



METROPOLITAN POLICE DEPARTMENT
Internal Affairs Bureau
Internal Affairs Division



MEMORANDUM

TO: Administrator
 Use of Force Review Board

THRU: Assistant Chief of Police *W. Manly*
 Internal Affairs Bureau

SUBJECT: Final Investigative Report Concerning the Use of Force by Lieutenant [REDACTED] (OC Spray), Officer [REDACTED] (OC Spray), Officer [REDACTED] (Takedown) of the Special Operations Division, CDU Platoon-62 Members of the Sixth District (Mechanical Force), CDU Platoon-52 Members of the Fifth District (Mechanical Force), and the Allegations of Excessive Force by Unknown MPD Members; IS # [REDACTED]
 [REDACTED] CCN # [REDACTED], IAB # X-E-[REDACTED], IAD # [REDACTED]

Agent [REDACTED] of the Internal Affairs Division (IAD) investigated the Use of Force by Lieutenant [REDACTED], Officer [REDACTED] Officer [REDACTED] CDU Platoon-62 Members, and CDU Platoon-52 Members, which occurred on May 14, 2019.

It is recommended that the Use of Force by MPD CDU Platoon-52 (Mechanical Force), on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by MPD CDU Platoon-62 (Mechanical Force), on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Lieutenant [REDACTED] (OC Spray) against Mr. John Doe # 1, on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Lieutenant [REDACTED] (OC Spray) against Mr. John Doe # 2, on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Lieutenant [REDACTED] (OC Spray) against Mr. [REDACTED] on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Officer [REDACTED] (OC Spray) against Mr. [REDACTED] on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Officer [REDACTED] (OC Spray) against Ms. [REDACTED] on June 1, 2020, be classified as Justified, Within Departmental Policy.

It is also recommended that the Use of Force by Officer [REDACTED] (OC Spray) against multiple unidentified individuals, on June 1, 2020, be classified as Justified, Within Departmental Policy.

It is also recommended that the Use of Force by Officer [REDACTED] (Takedown) against Mr. [REDACTED] on June 1, 2020, be classified as Justified, Within Departmental Policy.

A preponderance of evidence was not established to sustain the allegation that MPD members engaged in prohibited conduct, as enumerated in General Order 120.21, Part VIII, Attachment A, 11. Specifically, that MPD members used unnecessary and wanton force in arresting or imprisoning any person, or being discourteous, or using unnecessary violence toward any person, or the public.

It is recommended that the Allegation of Excessive Force by Mr. [REDACTED] against MPD members, on June 1, 2020, be classified as Unfounded.

It is also recommended that the Allegation of Excessive Force by Ms. [REDACTED] against MPD members, on June 1, 2020, be classified as Unfounded.

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It is also recommended that the Allegation of Excessive Force by Mr. [REDACTED] against MPD members, on June 1, 2020, be classified as Unfounded.

It is also recommended that the Allegation of Excessive Force by Mrs. [REDACTED] against MPD members, on June 1, 2020, be classified as Unfounded.

No evidence was established to sustain the allegation that MPD members fabricated a 911 call in order to try to enter a private residence.

It is recommended that the Allegation of Misconduct by Ms. [REDACTED] against MPD members, on June 1, 2020, be classified as Unfounded.

On June 3, 2020 the Agent [REDACTED] of the IAD generated an internal investigation system tracking number for this incident. In accordance with the Metropolitan Police Department Commencement of Discipline and Command Staff Appointment

Amendment Act of 2014 (as amended), any corrective or adverse action against any sworn member or civilian employee of the MPD shall be commenced within 90 business days, not including Saturday, Sunday, or legal holidays, of the date the Incident Summary number was obtained. The 90th day in this case is **October 7, 2020**.



John Knutsen
Inspector
Internal Affairs Division



**METROPOLITAN POLICE DEPARTMENT
Internal Affairs Bureau
Internal Affairs Division**

MEMORANDUM

TO: Assistant Chief of Police
Internal Affairs Bureau

W. Maulana 9/14/2020

THRU: Inspector
Internal Affairs Division

John [unclear] 9/14/2020

THRU: Captain
Internal Affairs Division

09-14-2020

THRU: Lieutenant
Internal Affairs Division

[Redacted] 09/14/20

DATE: September 14, 2020

SUBJECT: Final Investigative Report Concerning the Use of Force by Lieutenant [Redacted] (OC Spray), Officer [Redacted] (OC Spray), Officer [Redacted] (Takedown) of the Special Operations Division, CDU Platoon-62 Members of the Sixth District (Mechanical Force), CDU Platoon-52 Members of the Fifth District (Mechanical Force), and the Allegations of Excessive Force by Unknown MPD Members; IS # [Redacted]

[Redacted] CCN # [Redacted] IAB
X-E- [Redacted] IAD # [Redacted]

CHRONOLOGICAL NARRATIVE SECTION

On Monday June 1, 2020, there were large scale First Amendment demonstrations held in the District of Columbia. The Metropolitan Police Department (MPD) fully activated it's Civil Disturbance Units (CDU), for necessary crowd management, and civil disturbances. MPD CDU members are specially trained personnel, who can be activated and assembled rapidly, and they will take proper action to prevent and/or handle acts of violence, destruction of property, and any other unlawful conduct. A CDU Platoon consists of four (4) CDU squads. Each squad has seven (7) officers and one (1) sergeant; and each platoon commanded by a MPD lieutenant.

Mayor Muriel Bowser of Washington D.C., ordered a District-wide curfew for June 1, 2020, commencing at 1900 hours and ending at 0600 hours. Under Mayor Bowser's order, no person during the hours of curfew, unless designated by the Mayor, shall be on public space within the District of Columbia. On the previous night, in multiple areas throughout the District of Columbia, numerous businesses, vehicles, and government buildings were vandalized, burned, or looted. Rioting had occurred, and vandals smashed windows, and caused extensive property damage throughout the city.

(Attachment 1)

At approximately 1845 hours, the United States Park Police (USPP) dispersed a large crowd from Lafayette Square, which is a park directly north of the White House on H Street, Northwest, in order to erect a barricade around the park. The group that was dispersed by the USPP then gathered in the area of 16th and H Street, Northwest.

