didn't  
18        push back to say to him, Hey, Secretary, that's unacceptable.

19          You know, again, I'm trying to collaborate. I'm trying to get these guys there.

20          And I went from not getting them at all to you're getting them, but here's kind of the  
21        restriction that you have. So that's what -- that is where we landed with, okay, here's  
22        the restriction. If I need to move them, I'll ask you to move them.

23          Q      And so let's talk about those two restrictions.

24          Was it your -- you mentioned boots on the ground, not wanting boots on the  
25        ground. Is your understanding of the Ninth Street limitation not wanting to have boots

1       on the ground near the Capitol itself, anywhere near that sort of area?

2           A     Say it one more time.

3           Q     What was the purpose behind the Ninth Street limitation?   What were the  
4        optics that you understood if the National Guard were to be past that --

5           A     Gotcha.   Okay.   So -- and this was not clearly articulated.   This was  
6        not -- you know, it was not said, Hey, this restriction is in place because, you know, I'm  
7        telling you that, you know, they shouldn't go close to the Capitol.   It wasn't stated that  
8        way, but it was understood if you go anywhere east, the Capitol is east.   And if you move  
9        them anywhere east, if you move them anywhere east of Ninth Street, they will be close  
10      to the Capitol.

11           That was certainly the way that I understood it.   It wasn't stated that way  
12        specifically, but that was the way that I understood it for why -- that's the only rational  
13        reason I could think of why we would not want to -- or why we couldn't move them  
14        anywhere east of Ninth Street.

15           Q     And had you been aware of some chatter about the use of the military in  
16        terms of -- and their influence in the democratic process, either because President Trump  
17        would want it to be that way or, you know, comments from his former national security  
18        officer, General Michael Flynn, about using the military to overturn the results?

19           I see your head shaking no, so --

20           A     So to answer you -- I was definitely going to give you a verbal, but, no, I  
21        didn't hear any of that kind of chatter, not -- definitely not from Secretary McCarthy.   I  
22        didn't hear anything like that.

23           You know, certainly while we were operating with restrictions and  
24        limitations -- and I think I may have said in a previous conversation, you know, for the  
25        things that were approved, you know, he was trying to get -- you know, trying to get us

1       the resources that we asked for, for the Metropolitan Police Department that we asked  
2       for. I can't speak for everybody else. I'm just speaking for MPD, for the resources that  
3       we asked for, he tried to get us everything that we asked for. And when -- and at a  
4       point, you know, he was even physically in police headquarters as we were kind of  
5       working through issues on the local government side of the house. He was in the room  
6       with me, in a conference room with me, you know, as we talked about -- it got later into  
7       the night, as we talked about, you know, what resources were needed. I mean, even  
8       going into, you know, how resources would be deployed, you know, for the Capitol later  
9       on. I mean, this was an all-night kind of thing going on here. And I may, you know,  
10      kind of be lumping some of this stuff together.

11           But the initial request for D.C., you know, after we worked through those issues,  
12      you know, he gave us what we asked.

13           Q     And so, is it fair to say that Secretary McCarthy didn't mention, or wasn't  
14      clear about what his misgivings, what his reluctance, what were the motivations behind  
15      it? In terms of that, he did not communicate those to you? Is that fair?

16           A     He did not communicate those to me at all, no.

17           Q     And then the second restriction was about, you know, sort of a reiteration  
18      perhaps, that any change in mission be explicitly approved by the chain of command,  
19      right, all the way up to the Secretary of Defense?

20           A     No, no, no. I'm not going to say -- and if I said that, he said that any change  
21      had to be approved by him.

22           Q     Okay.

23           A     Now, whether he was having a conversation with the Secretary of Defense, I  
24      don't know that. But what he said to me was that those requests had to be approved by  
25      him.

1           Now, General Walker, he did say, you know, that he had to run, you know, the  
2 re-mission up his chain. Now, his chain would be up to -- he reports to Secretary  
3 McCarthy, right? I don't think he reports directly to the Secretary of Defense.

4           So I assume even with General McCarthy -- I mean, with General Walker that, you  
5 know, he was saying that all roads have to lead to Secretary McCarthy, and then  
6 Secretary McCarthy, you know, whatever he needed to do, I'll call you back or, you know,  
7 absolute yes, you know, it's a problem. He didn't -- aside from that, that first discussion  
8 that we had where he said he couldn't give me an absolute yes, he told me that he had  
9 to, you know, have a conversation with the Secretary. That's the only time that he told  
10 me that he needed to get approval -- or only time that I can recall, that he needed to get  
11 approval from the Secretary of Defense.

12           Q     Okay.

13           A     Or the SecDef is what he said.

14           Q     Okay. That reiteration, though, that any change at all needed to be  
15 approved by Secretary McCarthy --

16           A     Yep.

17           Q     Was that unusual? Is that how it worked in the past, say, over this  
18 summer? And, again, I know you weren't chief of police then. But is how that worked,  
19 or was that odd or new to you that reiteration given that that is the chain of command?

20           A     Yeah, it's odd and new to me because, I mean, I have been the commander  
21 of Special Operations Division before. So, I mean, I've worked with the National Guard  
22 before, and that is unusual, right? I mean, he is probably the first Secretary of the Army  
23 that I've ever met. And in the course of my tenure, you know, as the commander or  
24 chief, generally we would be dealing with the general who's in charge of the D.C. National  
25 Guard, and the decisions would be there. You know, I recall General Schwartz before

1 and General Walker. I mean, we would deal directly with those guys. I mean, it's  
2 never -- you know, it would be the uniform guys dealing with the uniform guys, not  
3 uniform guys dealing with civilian secretaries and, you know, going up to the Secretary of  
4 Defense for, you know, local matters for January 6th or for 4th of July as a consideration.  
5 Those are not things that we had to consider for previous deployments.

6 Q So you tell me if this is fair. It sounds as though that limitation or that  
7 reiteration was more than just saying if -- or how you understood it to be, it was more  
8 than just saying that the National Guard, if they were to be re-missioned for an entirely  
9 new purpose, like civil disturbance, that that would need to get approval by the Secretary  
10 of the Army, but that even minute changes as to where they were posted, that those  
11 would be -- would have to go up to him; that that was different and new to you and  
12 unexpected?

13 A Absolutely. That's correct.

14 Q Okay. And, again, you know didn't have any visibility because he didn't  
15 explain to you why he felt that those limitations were important for January 6th?

16 A No, he didn't explain to me specifically why. Like I said, that conclusion in  
17 my -- that was a conclusion that I made based upon the previous conversation that we  
18 had. That was a conclusion that I gathered that, Okay, they don't want to send these  
19 guys, you know, anywhere close to where the Capitol is located.

20 Q And you brought up your conversation with Secretary McCarthy when I  
21 asked you about the quick reaction force and whether you thought -- or you had any idea  
22 that any of these back-and-forths, either the request from the Mayor, which, you know, is  
23 specific, or the limitations imposed by Secretary McCarthy, that that affected at all how  
24 you thought the QRF could be -- or the National Guard in other ways could be repurposed  
25 and re-missioned in the event of an emergency.

1           So what was your thought leading into January 6th? You had this conversation  
2 with Secretary McCarthy. There is this back and forth about the limitation of the use of  
3 the National Guard. Did you feel like any of this could or would affect or could affect, in  
4 the case of an emergency, asking enlarging the mission of the National Guard?

5           A     I felt like the mission could potentially be enlarged. But, again, you know,  
6 they have -- you know, they have a strategy, or things that they do, as they determine  
7 how many people they are going to need, what their relief is going to look like, what  
8 equipment they are going to need. They have a whole process that I'm not privy to that  
9 they go through as they make those decisions for, you know, what their deployment is  
10 going to look like.

11          But I'm thinking in terms -- I'm thinking through the lens in terms of how I plan  
12 with the Metropolitan Police Department, right? Like our mission for that day was not  
13 to have 1,200 police officers at the U.S. Capitol. That was not our mission for that day.  
14 It honestly was not. It wasn't the mission to have 800 there. That wasn't the mission  
15 for the Metropolitan Police Department for that day.

16          But when things happen in our city -- and we saw this during the riots. We saw  
17 this in everything else. When a person decides to drive a boat and drop it in the middle  
18 of New York Avenue and chain themselves to the boat, we have to pivot as a police  
19 department in an effort -- and we have to pivot quickly to address that situation.

20          On January 6th, we had to pivot quickly in order to assist the U.S. Capitol Police.  
21 In my mind's eye, it would be the same for the National Guard. Again, not speaking for  
22 them, but just looking through the lens in terms of how I do business day to day, if there  
23 is something, an emergency or something happens that's out of the ordinary, then  
24 everybody could pivot the way that the Metropolitan Police Department does to respond  
25 to the threat or the thing that we happen to be dealing with at that moment.

1           If the thing that we were dealing with happened to be at the White House, and  
2 there were, whatever, you know, people trying -- and, you know, I had to send people to  
3 the White House, I mean, I would have done that. If I had to -- you know, the pipe  
4 bombs, when those were identified, right, I had to pivot and send people, you know, to  
5 assist Capitol Police to deal with that.

6           So I'm used to, in this space, when we're talking about -- you know, we know  
7 about the things that we know, but we also don't know the things that we don't know.  
8 I'm used to having to pivot very quickly in the space that I operate. And what I learned  
9 through this experience was that everybody doesn't necessarily pivot as quickly as the  
10 Metropolitan Police Department does. I've learned that through this process, right?