At 1901 hours, Assistant Chief of Police Jeffery Carroll of the Homeland Security Bureau (HSB), directed MPD members over the radio zone, to begin making announcements for the crowd to disperse, because the curfew order was in effect. Multiple warnings were voiced, by Officer ██████████ of the Special Operations Division (SOD), on the Long Range Acoustic Device (LRAD)¹, in the area of 17th and D Street, Northwest. Officer ██████ moved to an area near 17th and Pennsylvania Avenue, Northwest, just west of Lafayette Park in close proximity of 16th and H Street, Northwest. Officer ██████ voiced that if you remained on the street in violation of the Mayor's Order, you were subject to arrest. LRAD systems are used by the MPD to broadcast audible notifications and warnings over a long distance.

Lieutenant ██████████ of the SOD, who utilized call sign Cruiser 8701, observed a large group of approximately one-thousand (1000) individuals traveling northbound in the 1500 block of 14th Street, Northwest. This was the same group of individuals who were originally in the area of 16th and H Street, Northwest. Lieutenant ██████ monitored the group as they made their way up 14th Street, Northwest, and he observed multiple individuals from the group engage in criminal acts by destroying, and defacing buildings². The group was spray painting buildings as they traveled northbound on 14th Street. The front window at 1914 14th Street, Northwest (Trader Joe's) was broken. Earlier that afternoon, the front glass door was broken at 1819 14th Street, Northwest (El Centro Night Club). Central Complaint Numbers (CCN), ██████████ and ██████████ were obtained for the incidents. **(Attachments 2 & 3)**

Mr. ██████████³, who was dispersed from the White House earlier in the day, also observed acts of vandalism while he traveled with a large group of people north on 14th Street, Northwest. According to Mr. ██████ he was hit with a water bottle and a brick.

1 See discrepancy section. Officer ██████ did not deploy the LRAD on the 1400 block of Swann Street, Northwest.

2 See evidence section. A can of spray paint was recovered from Swann Street.

3 See witness section for Mr. ██████ account of the events on June 1, 2020.

Mr. [REDACTED] did not participate in the acts of vandalism, and he was concerned for his own safety.

Lieutenant [REDACTED] of the HSB, who utilized call sign Intel-1, was on 14th Street, Northwest monitoring the group. He observed a group of unidentified individuals damage a MPD vehicle (Cruiser 1306), that was parked unoccupied, on the east side of the street, in the 2400 block of 14th Street, Northwest.

Lieutenant [REDACTED] observed an unidentified individual approach, and break out the windows of the MPD cruiser with a skateboard. There was a large group of unidentified individuals around the MPD vehicle. Lieutenant [REDACTED] immediately voiced over the radio zone what he observed. A majority of the group then walked off, and they traveled southbound on 14th Street, Northwest.

After the group walked off, another small group of unidentified individuals approached the MPD vehicle, and they set it on fire⁴. Lieutenant [REDACTED] did not witness who set the MPD vehicle on fire. After the MPD vehicle was destroyed, Lieutenant [REDACTED] observed the small group that was near the MPD vehicle travel southbound on 14th Street, Northwest, and they rejoined the larger group on 14th Street, Northwest. Lieutenant [REDACTED] continued to monitor the group's movements to Florida Avenue, Northwest, and he observed them eventually travel southbound on 15th Street, Northwest. Officer [REDACTED] of the Third District completed a PD Form 43 (Report of Damage to or Loss of District Government Property), and CCN [REDACTED] was obtained for the incident. **(Attachment 4)**

The 1800 block of 14th Street, Northwest, has multiple businesses and restaurants that lined the east and west side of the street. The behavior of the crowd gave an indication⁵ for a potential escalation of violence, and there was a danger of personal injury or significant damage to property. On the previous evening, multiple MPD vehicles, and equipment were destroyed, and multiple buildings, and vehicles were set on fire by groups such as the one they were currently monitoring. According to Inspector Robert Glover, of the HSB, who utilized call sign Cruiser 50, he was concerned that the group was going to travel to 3100 14th Street, Northwest, to loot the Target retail store. The curfew violators grew increasingly hostile, and they began throwing projectiles, and bottles on 14th Street, Northwest.

Under District of Columbia Code § 5-331.07, the First Amendment Assembly Provisions of the First Amendment Rights and Police Standards Act of 2004, MPD is authorized to arrest persons who engage in unlawful disorderly conduct, or violence directed at persons or property, and it was well past curfew.

4 Lieutenant [REDACTED] was not close enough to the MPD vehicle to identify who destroyed it.

5 According to Inspector Glover, the group was throwing projectiles at MPD members, and they were damaging property.

At approximately 2045 hours, a large group of over two-hundred (200) individuals gathered on public space in the area of 14th and Swann Street, Northwest, in violation of Mayor Bowser's Order. There was another group of curfew violators traveling southbound on 15th Street, Northwest. Additionally, MPD members still observed groups of individuals, attempting to damage buildings, and break windows. According to Lieutenant [REDACTED] he observed the same group of individuals he believed was responsible for destroying the MPD vehicle (Cruiser 1306), travel on foot from 14th Street, to the area of 15th and Swann Street, Northwest.⁶

According to Ms. [REDACTED] she was walking with a crowd near Swann Street, Northwest, and an unidentified male kept telling everyone to go down Swann Street. When people from Ms. [REDACTED] group inquired where he was taking them, the individual advised they could cut through onto another street. According to Ms. [REDACTED] the entire crowd followed this individual onto Swann Street, Northwest. Mr. [REDACTED] also followed a group of people onto Swann Street, Northwest.

Multiple warnings had been given earlier in the day for crowds to disperse, because they were in violation of the Mayor's Order⁸. After learning an MPD cruiser was destroyed, and witnessing multiple acts of vandalism and destruction of property were committed, the Incident Commander, Inspector Glover, authorized the mass arrest of the curfew violators, based on probable cause that they were on public space, in violation of the curfew order.

Inspector Glover advised Lieutenant [REDACTED] of the SOD, who utilized call sign 8600, and Lieutenant [REDACTED] to coordinate, and facilitate the mass arrest of the curfew violators. Lieutenant [REDACTED] and Officer [REDACTED] of the SOD, who were in full uniform, and equipped with BWCs, responded to the scene, along with other Domestic Security Operations Section (DSO) officers to assist. Officer [REDACTED] utilized Cruiser 8602.

Lieutenant [REDACTED] and Officer [REDACTED] both were equipped with MK-9 Oleoresin Capsicum (OC) dispensers. OC is a less-than-lethal-agent that causes a temporary discomfort, and irritation to the eyes. It is utilized to protect officers from physical injury, assist in the arrest of actively resisting subjects, or it can be deployed on subjects who are endangering public safety or security. According to Inspector Glover, he initially wanted to effect the arrests on S Street, Northwest, however the groups from 14th

⁶ See discrepancy section. Lieutenant [REDACTED] was not able to identify the individuals responsible for destroying MPD cruiser 1306.

⁷ See witness section for Ms. [REDACTED] account of the events on June 1, 2020.

⁸ An order to disperse was not voiced by MPD members in the 1400 block of Swann Street, Northwest, however other methods were used to make citizens aware of the curfew. On June 1, 2020, the Emergency Alert System was utilized, and at 1641 hours, a message was sent out to all cell phones advising of the 1900 hours curfew. Also, announcements were made through the local media about the curfew in the District of Columbia.

Street, Northwest, and 15th Street, Northwest migrated, and merged onto the 1400 block of Swann Street, Northwest, for an undetermined reason.

Mr. [REDACTED] who is a resident at [REDACTED] contacted 911 to report several individuals turning over trash cans, in the south alley of the 1400 block of Swann Street, Northwest. Mr. [REDACTED] also advised the 911 call-taker that he heard a loud bang, and that someone was changing their clothing in front of his residence. According to Mr. [REDACTED] he observed several individuals inside the fenced-in back yards, and these individuals were not the owners of the properties.

Inspector Glover advised Lieutenant [REDACTED] and Lieutenant [REDACTED] to deploy MPD CDU units to encircle the group of curfew violators in the 1400 block of Swann Street, Northwest, to contain them for the arrest. An encirclement can be utilized when probable cause has been established that a significant number or percentage of the persons located in the area or zone have committed unlawful acts. Everyone in the group was in violation of the Mayor's Order.

At approximately 2100 hours, multiple MPD CDU units were directed by Inspector Glover to respond to the scene. Inspector Glover set up the incident command post in the 1800 block of 14th Street, Northwest, and he authorized the use of Personal Protective Equipment (PPE) by MPD members for protection from projectiles being thrown at them. Assistant Chief Carroll of the HSB, also responded to the incident command post.

CDU Platoon-14⁹, which was a Mountain Bike Platoon, in full uniform, equipped with BWCs, responded northbound, up through the 1800 block of 14th Street, Northwest, and they positioned themselves at the intersection of 14th and Swann Street, Northwest, to assist in the detention, and arrest of the curfew violators. Additionally, members from the District of Columbia National Guard responded to 14th Street, Northwest, to assist. **(Attachment 5)**

The 1400 block of Swann Street, Northwest, is a residential street, and vehicle traffic can only flow one-way in an eastbound direction. The north and south side are lined with brick front, attached row homes. On the east side in the 1400 block of Swann Street, Northwest, there is an alleyway that runs north and south, on both sides of the street. The alleyway leads out onto T Street to the north, and it leads out onto S Street to the south. Additionally, there is an alley that run east to west behind the residences on the north and south sides of Swann Street.

At approximately 2106 hours, after the curfew violators moved into the 1400 block of Swann Street, Northwest, members from CDU Platoon-14 positioned themselves in a line formation, on the east end of the 1400 block of Swann Street, Northwest, to prevent all movement eastbound. Lieutenant Colonel [REDACTED] of the District of

⁹ Lieutenant [REDACTED] of the First District was the commander of CDU Platoon-14. According to the roll call, there were thirty-three (33) members in CDU Platoon-14 on June 1, 2020.

Columbia (DC) National Guard, assisted CDU Platoon-14 in reinforcing their line. **(Attachment 6)**

A squad of ten (10) members from the DC National Guard, equipped with shields, lined the east side of Swann Street. Additional members from CDU Platoon-14 positioned themselves in a line formation on the west end of the 1400 block of Swann Street, Northwest, to prevent all movement westbound. CDU Platoon-14 members positioned their police mountain bikes in a manner to form a police line. The utilization of police mountain bikes had proved to be an effective means of crowd control during civil disturbances.

CDU Platoon-54¹⁰, which was a mountain bike platoon, responded to 14th and Swann Street, Northwest, and they reinforced CDU Platoon-14 in the alleyways of the 1400 block of Swann Street, Northwest. **(Attachment 7)**

A squad from CDU Platoon-14 positioned themselves in a line formation, in the north alley, directly next to 1413 Swann Street, Northeast, to prevent the curfew violators from moving northbound onto T Street, Northwest. Another CDU Platoon-14 squad positioned themselves in a line formation, in the south alley next to 1402 Swann Street, Northwest, to prevent curfew violators from moving southbound onto S Street, Northwest.

Mr. [REDACTED] and Mr. [REDACTED] who resided at [REDACTED] [REDACTED] observed a large group of individuals running down the 1400 block of Swann Street, Northwest. Mr. [REDACTED] resided in the lower level, and Mr. [REDACTED] resided in the upper unit. Several unidentified individuals began pounding on Mr. [REDACTED] front door. Additionally, multiple curfew violators, who were wearing face masks, and hooded sweatshirts, jumped over the back fence into his back yard, and Mr. [REDACTED] felt they were attempting to gain entry into his home.

Mr. [REDACTED] contacted 911 for police assistance, and he advised the call-taker there was an attempt break-in at his residence. Mr. [REDACTED] pushed a dresser in front of his front door to prevent anyone from entering his dwelling. Mr. [REDACTED] turned on the light in his back yard, and the curfew violators in his yard then jumped back over the fence. Mr. [REDACTED] and Mr. [REDACTED] then locked themselves in Mr. [REDACTED] bathroom, and they waited for MPD to arrive on scene.

CDU Platoon-42¹¹, who were dressed in full uniform, equipped with PPE, and BWCs responded, and reinforced CDU Platoon-14, at 14th and Swann Street, Northwest. MPD CDU units positioned themselves around the perimeter of the 1400 block of Swann Street, Northwest, to prevent the curfew violators from escaping arrest. **(Attachment 8)**

¹⁰ Lieutenant [REDACTED] of the Fifth District was the commander of CDU Platoon-54. According to the roll call, there were thirty-three (33) members in CDU Platoon-54 on June 1, 2020.

¹¹ Lieutenant [REDACTED] of the Fourth District was the commander of CDU Platoon-42. According to the roll call, there were thirty-three (33) members in CDU Platoon-42 on June 1, 2020.