11           What ended up happening with those National Guardsmen that were west of  
12 Ninth Street, at some point later on down the line, they end up pivoting and using those  
13 National Guardsmen at the U.S. Capitol, right? They ended up using them. You know,  
14 whether it was 5 hours later, 6 hours later, I don't know when it was. It was sometime.  
15 I didn't have the luxury to say, Hey, I'm not going to send 1,200 -- I'm going to send 1,200  
16 officers in a couple of hours versus I'm going to send 1,200 officers right now because the  
17 situation has changed.

18           The question -- the conversations that we were having with them were, what's  
19 their mission -- and maybe you'll get to the telephone call and all that good stuff, but, you  
20 know, what's their specific -- I don't know. I have some frustration in that space, like I  
21 said, only because, again, you know, you've got all of these people. We are all working  
22 together, but we all work a little different in terms of how we do what we do.

23           And, again, my lesson learned, everybody does not pivot necessarily as quickly as  
24 the Metropolitan Police Department does.

1

2 [1:31 p.m.]

3

BY [REDACTED]

4 Q And so it sounds that, even in this back-and-forth, you thought a pivot was of  
5 course still possible, that these back-and-forths were not going to affect a potential pivot  
6 should that happen, should it be needed.

7 When January 6th did happen -- and we'll get, as you mentioned, to the call, this  
8 sort of delay -- as there was, you know, talk about when the National Guard will finally be  
9 deployed, did you think back to your conversation with Secretary McCarthy and some of  
10 his reluctance? Did that at all come up in your mind's eye while the, sort of,  
11 quote/unquote, "delay" happening?

12 A I thought about that. I thought about, you know, like, why -- like, this is  
13 simple to me. And there are a lot of smart people that are dealing with this. And I  
14 can't understand what is the barrier for us getting to what it is we need to do. Right? I  
15 mean, what's the barrier?

16 For me, the Metropolitan Police Department, we had to be invited onto the  
17 Capitol property. The Capitol Police did that. I advised the Mayor, this is what we're  
18 doing. I've got to deploy troops. It was done. Period.

19 For the life of me, until this day, you know, I can only speculate, you know, I can't  
20 understand, you know, why did it take phone calls and meetings and, you know, trying to  
21 track people -- in the middle of a crisis, right, why did it take all of that to just get a  
22 definitive, "Yes, we're going"? Right? "We're going. We're going. There is a crisis."

23 We had to pivot -- you know, I didn't have anything signed off on by Congress or  
24 whoever to say, hey, we're blessing the Metropolitan Police Department, blah, blah.  
25 We just had to ask, right, to ask, where I say, "Look, we need you guys," and the response

1 was, "We're coming." And that was really kind of my expectation. That was my  
2 expectation on the call. It was my expectation, you know, for everything that happened  
3 after that. We're operating in a different space; we need to move differently.

4 And I've said this from day one. If we want to look at how people responded to  
5 January 6th, we have to look at how people were postured, we have to look at how  
6 people responded as the landscape of things changed. Some people may have done  
7 business as usual. You'll find that out. Some people may have responded and did  
8 things differently, you know? And I think, you know, that's how we get closer to -- you  
9 know, as you guys do your fact-finding, that's how you kind of get closer to how we  
10 corrected things that need to be corrected.

11 I would hope that, in the future, if there is a crisis on hand, that it wouldn't take  
12 several phone calls and approvals and this and that to re-mission National Guardsmen  
13 who are assigned to the District of Columbia; if we need them anywhere in the Federal  
14 landscape or Federal footprint, that we could quickly send those people where we need  
15 to send them to address whatever the issue is, and deal with, you know, the  
16 administrative stuff, if you will, on the back end of the crisis.

17 Q All right.

18 And so, before we get to January 6th, I wanted to -- if you could tell us briefly, run  
19 through how it is that MPD prepared. What was your posture like that led to certain  
20 successes on January 6th in terms of how fast you could respond in assistance to the  
21 Capitol Police? What was put in place beforehand, do you think, that assisted in that?

22 A So, beforehand, you know, obviously, we canceled days off so that we would  
23 have maximum staffing of personnel. We looked at all the things that were happening  
24 leading up to January 6th, and that informed our CDU posture in terms of when we  
25 needed to have people present.

1            You know, our preparation and deployment is not just this narrow window of  
2 time, you know, from whenever time there was a breach of the Capitol to the time it was  
3 over. You know, our operational period started days before this. So I've got to have  
4 people for the midnight shift because things could potentially happen there.

5            So, again, based upon all of these things, we're being very strategic about when  
6 we need to have maximum staffing, when can we get away with, perhaps, you know, not  
7 as many people staffed, and so forth.

8            The types of vehicles that we use, whether we are having officers in vans versus  
9 whether it's better to have officers more flexible on mountain bikes, as an example, so  
10 that they could quickly get to a location.

11           How many people do we have suited up and ready to go. I mean, all of those  
12 things leading up to January the 6th are intentional decisions that are being made.

13           The streets where people were deployed, to make sure, for example, that we had  
14 enough people positioned north of Pennsylvania Avenue and south of Pennsylvania  
15 Avenue so that, in the event that you have, you know, huge crowds, we have people  
16 north of the city and able to -- or north of this location to respond to things that could be  
17 happening downtown, and we don't have to, you know, try to get vehicles through  
18 people, and we have people south of that location.

19           So all of these things are things in terms of deployment that we're thinking about  
20 and planning towards, to include, all right -- and I don't recall the specific number, but,  
21 you know, all right, we need to have some resources south of Pennsylvania but also close  
22 proximity to the Capitol so that, in the event that Capitol Police need the Metropolitan  
23 Police Department, we're there and we can respond to assist them and we don't have to  
24 do all those things I just said, over the river, through the woods, travel through people in  
25 order to get to where we were needed.

1           And I think the way that our officers end up entering the Capitol was up  
2       Independence Avenue, and they entered, you know, from the north side of Independence  
3       Avenue and then were able to traverse to the West Front, which, you know, obviously  
4       ended up being the main point of contention.

5           So all of these things, again, are coming into play as we make determinations  
6       about our posture. Adding in the outside agencies, right? Okay, what if we,  
7       Metropolitan Police Department, we get so bogged down with this and that that's going  
8       on, what's our contingency? Well, we need people within the D.C. footprint, our  
9       surrounding partners. Let's strategically place them, this location, this location, this  
10      location, which we did.

11          Okay. What if we get overwhelmed by that, what's the next contingency? All  
12       right, Virginia State Police, let's have them on standby in Virginia. I can't remember if  
13       they were in Cumberland or somewhere, but they were in Virginia. Then we bring in  
14       Virginia State Police because we also may need to shut down bridge access.

15          So all of these things are part of what the Metropolitan Police Department is doing  
16       for, you know, how we plan for this, from the canceling the leave, the days off, you know,  
17       the most, you know, minute details, to these larger things, with, you know, adding in  
18       these other agencies and how many people are coming from the other agencies because  
19       they have to get reimbursed, I mean, for their services to the District of Columbia,  
20       ultimately to the Federal Government. But all of those things go into the planning  
21       process and decisions about how we do what we do.

22          Q       And so were those CDU platoons equipped, already outfitted, so that the  
23       only, sort of, delay in going to respond to the Capitol would just be the time it would take  
24       to get there?

25          A       Yes. But everybody was not equipped right out of the gate. They were

1 not all in hard gear. If you look at some of the video, you'll see some of our mountain  
2 bike officers out there, they have helmets on, but it's, like, mountain bike head covering.  
3 They don't have on the, you know, like, the hard, what we call turtle gear.

4 They don't have that hard-looking gear on, because they -- you know, at the  
5 moment that we were called in and springing into action, I mean, things were already  
6 bad. Those guys, I recall, when I left, a lot of them were suiting up -- additional  
7 responding officers were suiting up just off of the West Front, really just off  
8 Independence Avenue, suiting up, making their way down to the West Front.

9 So we had some officers who were in hard gear, some officers are putting on hard  
10 gear, and we were, you know, shifting them off the line, shoring up the line with hard  
11 gear also so that the officers who were in softer gear could don their hard gear. So it  
12 was a lot of that in-motion, in-the-moment stuff that was also going on.

13 Q And you may or may not have visibility into this, but were you concerned  
14 that Capitol Police might not be postured similarly to handle the same threat?

15 A I was, but that concern came up after I saw what appeared to me -- when I  
16 walked down to the West Front and I saw what appeared to be more Metropolitan Police  
17 officers than I did U.S. Capitol Police officers, it was definitely a concern at that point.

18 Obviously, later, you know, I saw videos, like, as an example, of, you know, Capitol  
19 Police officers kind of scattered along the West Front gate, not up near the doors of the  
20 Capitol but, you know, much further, closer to D.C. property. I saw video later on that  
21 showed, you know, Capitol Police officers -- again, I'm not -- as I was out there, I wasn't  
22 on U.S. Capitol Police property. You know, I'm looking at what's happening in the city.  
23 I'm looking at, you know, the areas of the Ellipse and where the crowds are flowing from,  
24 those kinds of things.

25 But was definitely concerned. I saw a lot of injured Metropolitan Police officers

1 as I made my way down to the West Front. And I did see some Capitol Police officers  
2 but certainly not the deployment that I would've expected to see at that point.

3 Q And before we get to run through your day on January 6th, I just had a quick  
4 question about, on January 4th, there appears to have been a conference call between  
5 yourself, Steve D'Antuono from FBI Washington Field Office and Ashan Benedict from the  
6 ATF.