CDU Platoon-24¹² responded to the 1800 block of 15th Street, Northwest, to assist with a crowd that formed on the west side of 15th Street, Northwest. CDU Platoon-24 formed a line on 15th Street Northwest, and they contained the intersection at 15th and Swann Street. CDU Platoon-62¹³ and CDU Platoon-52¹⁴, who were in full uniform, equipped with PPE, shields, batons, and BWCs, responded to 15th and Swann Street, Northwest, to reinforce a CDU Platoon-14 mountain bike squad. Inspector Glover advised that members will not deploy chemical munitions (CS gas), or stinger balls into the 1400 block of Swann Street, Northwest, however Inspector Glover did authorize the use of OC spray for the defense of MPD members. **(Attachments 9, 10, & 11)**

Approximately 2130 hours, Inspector Glover advised members on the scene to move forward, in order to contain the curfew violators, to facilitate the arrest. MPD CDU units, and the DC National Guard members at 14th and Swann Street, Northwest, began moving in a line formation westbound, on 1400 block of Swann Street, Northwest, and they pushed the crowd westbound towards 15th Street, Northwest.

The curfew violators on the east end of Swann Street, Northwest, placed their hands in the air, and they complied with the loud verbal commands to move back. They retreated back towards 15th Street, Northwest, as MPD and DC National Guard members advanced towards them. According to Lieutenant Colonel [REDACTED] MPD and National Guard members did not have any physical contact with the curfew violators as they advanced forward.

As MPD members moved past Mr. [REDACTED] and Mr. [REDACTED] residences, they exited, and they made contact with MPD members. MPD members then conducted a walkthrough of Mr. [REDACTED] and Mr. [REDACTED] residences, and no one was located inside [REDACTED]

Lieutenant [REDACTED] observed several individuals attempting to gain entry into the dwellings by kicking the doors of the residences, and he directed CDU Platoon-62 and CDU Platoon- 52, who were positioned on the west end of Swann Street, to advance forward eastbound, in a line formation from 15th and Swann Street, Northwest, to contain the curfew violators. Lieutenant [REDACTED] and Officer [REDACTED] positioned themselves behind the CDU lines at 15th Street, Northwest. Lieutenant [REDACTED] gave the order for the MPD units to advance forward.

MPD members gave multiple loud verbal commands to move back, as they advanced forward in a police line. As MPD members advanced forward, projectiles and water

12 Lieutenant [REDACTED] of the Second District was the commander of CDU Platoon-24. According to the roll call, there were thirty-three (28) members in CDU Platoon-24 on June 1, 2020.

13 Lieutenant [REDACTED] of the Sixth District was the commander of CDU Platoon-62. According to the roll call, there were thirty-three (33) members in CDU Platoon-62 on June 1, 2020.

14 Lieutenant [REDACTED] of the Fifth District was the commander of CDU Platoon-52. According to the roll call, there were thirty-three (32) members in CDU Platoon-52 on June 1, 2020.

bottles were being thrown by the curfew violators at the MPD police line. MPD members gave loud verbal warnings to each other about the incoming projectiles.

Several individuals attempted to evade police capture, and they attempted to push, and kick open several of the front doors of the residences in the 1400 block of Swann Street, Northwest. According to Lieutenant [REDACTED] he observed several individuals attempt to gain entry to multiple residences by checking door handles, and kicking doors. Also, several individuals evaded arrest by fleeing into the back yards of the homes in the 1400 block of Swann Street, Northwest.

Multiple curfew violators did not comply with the MPD members' loud verbal commands to move back, and a small group interlocked their arms, and they stood in a line to prevent the police line from advancing forward. Several other curfew violators stood on line with their hands up in the air, and they refused to move back as MPD members approached them. Several individuals attempted to break through the police lines, and they attempted to push their way through the MPD members.

MPD members prevented the curfew violators from crossing their police lines, and CDU Platoon-62 and CDU Platoon-52 utilized their shields, and batons to push the crowd back. Approximately 2132 hours, CDU Platoon-62 and CDU Platoon-52 stopped, and reformed their line. Multiple curfew violators lined up in front of the MPD members with their hands in the air.

An unidentified male¹⁵, only identified by a white tee shirt, and a yellow mask, ignored the loud verbal commands to move back, and he climbed up on top of a [REDACTED] [REDACTED] (tag number [REDACTED]), that was parked facing eastbound, on the north side of the 1400 block of Swann Street, Northwest. The male began moving around the top of the vehicle to avoid being detained. The male, who was not the owner, damaged the vehicle by scratching, and denting the rear deck lid¹⁶.

At one point, the unidentified male kneeled down on the top of the vehicle, and he held an electronic device (cell phone) in his right hand extended out towards MPD members as they approached. The individual was actively evading capture, and he posed a threat to public safety¹⁷ by ignoring the officers' loud verbal commands to get back. He was standing on top of the vehicle, directly over the top of the officers, and he was a safety risk. As the police line advanced forward, officers had to maneuver around the vehicle, and there was a breach in the line. According to Lieutenant [REDACTED] it was not feasible for MPD to go up on to the vehicle to detain him.

15 Agent [REDACTED] reviewed arrest photos and he was unable to identify the male.

16 See witness section. The owner of the [REDACTED] stated his vehicle was damaged during the incident.

17 Public safety involves protection from events that could endanger the safety of the general public from significant danger, injury, or property damage.

Lieutenant [REDACTED] retrieved his OC dispenser with his right hand, and he deployed a single one (1) second burst to the unidentified male's facial area, from approximately eight (8) feet away. The male then jumped off the vehicle from the front hood, and he fled back into the crowd. Another unidentified male¹⁸, then emerged from the crowd, dressed in dark clothing, and he advanced towards the MPD line. He was holding an undetermined object in his right hand, and he cocked his arm back, and he threw an unknown object at the MPD members¹⁹. Lieutenant [REDACTED] determined this individual was a danger to MPD members, and he again deployed a one (1) second burst of OC spray from approximately twelve (12) feet away towards the individual. This unidentified individual appeared not to have been contaminated with OC spray, and he retreated back into the crowd.

While advancing forward in the 1400 block of Swann Street, Northwest, an individual identified as Mr. [REDACTED] charged directly at Officer [REDACTED] of the Sixth District in the street. Mr. [REDACTED] was shouting, "We are peaceful," as he charged forward. Officer [REDACTED] was equipped with a shield. Mr. [REDACTED] was clinching his fists to his sides, while he was holding a water bottle in his left hand, and a sign in his right hand. Mr. [REDACTED] attempted to push his upper torso into Officer [REDACTED] shield, to push Officer [REDACTED] back. Officer [REDACTED] was able to repel the Mr. [REDACTED] attack quickly by pushing him back with his shield.