7 I just was wondering if you could talk to us, if you recall the call, just what the FBI  
8 was telling you. We're trying to sort of get a visibility, a picture into what the FBI was  
9 seeing, you know, what were their concerns, what were they talking and discussing with  
10 local partners about.

11 And so, if you recall what they said on that call, if you could share that with us.

12 A I don't recall specifically what was shared, but I can tell you, I mean, that the  
13 preparation in terms of the things that we talk about, I mean, it's pretty much -- you  
14 know, it's pretty consistent.

15 D'Antuono would've been talking about, you know, just kind of anything that's  
16 coming in to him from, you know, outside of the -- whatever we have, D.C., what his local  
17 office is hearing. But, also, a lot of these people who attended, you know, they took  
18 airplanes to get here. You know, they are from, you know, this town or that town or this  
19 city or that city. So, if there were things -- and I don't recall any specifically, but if there  
20 were things that were happening in the spaces where these individuals who were making  
21 their way to the Nation's capital were coming from, it would've been relayed to him, and  
22 he, you know, obviously, you know, relayed to us.

23 For ATF, it would've been, you know, them talking about -- you know, I don't recall  
24 the number of resources that they had, but they were also inside of the Capitol, inside of  
25 the Rotunda at some point. But Ashan would've been talking about, you know, here's

1 what we -- and D'Antuono -- you know, here's the resources, like those special tactic  
2 people, you know, that we'll have on standby in the event that these guys are needed.  
3 And, ultimately, those resources deployed, right?

4 And it would've been, really, again, just kind of a sharing of information, right?  
5 Like, yeah, I got A, B, C; I got everybody deployed; I have this, I have that. You know,  
6 maybe my special ops guys with your special ops guys, you know, to do this or that or  
7 whatever.

8 But it would've been a coordination of the executives for ATF, FBI Washington  
9 Field Office, and MPD to talk about those types of things. And that is not out of the  
10 ordinary. You know, we have those conversations regularly.

11 [REDACTED]. Were there any questions about the lead-up to January 6th?

12 [REDACTED]. Yeah. I just had one.

13 [REDACTED]. Yes.

14 Okay. So my colleague is going to ask you --

15 Chief Contee. Yes?

16 [REDACTED] I'm off-camera, but that's okay.

17 BY [REDACTED]:

18 Q Thank you, Chief Contee. I just have a quick question about the summer  
19 protests.

20 And you mentioned that there was a lack of coordination that led to that  
21 January 5th letter of Mayor Bowser, which I pulled up and read and understand it as what  
22 you're saying, as requesting coordination of these Federal agencies.

23 A Uh-huh.

24 Q So did you have any visibility as to who was leading the summer protests in  
25 terms of the response?

1           A     Who was coordinating the -- from the Federal level?

2           I believe, at that time -- because there were a lot of meetings. And I'm sure the  
3     Federal guys would be able to weigh in on this. The Attorney General, who coordinates  
4     the Federal law enforcement forces -- FBI, all those -- Attorney General Barr at the time,  
5     you know, they all reported to him.

6           And there was coordination, or he was -- you know, I was not in any of those  
7     meetings. I was not the chief at that time. I recall, you know, talking to our chief at  
8     the time. And there was certainly, you know, coordination of the Federal resources,  
9     like, at that level. And, you know, there were several meetings that were had. And  
10    even after January 6th, I mean, you know, I had meetings at the -- gosh -- you know, at  
11    the FBI main headquarters and so forth.

12           So there were a lot of players for the Federal response, but I believe the Attorney  
13    General was very heavily involved with the meetings that they were having in  
14    coordination of the Federal resources that were on the ground in D.C.

15           Q     Is it fair to say that, from a D.C. government/MPD perspective, the playbook  
16    that happened over the summer, you did not want that to play out on January 6th?

17           A     In terms of the Federal resources that were deployed? I don't know --

18           Q     Also the --

19           A     Go ahead. I'm sorry.

20           Q     And also the aggressive posture that some of these agencies took.

21           A     Well, I can certainly say, I mean, I know -- and I'm not speaking for the  
22    Mayor. I'm just telling you what's been consistent. You know, aggressive posture was  
23    not the ask, you know? We responded, and we would have an expectation that,  
24    obviously, if people are being violent, then that's a response that requires a higher level  
25    of response versus if we just have people who are expressing their First Amendment

1 rights.

2 You know, I'm not talking about people throwing rocks and bottles and bricks and  
3 rats and everything else that they threw at the police over some of the summer protests.  
4 I'm not talking about that. I'm just saying, people who are peacefully gathering,  
5 chanting, sitting in the street, whatever it is they're doing, that's a different type of  
6 response that we would do. It's a different type of response that we would expect for  
7 anybody who's dealing with people here in our Nation's capital.

8 Q I just have one question on the intel piece, and then -- being cognizant of the  
9 time.

10 So, when you would have these coordination meetings leading up to January  
11 6th -- and you mentioned Steve D'Antuono, who was running the WFO office, ATF, all  
12 these other components -- did it appear to you that you were all seeing the same type of  
13 threats and intel going into January 6th? In other words, did anyone have anything  
14 unique that you didn't have visibility to?

15 A No. I didn't hear anything unique, like, "Oh my God, like, these guys, you  
16 know, they have something totally different that we haven't heard before."

17 I think, you know, everybody -- and we may have kind of talked about this a little  
18 earlier. I think, you know, everybody expected, you know, that this would probably be  
19 different. I think, you know, most people probably didn't, again, look to include -- all  
20 those people who came to work that day didn't expect it to be to the magnitude that it  
21 was. That's my assessment, my personal assessment.

22 Q When you spoke about how this felt differently -- and I appreciate you kind  
23 of, you know, describing that as a kind of, like, emotion that you felt, that it felt  
24 differently -- but when did that first occur to you, that this was going to be different?

25 A So, the morning of January the 6th, when we started seeing, you know,

1       thousands of people -- I mean, they were gathering very, very, very early in the morning,  
2       and we were getting reports of some individuals armed. There was one, I think, where  
3       there was a guy, like, sitting up in a tree or something like that, and, you know, somebody  
4       had called and told us this individual was armed.

5           And as we were moving through -- and this may have been around, I don't know,  
6       11 o'clock, 11:30, somewhere around the 11 o'clock hour -- there were a group of  
7       probably about 300 individuals that were, you know, kind of lined up in their marching  
8       formation, so to speak. Some of them had these orange hats on. But, you know, they  
9       had tactical vests on and all this, and they were making their way down the panel.

10          I mean, what was happening at the Ellipse was happening at the Ellipse, but these  
11       300 -- and, by comparison, just so you understand where I'm coming from, for the  
12       Metropolitan Police Department, in terms of the things that we deal with, even if we got  
13       bad actors, like, 300 people is not, like, super-significant. It's not something that we  
14       wouldn't be able to handle.

15          But they're making their way down, you know, towards the Capitol. And there  
16       was some communication between MPD and Capitol Police, like, hey, you know, you've  
17       got these folks making their way -- you've got these individuals that are lined up, they're  
18       making their way down to the Capitol. Right? So, like, you know, "Hey, look, you  
19       know, this looks different," you know.

20          As we moved through the crowds, you know, there were people, like, shouting  
21       things like, you know, "You guys are traitors" or -- I mean, they were -- and that didn't  
22       happen in the previous one.

23          So this, like I said, certainly felt different than what the previous experience was,  
24       especially as I was moving -- you know, I was moving about, just moving about the crowd  
25       in the Constitution Avenue, Independence Avenue, Pennsylvania Avenue space from the

1 Ellipse all the way up. Freedom Plaza, you know, there were people that were just -- I  
2 mean, it was just hundreds and hundreds of people that were there.

3 And, emotionally, I mean, there were a lot of people that were just, you know,  
4 kind of charged up. And, I mean, you can tell when -- I mean, some people who may  
5 have never been in a fight before, they might not even understand what I'm talking  
6 about. But when you see people that are, like, tensed up, kind of amped up, I mean,  
7 that feels different from, you know, everybody just, you know, here having a lovefest,  
8 expressing their First Amendment rights. This was different. It was altogether  
9 different from anything else that I've ever experienced.

10 Q I think that's a good segue for January 6th.

11 Thank you.

12 BY [REDACTED]

13 Q All right, Chief, if you could just briefly tell us about your morning on January  
14 6th, of course, up until you hear that the Capitol has been breached.

15 A You know, like any of our major events that we have, I got up; situational  
16 awareness for what's happening with the police department. I'm sure I reached out to  
17 our homeland security folks just to kind of take a temperature of where are things.

18 And as I started making my way in, before I picked up other members of my team,  
19 you know, I just kind of was driving in the downtown area just to kind of get a look and  
20 feel, if you will, for, you know, what was going on. Is it these thousands of people that  
21 we were expecting, or is this a big flop where we're not seeing as many people?

22 And because I had come in very early that morning -- I would say it was probably  
23 6:30, somewhere around there -- there were a lot of people out there very early in the  
24 morning. And, I mean, it was just a constant flow of people making their way down  
25 towards the Ellipse.

1           So, all that being said, you know, I made it in, picked up other members of my  
2       team. It was my chief of staff at the time and one other commander who was in the car  
3       with me, and we just began to move about the city. We moved about particularly in the  
4       downtown space, not out in other communities. Checked in, you know, with our team  
5       to make sure that our outside resources were in place. Moved around.