Lieutenant [REDACTED] deployed a single one (1) second burst of OC spray to Mr. [REDACTED] facial area from approximately eight (8) feet away to halt his attack. Mr. [REDACTED] then retreated back to the north side of the sidewalk, and he grouped up with several other individuals in front of [REDACTED]

A large group of curfew violators fled up the front stairs at a residence, located at [REDACTED] [REDACTED] Lieutenant [REDACTED] observed one (1) unidentified individual kicking the front door. The residence is a multi-level brick front, attached row home with a wrought iron stair case in the front. Also there is a large bay window directly in the front of the residence. Mr. [REDACTED] who resides at the location, opened the front door, and he allowed approximately sixty (60) curfew violators to enter his residence, to evade police capture.

As MPD CDU units continued to advance forward, they continued to give multiple loud verbal commands for the crowd to move back. Several individuals remained on the sidewalk at the bottom of the stairs directly in front of [REDACTED] and they ignored the MPD members' commands to move back. Another unidentified individual threw an unknown object at the MPD members from the side walk directly in front of Mr. [REDACTED] residence²⁰.

18 Agent [REDACTED] reviewed arrest photos and he was unable to identify the male.

19 See digital evidence section. Agent [REDACTED] obtained cell phone video of this incident.

20 See digital evidence section. Agent [REDACTED] obtained video evidence of this incident from a Fox 5 DC video.

Multiple curfew violators were attempting to evade capture, and they posed a risk to public safety by attempting to break into homes. Officer [REDACTED] was unaware that Mr. [REDACTED] aided in the escape of the curfew violators by letting them in his residence. As MPD members advanced forward, Mr. [REDACTED] did not make himself known, and at that time, he did not advise MPD members he was allowing the curfew violators into his residence.

Officer [REDACTED] stepped out from behind the police line, and he deployed a single burst from of his OC dispenser to the facial areas of a group of individuals that were gathering on the sidewalk, in order to move them back away from the residence. Ms. [REDACTED] and Mr. [REDACTED] were standing on the side walk, and they were both contaminated with OC spray. Officer [REDACTED] deployed his OC spray in an eastbound direction on the side walk. At no time did Officer [REDACTED] deploy OC spray towards the residence, or towards the front door of the residence. An individual who was standing near the stairwell at [REDACTED] recorded the incident, and he was not contaminated with the direct stream of OC spray²¹.

Ms. [REDACTED] and Mr. [REDACTED] retreated eastbound on Swann Street, Northwest and they were stopped by advancing MPD and DC National Guard members. While standing on the north sidewalk, Mr. [REDACTED] blew his nose into his right hand. Mr. [REDACTED] then threw the mucus from his hand, directly towards the MPD members from approximately three (3) feet away²².

Mr. [REDACTED] who resided at [REDACTED] observed several individuals in the back yard of his residence. They asked Mr. [REDACTED] if they could cut through his residence to evade capture. Mr. [REDACTED] advised them to get off his property, and one of the individuals threatened Mr. [REDACTED] and he stated was going to remember him, and he was going to come back.

The High Volume Arrest Prisoner Control System was activated to handle the large number of arrests. At approximately 2145 hours, members from the Narcotics and Special Investigations Division (NSID) responded to 15th and Swann Street, Northwest, to assist with transporting the arrestees for prisoner processing. The processing took place at the Metropolitan Police Academy (MPA) located at 4665 Blue Plains Drive, Southwest.

MPD members were able to encircle the crowd, and at approximately 21:52²³ hours the first arrest was made, and one hundred and ninety-four (194) curfew violators were ultimately placed under arrest. Once the scene was secure, MPD members canvassed

21 See digital evidence section. Agent [REDACTED] obtained a cell phone recording of the incident.

22 See digital evidence section. Agent [REDACTED] obtained porch camera video of the incident.

23 According to NSID Officer [REDACTED] BWC, the last arrest was made at approximately 0130 hours on June 2, 2020. After the remaining transports were made, MPD members began clearing the 1400 block of Swann Street. MPD members had a presence on Swann Street for approximately five (5) hours.

the back yards of the residences to locate curfew violators that fled from arrest. According to Mr. [REDACTED] he was the third person arrested, and MPD members were not biased when they were selecting people to be processed. MPD members were not selecting curfew violators from the group to be processed based on their race. The arrestees were only separated based on their gender, and juveniles were not transported with adults.

Officer [REDACTED] of the SOD and Officer [REDACTED] of the Sixth District escorted Mr. [REDACTED] up 15th Street, Northwest to a transport vehicle to be processed. Officer [REDACTED] was escorting Mr. [REDACTED] by his left arm, and Officer [REDACTED] was escorting him by his right arm. Mr. [REDACTED] pulled his right arm away from Officer [REDACTED] and he attempted to flee. Officer [REDACTED] grabbed onto Mr. [REDACTED] waist, and he conducted a tactical take down to prevent Mr. [REDACTED] from escaping. Mr. [REDACTED] pulled Officer [REDACTED] to the ground as he tried to pull away from her. An unidentified individual yelled out, "Get off his neck!" Officer [REDACTED] straddled Mr. [REDACTED] lower torso, and he regained control of his arms. Officers [REDACTED] and [REDACTED] did not make any contact with Mr. [REDACTED] neck, and Officer [REDACTED] then assisted Mr. [REDACTED] to his feet without further incident.

Approximately sixty (60) curfew violators remained in Mr. [REDACTED] residence for approximately six (6) hours to avoid arrest. The following morning, the individuals inside Mr. [REDACTED] residence left without being arrested.

While at the MPA being processed, Ms. [REDACTED] alleged she sustained contusions to her right arm, left rib cage, and left leg when she was struck with a baton. A PD Form 313 (Report of Injury or Illness of Arrestee) was completed by Sergeant [REDACTED] of the NSID. Ms. [REDACTED] was then transported to the United Medical Center (UMC), where she was treated by the emergency room staff for her injuries, and released. **(Attachment 12)**

Multiple CCNs were obtained for the incident by MPD members to process the arrest of the curfew violators²⁴. **(Attachment 13)**

On June 2, 2020, an article was posted on buzzfeednews.com titled, "A DC Man Sheltered More Than 60 Protesters In his Home All Night To Prevent Them From Being Arrested." Mr. [REDACTED] alleged to BuzzFeed News that MPD members used excessive force by Pepper-spraying, beating, and slamming protesters to the ground. **(Attachment 14)**

24 An MPD member can only process ten (10) arrestees at a time. Twenty-three (23) sets of CCNs were obtained for the incident, and the number of arrestees processed on each report varied, and a total of one-hundred and ninety-four (194) arrests were made. Agent [REDACTED] attached the reports with the complainants he identified.

Incident Summary (IS) number [REDACTED] was obtained by Agent [REDACTED] of the Internal Affairs Division (IAD) to investigate the alleged excessive use of force. **(Attachment 15)**

On June 4, 2020, Agent [REDACTED] of the IAD notified Assistant United States Attorneys (AUSA) [REDACTED] and [REDACTED] of this Use of Force incident via email. On June 5, 2020, AUSA [REDACTED] responded via email that the Use of Force did not reach a level of criminal culpability, and they would not open a criminal case pertaining to Mr. [REDACTED] excessive force allegation. **(Attachment 16)**

On June 5, 2020, Mr. [REDACTED] from [REDACTED] responded to the Third District and he turned in a knife, taser, and a can of spray paint that he found in his neighbor's yard after the arrest of the curfew violators. The items were placed on the Third District property book, and CCN [REDACTED] was obtained for the incident. **(Attachment 17)**

On July 9, 2020, Ms. [REDACTED] of the Office of Police Complaints (OPC) forwarded two (2) citizen complaints, IS [REDACTED] and IS [REDACTED] from Ms. [REDACTED] and Ms. [REDACTED] to the IAD for review. **(Attachment 18 & 19)**

On July 13, 2020, Ms. [REDACTED] of the OPC forwarded a citizen complaint, IS [REDACTED] from Mr. [REDACTED] to the IAD for review. **(Attachment 20)**

On July 14, 2020, Ms. [REDACTED] of the OPC forwarded a citizen complaint, IS [REDACTED] from Mr. [REDACTED] to the IAD for review. **(Attachment 21)**

On July 16, 2020, Ms. [REDACTED] of the OPC forwarded two (2) citizen complaints, IS [REDACTED] and IS [REDACTED] from Mr. [REDACTED] and Mr. [REDACTED] to the IAD for review. **(Attachment 22 & 23)**

On July 17, 2020, Ms. [REDACTED] of the OPC forwarded a citizen complaint, IS [REDACTED] from Mr. [REDACTED] to the IAD for review. **(Attachment 24)**

On July 21, 2020, Ms. [REDACTED] of the OPC forwarded a citizen complaint, IS [REDACTED] from Mr. [REDACTED] to the IAD for review. **(Attachment 25)**

On July 31, 2020, Lieutenant [REDACTED] completed a PD Form 901-m (Assembly or Demonstration Reportable Force Report) documenting the use of force by MPD members on the scene. **(Attachment 26)**

MEMBER(S) INVOLVED

Lieutenant [REDACTED]
Duty & Uniform Status:
Personal:
Appointed to MPD:
Assignment:

Badge [REDACTED] CAD [REDACTED]
On Duty, in Full Uniform
Asian Male, [REDACTED] years old, [REDACTED], [REDACTED] lbs
[REDACTED]
Special Operations Division

ASP Equipped: No²⁵
OC Spray Equipped: Yes
Soft Body Armor Equipped: Yes
BWC Equipped: Yes
Legal Representation: None
Current Duty Status: Full Duty
Impairment: None
Statement provided: Yes
UFIR 901-m: Yes

Officer [REDACTED] Badge [REDACTED] CAD [REDACTED]
Duty & Uniform Status: On Duty, in Full Uniform
Personal: White Male, [REDACTED] years old, [REDACTED], [REDACTED] lbs
Appointed to MPD: [REDACTED]
Assignment: Special Operations Division
ASP Equipped: Yes
OC Spray Equipped: Yes
Soft Body Armor Equipped: Yes
BWC Equipped: Yes
Legal Representation: None
Current Duty Status: Full Duty
Impairment: None
Statement provided: Yes
UFIR 901-m: Yes

Officer [REDACTED] Badge [REDACTED] CAD [REDACTED]
Duty & Uniform Status: On Duty, in Full Uniform
Personal: White Male, [REDACTED] years old, [REDACTED], [REDACTED] lbs
Appointed to MPD: [REDACTED]
Assignment: Special Operations Division
ASP Equipped: Yes
OC Spray Equipped: Yes
Soft Body Armor Equipped: Yes
BWC Equipped: Yes
Legal Representation: None
Current Duty Status: Full Duty
Impairment: None
Statement provided: Yes
RIF 901-m: Yes

Civil Disturbance Unit Platoon-62
(See attached PD Form 901-m for members involved)

²⁵ Lieutenant [REDACTED] was equipped with OC spray as a less lethal use of force option.

Civil Disturbance Unit Platoon-52

(See attached PD Form 901-m for members involved)

There was no force reported by the other Civil Disturbance Unit Platoons on scene.

INVOLVED MEMBERS' STATEMENTS

Lieutenant [REDACTED]

Special Operations Division

On July 14, 2020, Agent [REDACTED] of the IAD conducted an audio recorded interview with Lieutenant [REDACTED] at the IAD. The following is a brief summary of Lieutenant [REDACTED] statement: **(Attachment 27)**

On June 1, 2020, there was a large group of curfew violators that traveled northbound up 14th Street, Northwest, from the White House area²⁶. The group was involved in suspected destruction of property as they traveled up 14th Street, Northwest. A curfew went into effect at 1900 hours. The group that traveled up 14th Street, Northwest, was in violation of the curfew order. The group was no longer participating in a First Amendment assembly because they were in violation of the Mayor's Order. The LRAD was used to give this group of curfew violators multiple warnings. The curfew violators were warned that they were in violation of the Mayor's Order, and they were subject to arrest. Lieutenant [REDACTED] felt the group that traveled onto 14th Street heard the warnings.

Lieutenant [REDACTED] was made aware that the group was destroying property through multiple radio transmissions. Lieutenant [REDACTED] did not witness any of the criminal activity on 14th Street. Lieutenant [REDACTED] was made aware that an MPD cruiser was burned on 14th Street, Northwest, from a radio transmission. There was an official that made a radio transmission that the group that destroyed the MPD cruiser was moving towards Swann Street, Northwest.