6           And, at that point, that's when, you know, I'm starting to -- around the 10 o'clock  
7       hour, we're getting calls about people with guns and all this kind of stuff. But, in  
8       addition to that, in addition to getting the calls about the people with the guns and so  
9       forth, I'm, you know, just trying to make sure that, in terms of the Metropolitan Police  
10      Department's plan, you know, the added piece of the National Guard, you know, talking  
11      to Secretary McCarthy, you know, that everybody's kind of, you know, on their game for  
12      what it is we're working on for that day.

13           So, you know, that went on, and it wasn't, you know, a very long time. Those  
14      guys marching up the panel was about -- like I said, that was just maybe before 11 o'clock,  
15      and stuff really kind of kicked off right after that.

16           After they made their way down to the Capitol, we know we had the breach at the  
17      gates down there. And, after the breach, you know, we had the pipe bombs that were  
18      found in short order. And, I mean, it was just relentless after that.

19           Even at the point where, after I reached out to the Mayor -- and I don't want to  
20      get ahead of your questions, but -- things happened, at least on the -- you know, as things  
21      started to deteriorate, they started to deteriorate very rapidly after that initial breach  
22      was made of the bike fencing that they had on the far end of the Capitol, "far end" being  
23      the end closest to 3rd Street. Things deteriorated pretty rapidly after that.

24           Q     Okay.

25           And so, before we get to the sort of infamous 2:30 phone call, had you been asked

1 to deploy MPD to the Capitol before that?

2 A Before the call? Yes, before the call.

3 Q Talk us through that.

4 A Yeah. So I'm trying to recall if it -- I think Chief Sund may have reached out  
5 to -- may have reached out directly to Chief Carroll. I think he reached out to him  
6 initially. There were several conversations. I talked to him; the assistant chief talked  
7 to him. But Chief Carroll talked to me and said, "Hey, you know, Chief, Capitol's  
8 requesting MPD," and I'm like, "Of course. Go."

9 We start deploying those resources. And then, you know, there were some  
10 subsequent conversations, you know, with U.S. Capitol Police Chief Sund that ultimately  
11 led up to the 2-whatever-time-it-was call.

12 Prior to that, again, you know, we're having conversations about, you know, we  
13 got bombs, real bombs, that are being located at the Capitol before the 2:30 call. I got  
14 several officers that are injured on the West Front of the Capitol.

15 At that point, at the -- after the breach, and they're making their way up  
16 toward -- or they're up by the inauguration stand at this point -- we're deploying  
17 munitions and gas and -- I mean, everything that's going on.

18 Before the 2:30 call, I've already called the Mayor. I've told her that we need to  
19 enact a curfew.

20 I mean, all those things are happening prior to this 2:30 call. So it's a lot of stuff  
21 that's going on. And, ultimately, obviously, the best place for me was not to be -- to  
22 command the department, and everything else was going on not just at the Capitol but  
23 still across our city -- was not to be stationary on the West Front of the Capitol.

24 I left the West Front of the Capitol, made my way back through the crowds of  
25 people. Because, again, we're on the Independence Avenue side, where my office is;

1       we're on the north side of that. So we've got to wade through all these people that are  
2       out there in order to get back to our command center.

3           And, you know, leading up there, obviously the Mayor met me there, and several  
4       other members of our team -- the District government's team, that is -- met there. And,  
5       you know, ultimately, that led up to the 2-something phone call.

6           Part of that, you know, Dr. Rodriguez was, you know, doing the things that he  
7       needed to do. But, in that time, you know, I'm trying to reach the chief of U.S. Capitol  
8       Police. I'm unable to reach him, you know. And I think, later on -- you know, maybe  
9       he was briefing, you know, leadership in Congress or whatever. But I was not, you  
10      know, able to talk directly to him at the time. And that, obviously, was a source of  
11      frustration.

12           So I ended up deploying one of the members of my team. Chief Carroll ended up  
13      at Capitol Police Command, and I also sent a commander over there, because I wanted  
14      real-time visibility into what was happening in U.S. Capitol Police Command. And the  
15      fact that we couldn't, you know, like, talk directly to the chief in the moment when I  
16      needed to talk to him, you know, that just didn't -- and, as many officers as I had  
17      deployed there, we needed more visibility.

18           So, when Director Rodriguez, you know, he shows up with his phone, he's like,  
19      "Hey, I got Chief Sund on this bridge call," you know, obviously I'm anxious to talk to him  
20      at this point just to kind of make sure that we're syncing up about, you know, what's  
21      going on or, you know, what are we doing and what needs to be done, kind of thing.

22           And I didn't take, you know, a roll call of who was on the call. I mean, there were  
23      several people on there. I don't know who were all the people that were on there.

24           I know that there were some military people on there. And I just want to make  
25      sure that we're clear about this: You know, with respect to Secretary McCarthy, I don't

1 know that he was on that call. I don't think he was on that call. I'm not certain, but,  
2 again, I didn't take roll call.

3 And I only say I don't think he was on the call because, based upon the voices -- I  
4 have been in communication with him now for the last couple of days. When he, you  
5 know, would talk to me, he would call me directly on my cell phone or whatever and, you  
6 know, we'd talk. But, in this space, it sounded to me like there were other people from  
7 the military who were chiming in and, again, you know, having this discussion about  
8 optics and all this kind of stuff.

9 So there were other people that were on there. I just don't know all the players  
10 who were on this bridge call.

11 Q All right. And let's tie up some loose ends before we get to that phone call.

12 A Okay.

13 Q Between the ask for MPD to come in support and when you were able to get  
14 your officers out there, how long did that take?

15 A Minutes. I don't know the exact time, but I would definitely say it was  
16 under 20 minutes, about 20 minutes, somewhere around there. But it did not take a  
17 long time for us to get there.

18 Q And is this after the breach of the bike rack but before there was any breach  
19 of the actual building itself? Is that fair?

20 A That's correct. That's fair to say, yes.

21 Q And, at this point -- correct me if I'm wrong -- you're at the Capitol itself.

22 A Yes.

23 Q And you told me, you know, you're watching, you know, the sort of injured  
24 officers, munitions. You, yourself, are sort of experiencing, feeling it in your throat the  
25 sort of stuff that's going on around you.

1           A     Absolutely. So, I mean, all of that is going on, and the gas stuff and the  
2 spray, the mist that's in the air, I mean, it's real. My chief of staff, you know, he's  
3 coughing. I'm trying to talk to the Mayor to give her a situational update, and the city  
4 administrator -- I've got them both on the line. I'm coughing, trying to explain what's  
5 going on.

6           But it was clear, you know, obviously, that this was certainly something different.  
7 And, while there was the line of police officers there and there was -- you know, you  
8 could see white space at that time, from where I'm standing to where the officers are,  
9 where the crowd is, the space that the officers were defending, you could see that.

10          But, you know, all these things are really kind of going on all at the same time.  
11 And the presence of the chemical munitions and so forth, whether it be MPD, stuff that  
12 people in the crowd had, stuff that U.S. Capitol Police were using -- I mean, it was really,  
13 kind of, all of that going on simultaneously.

14          Q     And so you head over to MPD headquarters to meet up with the Mayor. Is  
15 that fair?

16          A     Yes.

17          Q     And at that point that you leave the Capitol to go to MPD, there hasn't been  
18 a breach of the building itself yet, correct?

19          A     No, there had not been at that point.

20          Q     Okay.

21          And so then I know that Dr. Rodriguez and yourself and Chief Sund are on this  
22 phone call that Dr. Rodriguez is the one who sets up. Is that correct?

23          A     I think he did. I mean, to this day, I mean, I can't say that I specifically  
24 asked him, "Hey, did you set this up?" I know he showed up with a phone and he said  
25 that he has Chief Sund on a bridge.

1           And, you know, again, I'm squarely really focused on, you know, what's happening  
2       in the command center. I'm looking at probably 20 different screens. I'm focused on  
3       that, and he shows up with the phone. I don't know anything beyond that. He shows  
4       up, and he says that Sund is on the line.

5           Q    And I know that members of the military and members of DOD are being  
6       patched in. And, as you mentioned, you're not aware who was being patched in, but  
7       you can see that there are people from DOD speaking and now a part of the call. Is that  
8       fair?

9           A    I can hear, yes. I can hear that they --

10          Q    Hear. Excuse me. Yes. Because it's not videoconferencing, correct?

11          A    Yeah, it's not a videocon- -- I can hear that there's these other guys that are  
12       on the call. Yes, that's correct.

13          Q    And I know that your intention was to link up with Chief Sund to figure out  
14       what his needs were and what was still going on at the Capitol.

15          Did you have a clear understanding of what the objective was in patching through  
16       to members of the Department of Defense? Was it your understanding that someone  
17       was seeking to either reach McCarthy or Secretary Miller or that there was some sort of  
18       ask coming, or that this was just sort of a phone call where a bunch of people were just  
19       patched in?

20          A    So, I mean, initially, I wasn't sure, you know, what the purpose was. I'm  
21       trying to get a hold of Sund, right? But what was clear on the call was what his ask  
22       was -- what his, Chief Sund's, ask was. Because I reiterated his ask to make sure that my  
23       understanding of what he was asking for, that there was no ambiguity there whatsoever.

24          So, again, there was discussion around that, but, you know, he was very clear  
25       about what he was asking for. And I want to say he even used the word, like, "I am

1       pleading." I seem to recall that. But, I mean, I've had, you know, again, several  
2       discussions with him, January the 6th and even after that. But, I mean, if he didn't use  
3       the word "plead," he was pleading, and that's based upon what I heard him asking for.

4           Q     Okay. And so was this request, this plead for the National Guard, was that  
5       the sort of -- was that the first person to bring up the National Guard? Or did members  
6       from the Department of Defense that were speaking, did they bring it up first, or did it  
7       come from Chief Sund first?