Inspector Glover authorized a mass arrest of the curfew violators, and he was the incident commander of the scene. The group was "snake marching" by moving to different locations. The group appeared to move down Swann Street, because this was the avenue they chose. Inspector Glover chose Swann Street, Northwest, to effect the mass arrest. Additional MPD CDU units were requested to respond to the scene. MPD CDU units were positioned in a police line on the east and west ends of Swann Street, and the alleys were secured by additional MPD members. MPD members were equipped with PPE equipment. Inspector Glover authorized the use of the PPE, because throughout the day, projectiles were being thrown at members.

Inspector Glover gave the order for MPD members to move in to make the arrest. Lieutenant [REDACTED] positioned himself on the 15th Street side of Swann Street. When the

²⁶ The group was dispersed by USPP at approximately 1845 hours from Lafayette Park, and they made their way up to 14th Street, Northwest.

MPD CDU units began moving from 14th Street, Lieutenant [REDACTED] observed a change of behavior in the crowd. There were multiple curfew violators checking, and knocking on doors in the 1400 block of Swann Street. Several people were attempting to gain entry into the dwellings. Lieutenant [REDACTED] also observed several curfew violators attempting to kick in several doors. The group went from "checking doors, to kicking doors very quickly."

The MPD CDU units moved east bound from 15th Street, and the crowd began throwing projectiles at the officers. Several individuals attempted to push through the police line. There were multiple individuals jumping on vehicles inside the block. People were still attempting to gain entry into multiple residences.

MPD members were giving loud verbal commands for the crowd to move back. Several individuals from the crowd were not compliant, and they did not move back. MPD members then utilized mechanical force with their shields and batons, to push the curfew violators back to effect the arrest. There were multiple projectiles thrown at the MPD police line. Inspector Glover did authorize the use of OC spray.

As the MPD police line advanced forward, Lieutenant [REDACTED] encountered an individual on top of a vehicle. This individual jumped up on the vehicle, and it was not feasible for any officers to chase him on top of the vehicle, for safety and tactical reasons. Multiple commands were given to the individual from the officers on the line to get back, and he would not get down. The individual was almost behind the police line due to his elevated position. Lieutenant [REDACTED] felt the individual was a danger to the officers and to public safety.

The individual was jumping on the vehicle, and he was attempting to evade capture. He was under arrest for the curfew violation. Lieutenant [REDACTED] was yelling get back, and the individual would not get off the vehicle. From approximately six (6) to eight (8) feet away, Officer [REDACTED] deployed a single one second burst of OC spray to the individual's facial area. The individual's behavior changed, and he immediately jumped off the vehicle and moved away from the police line.

As the police line advanced forward, an individual charged towards the police line. His fists appeared to be clinched, and he took an aggressive posture. He ran up to the police line, and made contact with an officer with a shield. The officer pushed him back with a shield. Loud verbal commands were given by the officers on the line to get back, and he did not comply. Lieutenant [REDACTED] felt this individual was a danger to the officers on the line. From approximately six (6) to eight (8) feet away, Lieutenant [REDACTED] deployed a one (1) second burst of OC spray to the individual's facial area. The individual's behavior changed and he retreated back away from the police line, and he stopped his aggressive behavior.

Lieutenant [REDACTED] did not observe Officer [REDACTED] OC spray deployment. As Lieutenant [REDACTED] advanced towards [REDACTED] he observed an

unidentified individual kicking the front door and he was pulling on the front door handle. When Lieutenant [REDACTED] turned and looked back, he observed that the front door was open, and there was a steady line of curfew violators entering into the residence. The home owner did not make himself know to Lieutenant [REDACTED]. At that point, Lieutenant [REDACTED] thought that the curfew violators made entry into the residence, and a burglary was in progress.

Lieutenant [REDACTED] witnessed approximately twenty (20) to thirty (30) curfew violators enter the residence, and then the door was slammed shut. The owner at that time did not make himself known to MPD members, and he did not advise that he let the people into his residence.

Lieutenant [REDACTED] did not deploy OC spray into any residence, and he did not witness any MPD member deploy OC spray into any residence. According to Lieutenant [REDACTED] there was no tear gas or CS gas utilized on scene. There were no rubber bullets, or stinger grenades used on scene. Lieutenant [REDACTED] did not witness any curfew violator being thrown to the ground, and did not observe any baton strikes. According to Lieutenant [REDACTED] MPD members utilized their batons and shields in a manner consistent with Departmental policy.

On July 30, 2020, Agent [REDACTED] of the IAD conducted an audio recorded follow up interview with Lieutenant [REDACTED] at the IAD. The following is a brief summary of Lieutenant [REDACTED] statement:

After Lieutenant [REDACTED] deployed OC spray at the individual on top of the vehicle, the MPD police line continued to advance forward in an east bound direction. The crowd was continuing to throw projectiles at the MPD members on the police line. There were multiple individuals that ran towards the police line throwing projectiles. Lieutenant [REDACTED] was behind the shields and he observed an individual running towards the police line with an object in his hand. He appeared to getting ready to throw an object at the police line. Lieutenant [REDACTED] stepped up in-between the shields, and he deployed a single one (1) second burst of OC spray towards that individual. Lieutenant [REDACTED] stated that the individual was approximately twelve (12) feet away. Lieutenant [REDACTED] did not think he made contact with the individual because he was far back, and the individual eventually retreated back into the crowd.

Officer [REDACTED]

Special Operations Division

On July 14, 2020, Agent [REDACTED] of the IAD conducted an audio recorded interview with Officer [REDACTED] at the IAD. The following is a brief summary of Officer [REDACTED] statement: **(Attachment 28)**

On June 1, 2020, Officer [REDACTED] and DSO members were asked by Inspector Glover to respond to the 1400 block of Swann Street, Northwest. There were large groups marching north up 14th and 15th Street, Northwest, and they were in violation of the

curfew order. These groups were warned with the LRAD system that they were violation of the Mayor's Order, which began at 1900 hours. Officer [REDACTED] did not witness the groups destroying or defacing property on 14th Street, Northwest. He only heard the radio transmissions that "they were marking cars, and vandalizing" property.

Inspector Glover authorized the mass arrest of the curfew violators, and he approved the use of OC spray. The curfew violators migrated onto Swann Street, Northwest, and additional MPD CDU units were requested to respond by command staff. The MPD CDU units positioned themselves on the east and the west sides on Swann Street, Northwest. They formed a police line from building line to building line, to arrest the curfew violators.