8           A     I heard Chief Sund bring it up first. I didn't hear -- I heard the people from  
9       the military respond to his plea. I didn't hear them, you know, just kind of outright  
10      talking about, "Hey, you know, these are the resources we have. You know, what do  
11      you got?" I didn't hear any of that.

12           What was being discussed on this call for the time that I was part of the call was  
13      simply him making a request and there not being any resolution to his request. You  
14      know, there was the discussion about -- the infamous talk about optics. That came up  
15      again. There was talk about boots on the ground again. You know, that's not good  
16      optics, having boots on the ground. You know, the optics of -- all that was talked about  
17      on this call. I don't know who from the military side was saying those things, but those  
18      things did come up as we had this conversation.

19           Q     Just for the record, you mentioned, again, those phrases were phrases that  
20      you recognized because you had heard them from Secretary McCarthy previous, the word  
21      "optics" and the phrase "boots on the ground" and those concerns. Is that what you  
22      mean by you were hearing it again?

23           A     Yes.

24           Q     And, of course, this time, this was not Secretary McCarthy who was  
25      speaking, right?

1           A    That's correct. It was not him that was speaking. I don't know who, but it  
2 was not him.

3           Q    Okay.

4           You, before, previously, you know, mentioned some names, McConville and Flynn,  
5 generals --

6           A    Say it again?

7           Q    You, before, mentioned some names, like General McConville and General  
8 Flynn?

9           A    No, I don't think I mentioned their names --

10          Q    Okay.

11          A    -- specifically, no. I don't know -- I mean, I've heard that afterwards,  
12 but -- and he had several generals -- he, McCarthy -- had several generals, you know,  
13 one-star, two-star, whatever, generals, who were with him in the lead-up to and on  
14 January the 6th. At different points, he had different people with him.

15          But I don't recall the name specifically of, you know, General Flynn or McConville  
16 being specifically named on the call or them identifying themselves to say, "Hey, this is  
17 General So-and-So speaking." I don't recall that, no.

18          Q    Okay.

19          But you do recall that the voices -- you recall where they were coming from, that  
20 they were representatives of the Department of Defense. That was something that  
21 stuck with you, yeah?

22          A    Yes. Absolutely. Yes, sir.

23          Q    And what was their response to the pleading from Chief Sund?

24          A    It was more -- and this goes back to what I talked about earlier. You know,  
25 I mean, they were asked -- it was a very sluggish response. Like, you know, again, after

1       the optics, after all of that stuff, then it was, you know, they wanted, like, specific  
2       information. There was something they were talking about, like, mission and, you know,  
3       like, what exactly they're going to be doing when they get there.

4           I mean, really, what I felt like -- and, again, I'm assuming that maybe that's just  
5       military posture, right? They want to know what they're getting into, all that kind of  
6       stuff. And, you know, maybe they have a template for how they -- again, this is totally  
7       an assumption on my part. What I know is that that is different. Yes, we want to have  
8       a plan and we want to have so-and-so, but we're first responders, and things are  
9       happening right now, and we go right now, kind of thing.

10          So my expectation, again, is that we're going to be -- you know, the response is  
11       going to be that way. But I didn't hear that. And I wanted to be very clear. So I  
12       stopped Chief Sund mid-sentence in whatever response he was giving. I said, "Wait a  
13       minute. Hold up. Let me make sure that I understand this correctly. Chief Sund, are  
14       you asking -- I want to make sure I understand -- are you asking for support from the  
15       National Guard at the U.S. Capitol?" His response to that was, "Yes."

16          I said to the military people on the phone, "Chief Sund is requesting support from  
17       the military for National Guard support. Are you guys honoring his request?" I asked  
18       them that. And they didn't say "no," but they also didn't say "yes." There was more  
19       discussion around this whole optics, this whole -- you know, everything but "yes," right?

20          I mean, again, I have this thing unfolding in front of me in the command center.  
21       And, you know, the military, Capitol Police, MPD, I mean, you know, we're on this call,  
22       and whoever else is listening. And we're not getting to "yes." We're not moving any  
23       further down the road to "yes." I think, you know, at the end of it, you know, the  
24       resolve was that there was going to be more conversation or something and, you know, I  
25       guess they were going to figure things out.

1           I mean, again, that didn't impact the Metropolitan Police Department's ask. This  
2       is the ask of United States Capitol Police at this point, right? This is Chief Sund's ask.  
3       They didn't say, "Well, hey, Chief Contee, you know, can we take your resources that we  
4       already have deployed, that are a couple blocks down the street, and can we" -- that  
5       wasn't the conversation. Because, to that, certainly, you know, "Hey, do what you need  
6       to do. I'll figure this part out." You know what I mean? But that wasn't the  
7       conversation.

8           I think when I testified before Congress before, I said it was a tepid response.  
9       That's a tepid response from leadership, you know, a tepid response for the people who  
10      were on the call, whoever those people are. And, again, I don't have a dog in that fight.  
11      I don't know who was on the call. Quite frankly, it really doesn't matter to me who was  
12      on the call. That was the response.

13           I don't think there's anybody on that call who will say to you that the response  
14      was, "Yes, we're sending the National Guard. They will be there in the next 15 minutes."  
15      Nope, that didn't happen on that call.

16           Q     Did anyone tell you on that call that McCarthy was going to go get approval  
17      from Secretary Miller? Was that communicated on the call?

18           A     If it was, I don't remember that.

19           Q     Were you wondering to yourself maybe where McCarthy was or whether,  
20      you know, the members of the military on the call who are expressing some reluctance,  
21      whether they have the authority to either say a "yes" or a "no"?

22           A     In that moment, I'm sure I did, because at some point I know he showed up  
23      at police headquarters. And when he showed up at police headquarters, you know, he  
24      was really committed to getting, you know, whatever resources.

25           Again, you know, at this point now, you know, stuff is already -- it's already bad at

1       this point, right? But, you know, he's committing, you know, "Hey, I'm going to  
2       get" -- and he was having -- he would go off into a room with his team, and they would  
3       have discussions. I don't know who they were talking to on the phone. It really didn't  
4       matter to me. You know, he was trying to be -- you know, I felt like he was trying to be  
5       responsive, you know, at that point.

6           I remember there was a discussion at some point about the -- you know, this is  
7       later into the night, or later into the evening -- there was a discussion about putting  
8       fencing up around the U.S. Capitol. And the question was -- I don't remember who  
9       raised it -- you know, who's going to pay for the fence? He said, I'll pay for the fence.  
10      You know, we'll get the fence up, blah, blah. You know, so he was trying to be, you  
11      know, responsive at that point. Again, this is post-breach. This is post- all of those  
12      things that occurred.

13       And when he's huddling with his team -- you know, there were times I was  
14      huddling with my team, and he wasn't part of those discussions, right? I'm having larger  
15      discussions about how we deal with things in the city and how I deploy additional police  
16      officers who were responding in, you know, what was going to be their staging posts.  
17      So there were conversations that he was having that I was not part of, and certainly  
18      conversations that I was having that he was not part of.

19       But he was certainly in the space to hear what the needs were, what the asks  
20      were, and to, you know, do whatever he needed to do, make a decision right then and  
21      there in the moment, or talk to whoever he needed to talk to to coordinate, whether it  
22      was with General Walker or somebody that's above him. You know, he certainly had  
23      room to do whatever he needed to do to get done what we needed to get done.

24       Q      So I'll ask you about -- I know you linked up obviously with Secretary  
25      McCarthy later at MPD headquarters. In terms of the call itself, do you recall people

1 talking about their "best military advice" being against the deployment of the National  
2 Guard, that phrase?

3 A I seem to recall that. There were a lot of things going on, man, and I wish I  
4 could say, you know, that I recall it as clear as day. That would not be out of the realm  
5 of possibility, because I remember just, you know, with all that was going on, not hearing  
6 a "yes," you know, just increasingly growing a little bit frustrated with that and hearing  
7 what I would in my mind qualify as, like, excuses and not decisive action. I wasn't  
8 hearing decisive action, right? I was hearing, like, all the reasons, you know, why we  
9 shouldn't be doing this.

10 And, again, there are a lot of things that are happening. People are reporting  
11 shots fired in the Capitol, all that kind of stuff. And, you know, not knowing whether  
12 one of my officers got shot, whether it was a -- you know, just what was going on, I mean,  
13 I kind of felt like the call, quite frankly, I felt like it was a waste of time. Because the ask  
14 was there, and, at the end of the day, you know, Chief Sund didn't immediately get what  
15 he asked for.

16 Q Do you recall anyone threatening, and not in a pejorative sense, but  
17 threatening to tell the media that the DOD was denying the request for the National  
18 Guard to respond?

19 A I can't say that I recall that. You know, if that happened, I don't remember  
20 anybody saying that specifically, no.

21 Q And, at the end of the call, what did you come away thinking what was going  
22 to happen next? Did you feel as though you had gotten a "no" or that Chief Sund had  
23 gotten a "no"? He had gotten a "not right now"? What did you think was going to  
24 happen with the National Guard once the call concluded?

25 A I felt like whoever was on the call was going to probably call Secretary

1 McCarthy, and I felt like Secretary McCarthy -- because, you know, in my interaction with  
2 him from January 6th all the way through the inauguration, you know, he's, like, this  
3 collaborative guy, right? So it wouldn't surprise me -- like, I'm sure he's having  
4 conversations with leadership on Capitol Hill. I'm sure he's having conversations -- this  
5 is just kind of how I saw him operate, you know, from that time leading all the way  
6 through inauguration. So, you know, my sense is that there was probably some  
7 conversation with him.

8 And when he got to MPD headquarters, you know, it was very different from what  
9 was on the call, right? It was, you know, "I'm here to help." Like, "Hey, you know, I  
10 can get, you know, 30,000 troops from wherever over the next 24 hours." You know,  
11 I'm just throwing that number out, but they were huge numbers. And I'm like, you  
12 know, this dude is really -- you know, he's really trying to make things happen.

13 You know, again, the breach has already occurred at this point, but it's refreshing  
14 to at least hear -- you know, here's the guy in charge, you know, at least on the level that  
15 I'm dealing with, here's the guy in charge that's trying to figure out, you know, hey, look,  
16 we're going to pay for the fence, I can get guardsmen here, you know, we need to do A, B,  
17 C, and D. You know, he's making calls, he's talking to leadership over here, you know, or  
18 whoever he's talking to in the Capitol Building. Here's a guy who's trying to make things  
19 happen.

20 So, you know, I felt, you know, kind of a sense of reassurance, right, that, once he  
21 got involved when he showed up at MPD headquarters, like, he was going to, you know,  
22 help facilitate to get things done.

23 You know, to this day, I don't know who ultimately gave their approval to move  
24 the MPD people from, you know, where they were positioned, to, you know, their new  
25 spot on the Capitol grounds, but my assumption is that that had to be Secretary

1 McCarthy, because the direction was, "Hey, any re-mission of these guys, blah, blah, blah,  
2 I have to give approval for that." So I'm assuming that he probably made that happen.

3 You know, the fact of the matter is that, you know, we got guardsmen there.  
4 You know, it didn't matter to me, you know, who ultimately gave the green light. I really  
5 didn't know or don't know and really didn't care, quite frankly. The fact of the matter is  
6 they were there, they were responding. And that was something different from the  
7 tepid response that we had initially heard.

8 Q Okay. And before I get into your conversation with Secretary McCarthy,  
9 person at MPD, I just have two quick questions.

10 What was your understanding of the Quick Reaction Force, whether the purpose  
11 was for them to go assist in traffic control so that MPD officers can be freed up to  
12 respond to the Capitol or that they, themselves, would do the civil disturbance and be  
13 sent over to the Capitol? Did you ever have a grasp of that, of what you thought would  
14 happen?

15 A Well, a Quick Reaction Force -- I mean, we wouldn't be sending a Quick  
16 Reaction Force to do traffic, kind of thing, right? I mean, if we're calling the Quick  
17 Reaction Force in, I mean, these guys are in hard gear because things have gone bad.  
18 You know what I mean? That's a different kind of deployment, if that makes sense to  
19 you. It's different from the normal stuff.

20 And these guys, you know, generally, from the National Guard -- like, you asked  
21 the question, like, how long did I think it took MPD to get there, you know, kind of thing.  
22 A quick reaction for a Quick Reaction Force would be -- it would be very similar to that,  
23 right? Like, they would be postured, and I can't remember where, but let's say, like,  
24 they're postured on a bus or they're at the D.C. Armory, for example, with a response  
25 time -- because we're specific. Sometimes when we do this, we'll say, hey, look, like for

1 inauguration, we need a response time of 25 minutes or a 30-minute response time,  
2 something like that. And they'll tell you, all right, you know, we've got 250 guys, we can  
3 get there in 20 minutes to -- whatever the response is.

4 So, you know, that's something that they do in their space, the National Guard.  
5 You know, we don't dictate how they do it. We just present the ask, that we need them  
6 to be able to get here in 20 minutes or 30 minutes, something like that. And they'll tell  
7 you, well, we can do that, or, that's not reasonable because -- you know, some of the  
8 guys from that Quick Reaction Force, for example, instead of at the Armory, you've got  
9 some of these guys doing their regular job at Andrews Air Force Base. And so it's going  
10 to take them time to get from Andrews Air Force Base to get their stuff together, and it  
11 might be an hour, depending on, you know, the type of thing that we have going on here  
12 in the city.

13 So I don't recall what their response was for that day, but I'm sure, like, General  
14 Walker, he would definitely know, like, yeah, we had a response time of 35 minutes or  
15 20 minutes.

16 Q And so, when you heard the phrases like "re-missioning," that sort of -- you  
17 called them excuses -- on the 2:30 phone call, what was your thought about that? What  
18 was your thought about whether that was necessary with the Quick Reaction Force?  
19 How did that sound to you? How did that ring to you?

20 A I didn't feel like it was consistent with what I would expect or what our  
21 experience with the National Guard had been before.

22 Even when Secretary McCarthy -- like, for example, even when, at the beginning,  
23 where he said, hey, you know, doesn't look good, blah, blah, blah, blah, he was at  
24 least open to us having a discussion. I mean, we had time at that point, right? And I  
25 told him I needed a decision by the next morning. I told him, I've got a press conference

1 at 11:00, so -- I've got to meet with the Mayor before that, you know, so I'd like to be able  
2 to inform her properly, you know, kind of where we are, what we're doing, kind of thing.  
3 So he was responsive, right? And that response, that call, that was not consistent with  
4 what I felt like was responsiveness that, you know, we are normally accustomed to.

5           And, again, I don't know who's responsible for that. It was just different. And  
6 whether they had to call him to get approval or whatever it was they had to do, it  
7 contributed to a delay. Maybe there was deliberation. You know, I mean, certainly I  
8 have conversations with my team about things, but I have conversations and we  
9 deliberate, you know, when there's time to do that. Sometimes you don't have an  
10 opportunity to, you know, write out a full-scale plan or mission or, you know, what the  
11 guys are going to be doing.

12           You know, my assumption would be that these guys are going to go and they're  
13 going to line up, you know, next to the police officers and they're going to defend the  
14 Capitol of the United States. That's what the mission is. You know, kind of  
15 cut-and-dry, right? We're not sending them for traffic control. We're not sending  
16 them up there to do -- you're going to stand up there side-by-side with the police officers  
17 who are requesting the assistance to make sure that people that are in our United States  
18 Capitol are safe, that our democracy is able to move forward, that the vote -- you know,  
19 that they're going to do that.

20           And it was crystal-clear to me about the importance of what the police officers  
21 were there for. And I don't know, you know, how we could have made that any plainer  
22 to the other people that were involved on that day.

23           Q     So, when you ultimately see Secretary McCarthy at MPD headquarters, if the  
24 phone call is around 2:30 and that's when the initial request from Sund comes in, by the  
25 time you meet up with McCarthy, what time is that at? And is it true, in fact, that at

1 that point the deployment hadn't happened from the National Guard?

2 A I honestly don't remember. There was so much going on. And, I mean,  
3 that obviously was an incredibly long day. I just know that the guy showed up. When  
4 he showed up, he had a team of people with him. We were all huddling at some point  
5 about, you know, just kind of the state of affairs of what's going on.

6 In fact, I want to say he was there for the first press conference that we did, which  
7 was around 4-something I think, which --

8 Q Yeah. So, then, let me ask you this. In your conversations with him, he  
9 was still talking about the deployment of the National Guard as a future event, right?  
10 "We're going to -- we're going to do this." Is it your recollection that, certainly by the  
11 time that you're talking with him, as you said, around, you know, 4 o'clock, that the  
12 National Guard had not yet been deployed? And was he giving you reasons for why the  
13 approval had not yet been given?

14 A No, he didn't give me reasons why.

15 And it was more of future state. Like, I'm going to have X amount of, you know,  
16 people, you know, however many -- I mean, there were a lot of numbers in between then  
17 and inauguration that we talked about, and I don't want to conflate the two. But, on  
18 that particular day, January 6th, prior to the press conference, you know, I'm almost  
19 100 percent certain that the National Guard, they were not standing on the West Front of  
20 the Capitol with MPD at that time, at 4-something, when we did the press conference.

21 It was, you know, he, as the Secretary, was maybe getting the wheels in motion  
22 to -- you know, whatever that looks like on his end. I kind of interpreted it that way.  
23 That was better to me than "we're absolutely not doing it," or, "we don't know if we're  
24 going to do it."

25 And for them to -- you know, again, I don't know what their deployment looked

1 like. Let me explain that, right? So, for the Metropolitan Police Department, when we  
2 deploy and we have a civil disturbance unit deploy, you know, we're doing the things that  
3 we need to do, our guys are going to have all of our gear with us in the trunk of the car, in  
4 the van, in the bus, blah, blah, blah, blah, blah. Right? We're going to have that with  
5 us. We're not going out there with all this hard gear, but if we need it, we got it right  
6 there. We don't have to go back to the barn to get it and then come back.

7 That doesn't make sense on our side. I can't speak for the military, but I'm not  
8 sure that they necessarily had everything that they needed with them at that point to be  
9 able to safely deploy people with helmets and -- I don't know how they deployed.  
10 Again, probably a better question for General Walker. But I know how the Metropolitan  
11 Police Department -- what I've learned through this process is that, if I assume that  
12 everybody else functions the way that we function, you know, I kind of get disappointed  
13 in that space.

14 So I don't know if these guys had to go back to the Armory, grab their gear, and  
15 then come back, or if they just took them right from the post where they were and they  
16 just, you know, went a short walk down the street or put them on a bus or in a van or  
17 unmarked vehicles, loaded them up. I don't know what they did. I just know at some  
18 point they showed up and they evidently received the order to be able to move from the  
19 locations where they were to the new location where they were needed. And that took  
20 several hours in order to accomplish that.

21 Q Okay.

22 And so, if the, you know, Department of Defense puts the ultimate green light for  
23 deployment at 4:30 p.m., the press conference is between, let's say, 4:30 and 4:45 p.m.  
24 The D.C. National Guard puts ultimate approval at 5:09 p.m., and ultimately it's around  
25 5:20 p.m. that the National Guard is deployed.

1           I think it's fair to say that you had conversations with Secretary McCarthy way  
2       before -- or, at least, before those events, in the, you know, 3 hours between 2:30 and  
3       about 5:20 that the National Guard gets deployed, and, through it, he is being all  
4       supportive, talking about how they're going to respond, but he's not explaining either  
5       why it hasn't happened already, he's not telling you about, well, the equipment isn't  
6       there, he's not giving you these reasons. If anything, he sounds as though he's ready to  
7       go and ready to give the word, the green light. Is that fair?

8           A    That's fair to say.

9           And I wouldn't expect anything different. Like, you know, he's not -- you know,  
10      in all that was going on, he's not questioning, like, every decision that I'm making, "Well,  
11      why are you doing" -- I mean, he's not doing all that. It's a collaboration  
12      and disc- -- "Okay, I know what you're doing, you know what I'm doing," you know, and  
13      it's kind of like that interaction, you know, that's going on in the command -- or just  
14      outside the command center as we're in these conference rooms talking about, you  
15      know, how we're posturing, deploying, and so forth.

16           It was a lot of that going on. You know, he didn't explain, and I didn't ask him,  
17      you know, why he's doing or not doing, you know, what I think he should be doing, kind  
18      of thing. We didn't have that kind of discussion.

19           Q    And General Walker -- my final question before I ask my colleagues if they  
20      have anything on January 6th -- is it okay -- I know we're 3 minutes away from our  
21      stopping time -- to go over a little?

22           A    It's okay. We can go over time if need be.

23           Q    Thank you, Chief.

24           General Walker, was he present? Was he there with you guys at MPD? You  
25      know, Secretary McCarthy is there. You're there. Mayor Bowser is there. Is he

1 there?

2 A I saw General Walker at different points. I want to say "yes," but I can't  
3 with absolute or 100 percent certainty. I'm inclined to believe -- I'm almost certain that  
4 I did see General Walker on multiple occasions throughout -- again, this is a long  
5 operational period. This is not a 4-hour window, 3-hour window. We've been grinding  
6 since 6 o'clock in the morning and, you know, well into midnight with all the things that  
7 were going on, even after the protesters were out, the rioters were out -- or the protest  
8 was off the ground, the arrests have occurred.

9 So, I mean, I'm sure I saw General Walker on multiple occasions, but, specifically in  
10 that time, like, right around the -- you know, prior to the press conference, if he was in  
11 the room, he may have been. I just don't know for certain.

1

2 [2:29 p.m.]

3

BY [REDACTED]

4 Q And you drew a distinction between the way Secretary McCarthy was talking  
5 even though deployment had not yet happened with the National Guard. You know, as  
6 you said, he was very supportive, seemed very gung-ho about it. You drew a contrast  
7 between that and the military on the phone call at 2:30.

8 Was there even a contrast between Secretary McCarthy -- you heard him on  
9 January 6th and then that weekend after the request of December 31st? Did he sound  
10 different than his first initial kind of reluctance to use the National Guard?

11 A No. I mean, he was -- I would say he was pretty consistent. I mean,  
12 things needed to make sense for him, which is -- you know, I get that, right? I mean, you  
13 get ready to deploy, you know, X amount of, you know, personnel that fall under your  
14 authority, ultimately, you're going to be accountable for them into this situation. You  
15 know, my assumption is he's crossing T's and dotting I's with, you know, who he needs to  
16 talk to. Leadership at U.S. Capitol Police -- I mean, certainly the Mayor was not -- or the  
17 chief of police, I'm not saying to him, Hey, you shouldn't deploy people to the U.S. Capitol  
18 because it wasn't our ask to begin with, you know what I'm saying?

19 So, he's -- you know, he's doing whatever it is he needs to do, I guess, in an effort  
20 to meet that request. I'm sure he -- you know, he'll be able to enlighten you guys on  
21 what his thought process was. But just based upon my initial interaction with him, my  
22 interaction on January the 6th, and even after January the 6th, leading up through  
23 inauguration, I mean, there were some pretty astronomical requests for the National  
24 Guard that, you know, extended beyond the capacity that I normally see and deal with  
25 here in D.C. I mean, they were bringing in National Guardsmen from all around the

1 country, you know, that were lined up around the U.S. Capitol and all that kind of stuff.  
2 And he was orchestrating all of that stuff, and it was -- you know, I mean, again, that,  
3 obviously, was post January 6th.

4 But like I said, in it, you know, when I interacted with him, you know, he was  
5 pretty gung-ho about it, you know, rolled up his sleeves, ready to get it done. It just  
6 seems like, you know, the posture for that thing, you know -- I don't know. Maybe it's  
7 because that thing is so large that it takes a while -- you've got to warm the motor up, you  
8 know, before -- I don't know. Again, I don't operate in that space. You know, maybe  
9 they're not as agile or as flexible as a local police department is. I don't know. But I  
10 trust that whatever he was doing, you know, he was at least -- you know, as I like to use  
11 the term, he was at least getting us to, you know, where we needed to be in terms of  
12 people actually there to assist our police officers who were already there for hours.

13 Q But at least in terms of historically, you thought that that was inconsistent;  
14 that sort of -- you know, maybe it would take the machine, as you said, time to rev up.  
15 That was not what you had seen previously from the National Guard?

16 A Right. But also taken into context, we hadn't previously seen something  
17 like January 6th where we need to pivot them like that. You know, previously it was,  
18 you know, Barack Obama's inauguration, and you've got, you know, millions of people  
19 here. And now we got -- you know, we've got to close this checkpoint because of  
20 whatever, and we have to move people over here, or traffic is terrible over here, we need  
21 to remission some of these National Guardsmen to get them over here so we can stem  
22 the flow of people here so we don't have crowd crush. You know what I mean?

23 So they have been able to respond to things like that, right? But this -- you  
24 know, January 6th is different from the things that they, themselves, have responded to  
25 in the past.

1           Q     Okay. So is it fair to say your initial frustration -- or most of your frustration  
2 was in that 2:30 phone call where you thought you heard basically hemming and hawing,  
3 and then afterward, you didn't have any sort of real visibility into why it was taking so  
4 long. There could be legitimate reasons; there could be not. But as far as Chief  
5 Contee, your sort of first frustration was -- or only frustration was really with that call and  
6 how long it took to get the request ball kind of moving?

7           A     Yes. And I say that because -- and this, again, some people can't appreciate  
8 this because some people have never been in a fight in their life before, and I get that.  
9 But if you have been in a fight for 5 minutes, it is a long time. And if we're talking about  
10 something that kicked off 11:00, 11:30, whatever time it is, and we're not seeing, you  
11 know, the additional help that we asked for until sometime after 5 o'clock, that is a long  
12 time for anybody to be actively engaged.

13           These were not -- you know, this is not some passive type thing that's going on. I  
14 mean, these -- I've got officers that are getting hurt, and we're asking for additional  
15 resources. You know, again, how did the Metropolitan Police Department pivot  
16 different, right? How I pivoted differently, all of those resources that I brought to the  
17 city and put -- strategically stationed them in places outside the Federal footprint, out in  
18 the community and all this stuff, to make sure that things were okay there, I had to bring  
19 all of those resources, those outside agencies to the Capitol. That's what I had to do  
20 with them for that particular mission, and they didn't -- they were not an ask of the  
21 Capitol Police. That was an ask of Chief Contee for the streets of the District of  
22 Columbia. But they re-missioned when I needed them there, and they got to where it is  
23 I needed them to be, to stand alongside Metropolitan police officers in defense of our  
24 United States Capitol.

25           So, again, the expectation was: Here's the ask, We need to move quickly in order

1 to get this done. It didn't take them 5 hours. You know what they did? They got in  
2 the cars that they responded -- that they showed up at their designated locations with.  
3 They responded to the Capitol. They got out with their gear. They went and they  
4 stood in lockstep with our police officers.

5 There is an image of the Virginia State Police Troopers coming down the front of  
6 the Capitol steps of the -- the west front of the Capitol and Metropolitan police officers  
7 trying to regain order there. These guys moved when we needed them to move.

8 It was not -- so I'm comparing that response to the response that we got from the  
9 National Guard. For whatever decision that was made, for why that decision was made,  
10 that really doesn't matter to me. I'm comparing these two responses with local law  
11 enforcement and this other response that we got over here, and there was a noticeable  
12 difference between the two.

13 I appreciate the help when it showed up, but I tell you, 5 hours into a fight, that is  
14 a long time. And I'm sure if you interview any of my police officers, they will tell you  
15 that 5 -- it's tough watching 5 hours of footage of this and what our police officers went  
16 through, right? And then, again, in their minds, where is the additional help coming  
17 from? I see my partners from the surrounding jurisdictions, but where's the additional  
18 help? Because it's all about government really that's at stake at this point, at least that's  
19 certainly in my mind as I'm going through, you know, why I'm so frustrated on this call  
20 with why we are slow to pivot.

21 I hope that clarifies things a little bit. But there are lot of things, like I said, that's  
22 going on, decisions that I'm making with respect -- you know, in doing that, what if, for  
23 example, the entire -- whatever, the locations where I had these other police officers,  
24 where I had them, if there was an attack in those areas of Washington, D.C., because  
25 Chief Contee sent all of his resources to help out down at the U.S. Capitol? Well, Chief

1       Contee would probably be getting the blame for everything that happened in those areas.  
2       But we're utilizing our contingencies to support what was happening down at the United  
3       States Capitol, and I think that that's very important.

4           Q     So I just have, like, about 5 to 10 more minutes, and actually not even that  
5       much, looking forward, recommendations, things to do differently in your opinion.

6           But I want to make sure from Mr. [REDACTED] and Ms. [REDACTED] if there are any  
7       other questions about January 6th, the lead-up to January 6th before we turn to the  
8       future?

9           [REDACTED]. Not from me, [REDACTED] I appreciate it, thank you.

10          [REDACTED]. Okay. And none from [REDACTED].

11           BY [REDACTED]

12          Q     Okay. So my last couple of questions.

13          What were the major lessons that you took away, learned from January 6th?  
14          What were some of the major failures? What worked well? And then, how can we use  
15       those to think about ways, recommendations that we can come up with, that the  
16       committee can put together in our report that will help us in trying to avoid something  
17       like this from happening in the future?

18          A     I think the first lesson -- one of the first lessons learned -- and, again, I have  
19       been stating that -- is that everybody does not operate like the Metropolitan Police  
20       Department or local law enforcement. Everybody doesn't operate like that.

21          That being said, I think that as we move forward, again, an additional lesson that  
22       we learned, when we deploy personnel again -- I'm speaking for the Metropolitan Police  
23       Department before we go larger than that -- you know, our mountain bike office, for  
24       example, we go on the front line, we changed, like, the helmets as an example that they  
25       wear because there may not be time to go back to the car to get a proper, like, you know,

1 helmet that's sufficient for, you know, riot and that kind of thing.

2 We've had to pivot and get them a different type of headgear because we learned  
3 on January 6th, once they got on that front line, it was really hard pulling people off of it,  
4 and we certainly don't want our police officers being injured unnecessarily when there  
5 are other things that we can do to help to properly protect them.

6 I think that when you talk about chain of command, I think that -- you know,  
7 you've got a bureaucratic red tape wherever it exists. That has to be cut out, right? I  
8 mean, if we're talking about the operational people who are on the ground -- you know, I  
9 trusted at the time Inspector Glover, who was on the West Ground of the Capitol to make  
10 decisions and make calls. I mean, once he got the green light to use, you know, all  
11 munitions that we had, whatever it may be, gas, everything, you know, he was making  
12 operational decisions on the ground that needed to be made.

13 Those are not decisions that need to be made by me as the chief of police, you  
14 know, in a room, you know, trying to make decisions for a guy who's right there in the  
15 middle of the stuff all the time, unless a decision that I'm making, you know -- maybe I  
16 have some view or vantage point that the commander who's in it right at that moment  
17 doesn't see. For example, he doesn't see that I can see on a -- you know, because of a  
18 helicopter view or a camera view, he doesn't see that he's about to get flanked from his  
19 behind, from the left side or right side or from behind by, you know, the mob going  
20 around to the other side of the Capitol, right?

21 So if he's about to make a decision that might adversely impact what operation  
22 he's doing and need, you know, somehow a level to say, Hey, you know, you need to do  
23 this, I mean, you've got to -- you've got to cut the red tape stuff out of there.

24 And I think, quite frankly, you know, if that decision, Hey, look, we need National  
25 Guard to move so and so or so and so, General Walker, who's head of D.C. National

1       Guard, you know, he should have been able to make that call, quite frankly. I believe  
2       that.

3           The Mayor, she didn't -- you know, she didn't restrict me. She didn't tell me,  
4       Well, Chief, you know, you're not sending people to the Capitol because, you know, we're  
5       not responsible for the Capitol. That's the Federal police. She didn't do that to me.  
6       The Capitol Police needed our help. Our country needed our help. And I sent officers  
7       to respond. I sent officers from other jurisdictions to help the Federal complex, right?  
8       I mean, I sent those resources.

9           So to the extent that, you know, that kind of red tape, bureaucracy, whatever you  
10      want to call it, that doesn't need to be there to make those decisions, I think that that  
11      would be hugely, hugely helpful.

12           I think that there has to be a sharing of intelligence that is consistent across the  
13      board, and everybody should be operating from the same sheet of music, the same  
14      intelligence.

15           Later on, we learned that there was a product produced by Capitol Police that was  
16      only shared within Capitol Police and their leadership. I would have liked to have at  
17      least known that. But would it have changed how I posture for what I needed to do in  
18      D.C.; right? I'm already planning for worst-case scenario. I can't say that it would have  
19      changed that posture, but would it change, you know, like what I briefed to the Mayor?  
20      Absolutely, right? Would it perhaps, you know, change something, you know, maybe  
21      not necessarily dramatically, but there are other pieces that are involved in all of this,  
22      when things go bad, that we have to rely on, that perhaps people who are coming in to  
23      engage in this space would have liked to have known some of these things in advance,  
24      right?

25           There is discussion about intelligence around, Oh, you know, we talk about the

1 infamous Norfolk memo and all that stuff, the Norfolk SIR report. Again, if everybody  
2 was assuming -- if everybody, all of the -- everybody who, in hindsight, now said, Oh, we  
3 certainly should have expected Armageddon, right, I mean, again, I state what I said  
4 before. I don't think I want to get notified about Armageddon through an email. That  
5 would not be my preferred notification, right?

6 I don't think that all of the Congresspeople who showed up, all of -- the Vice  
7 President, their team, Secret Service, everybody who showed up that day who were in  
8 the Capitol, if we are all expecting Armageddon, I don't know that we would have worked  
9 the same way that we worked that day.

10 If somebody tells me that, Hey, we're going to blow up police headquarters, I  
11 don't know that I'm coming into the building that day unless I'm somehow like making the  
12 building safe or do some things differently from what I normally do.

13 So, I mean, while I know people are talking about all of the intelligence or this was  
14 out there, that's out there, blah, blah, blah, blah, you know, I get all of that. But I  
15 think that the coordination and collaboration, you know, it has to be there.

16 While Capitol Police, as an example, through one intelligence product is reporting,  
17 you know, hey, consistent with what everybody else is reporting, but in a different  
18 product, you know, something that's a little different from what everybody else is  
19 hearing, I mean, we all have to be on the same page. I think, like, who's in charge of  
20 what, that has to be laid out in advance.

21 I think if we approach this type of event like an NSSE, like we do for inauguration,  
22 or like we do for State of the Union, I think that makes who's going to be in charge, that  
23 clears up the lines, and there is not a whole bunch of who's -- I mean, who's in charge of  
24 what. We know who's in charge, right?

25 And I think that because some of those things were not in place contributed to

1 some of the failures, you know, that were experienced on that day.

2 I'm sure if I sit here and think long enough, there are probably four or five other  
3 things that I could come up with. But I think that, you know, those are really kind of the  
4 main takeaways for me.

5 I think that everybody has to have a contingency plan. I'm not going to assume  
6 anymore that only the Metropolitan Police Department has an A, B, C, and D contingency.  
7 I'm not going to assume that anymore. You know, I'm going to be asking, you know,  
8 military Capitol Police, Hey, what's the contingency if? Right. Those are additional  
9 questions that I think need to be asked. Where, beforehand, it may have been -- you  
10 know, the thinking was, Hey, everybody has their space. They are going to cover this  
11 space. You know, people are not necessarily challenging me or what I'm doing at BLM  
12 Plaza or what I'm doing in downtown D.C. Capitol Police aren't asking me about those  
13 things. But if you're going to be calling my troops into whatever it is you have  
14 responsibility for, that changes the dynamic. And now we've got skin in the game, and I  
15 want to know exactly what the contingencies are and who's in charge of what. That's  
16 important to me. That's important to me. It's important to my team. It's important  
17 to the leaders that I have who are deployed out there. Who are they taking direction  
18 from? Is the chief calling the shots, or is it somebody other than the chief calling the  
19 shots? And how do we work in this framework of what we have here in the National  
20 Capitol Region to make sure that something like this never happens again?

21 I know that's probably a mouthful, but it's important stuff. And, again, when  
22 things go bad, you know -- now I'm sitting through hours of these types of calls. And I  
23 don't mind speaking to you guys about the truth of the matter of what's happened.

24 But, again, while I'm doing that for hours, I still have got a whole city that I'm  
25 responsible for, things going on right now. And after I get off this call, I need to find out

1 what happened between 11 o'clock and 2:40 something. The rest of my city is still  
2 moving on.

3 And that's also important. It's very important for the citizens of the District of  
4 Columbia that we have some awareness, being the host of the Federal Government, that  
5 we have awareness across the Federal landscape of what's happening, what's going on,  
6 contingency plans, et cetera, for things that impact our city.

7 I'm going to stop right there.

8 Q Well, thank you so much, Chief Contee.

9 My last question is just is there anything that we didn't ask you that you wanted to  
10 share with the committee?

11 A No, sir.

12 [REDACTED]. All right. Thank you so very much for taking this time to speak  
13 with us. We're very much appreciative. We think your insights are going to be and are  
14 quite valuable to ultimately our final product and our investigation. So I want to thank  
15 you for doing this with us.

16 Chief Contee. Absolutely, sir. Take care.

17 [REDACTED]. Thank you. Appreciate it.

18 [REDACTED]. Thank you so much.

19 [Whereupon, at 2:47 p.m., the interview was concluded.]

## 1                                 Certificate of Deponent/Interviewee

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4                     I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the  
5                     answers made by me to the questions therein recorded.

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10                                 Witness Name

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14                                 Date

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