Officer [REDACTED] was positioned at 15th and Swann Street, Northwest, when the command staff ordered the MPD CDU units to move forward. MPD members gave the curfew violators loud verbal commands to move back, and some members of the crowd did not comply. Many curfew violators joined arms in an attempt to stop the officers from advancing forward. There were several people that tried to push their way through the MPD line. It was at that time, MPD members used mechanical force (batons and shields) to push the crowd back. The curfew violators were also throwing objects towards the police line.

Officer [REDACTED] observed several curfew violators on the front stoops of the residences, and he heard what sounding like doors being kicked in, on both sides of the street. Officer [REDACTED] believed the curfew violators were attempting to enter the people's dwellings.

Officer [REDACTED] observed approximately twenty (20) curfew violators run inside [REDACTED] [REDACTED]. At this point the owner did not make himself known to the MPD members, and Officer [REDACTED] did not hear the owner say "come inside." People were running inside the house. Based on Officer [REDACTED] own observations, and in good faith, he believed a burglary was occurring. The home owner at this time, did not make MPD aware he was allowing people into his residence. There was a large group of approximately ten (10) people that gathered on the side walk, and they appeared to attempt to gain entry into the house. There was a projectile thrown at MPD members from that general area. Officer [REDACTED] believed these individuals were a danger to public safety. The group at the bottom of the stairs, were given loud verbal commands, to move back, and they did not comply.

From approximately twelve (12) feet away, Officer [REDACTED] deployed a single one second burst of OC spray, from his MK-9, to the facial area of the curfew violators on the sidewalk, who were getting ready to go up the stairs. Officer [REDACTED] believed the individuals were committing a burglary based on his own observations. Officer [REDACTED] was on the side walk, and he was facing east on Swann Street, Northwest. Officer [REDACTED] voiced a warning to the crowd to move back prior to his deployment, and they did not comply.

Officer [REDACTED] deployed his OC spray eastbound, and he did not deploy directly towards the house. Officer [REDACTED] did not deploy OC spray at the curfew violators on the stairs, and he did not deploy into the front door of the residence. Officer [REDACTED] did not deploy OC spray through the windows of the residence. After Officer [REDACTED] OC deployment, the group at the bottom of the stairs dispersed back in an eastbound direction.

Officer [REDACTED] did not witness Lieutenant Horos deploy OC spray on scene. According to Officer [REDACTED] there was no tear gas or CS gas used on scene. There were no rubber bullets or stinger grenades used on scene. Officer [REDACTED] did not witness any curfew violators thrown to the ground, and he did not witness and baton strikes. Officer [REDACTED] did not witness any MPD members chase or push any curfew violators into any residence.

Officer [REDACTED] Special Operation Division

On July 29, 2020, Agent [REDACTED] of the IAD conducted an audio recorded interview with Officer [REDACTED] at the IAD. Present for the interview was Master Patrol Officer (MPO) [REDACTED] of the Fraternal Order of Police (FOP). The following is a brief summary of Officer [REDACTED] statement: **(Attachment 29)**

On June 1, 2020, Officer [REDACTED] was advised to respond to 15th and Swann Street, Northwest, because an arrest was going to be made for the curfew violations. Officer [REDACTED] was part of a Quick Response Force (QRF), and he was not on the direct line with the officers.

After the arrests were made, there was supposed to be two (2) officers escorting each arrestee back to the transport wagons for processing. A female officer was escorting a gentleman alone. Lieutenant [REDACTED] advised Officer [REDACTED] to assist her. Officer [REDACTED] and Officer [REDACTED] then escorted Mr. [REDACTED] up to 15th Street, Northwest. Mr. [REDACTED] began moving his right arm up in an attempt to escape. Mr. [REDACTED] moved his right arm up several times. Once they were about twenty (20) feet from the transport, Mr. [REDACTED] broke away from Officer [REDACTED] grip. Officer [REDACTED] then grabbed Mr. [REDACTED] torso, and he took him to the ground to prevent an escape, and to effect the arrest.

Officer [REDACTED] had his arm near Mr. [REDACTED] shoulder when he used hand controls to pull his arms back. Officer [REDACTED] asked Mr. [REDACTED] to relax, and Officer [REDACTED] assisted him to his feet. Officer [REDACTED] did not conduct a neck restraint, and he was unaware of any contact with Mr. [REDACTED] neck by any other officer on scene.

SUBJECT OF THE FORCE

1. [REDACTED]
[REDACTED] years old, Black Female, [REDACTED] [REDACTED] lbs
[REDACTED]
[REDACTED]

2. [REDACTED]
[REDACTED] years old, Asian Female, [REDACTED], [REDACTED] lbs
[REDACTED]
[REDACTED]

3. [REDACTED]
[REDACTED] years old, Black Male, [REDACTED], [REDACTED] lbs
[REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED] years old, White Male, [REDACTED], [REDACTED] lbs
[REDACTED]
[REDACTED]

5. **John Doe** (On top of vehicle)

6. **John Doe** (Observed throwing a projectile)

SUBJECT OF THE FORCE'S STATEMENT

Mr. [REDACTED] [REDACTED]

On July, 17, 2020, Agent [REDACTED] contacted Mr. [REDACTED] via telephone. Mr. [REDACTED] advised that he did not want to provide Agent [REDACTED] an audio recorded statement because he did not consult with a lawyer. Agent [REDACTED] provided Mr. [REDACTED] his contact information in an email if in the future he was willing to provide a statement. If Mr. [REDACTED] or his legal counsel contacts the IAD after the completion of this report, an addendum will be completed with Mr. [REDACTED] statement.

Ms. [REDACTED] [REDACTED]

On July 17, 2020, Agent [REDACTED] contacted Ms. [REDACTED] via telephone and he left a voice message, and he sent Ms. [REDACTED] a certified letter requesting that she contact him regarding his use of force investigation. As of the date of this report, Ms. [REDACTED] has not

made contact with Agent [REDACTED] If Ms. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Ms. [REDACTED] statement.

Mr. [REDACTED]

On July 17, 2020, Agent [REDACTED] contacted Mr. [REDACTED] via telephone and he left a voice message, and he sent Mr. [REDACTED] a certified letter requesting that he contact him regarding his use of force investigation. As of the date of this report, Mr. [REDACTED] has not made contact with Agent [REDACTED] If Mr. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Mr. [REDACTED] statement.

Agent [REDACTED] contacted Ms. [REDACTED] via telephone and her voice mail will not accept messages. Agent [REDACTED] sent Ms. [REDACTED] a certified letter requesting that she contact him regarding his use of force investigation. As of the date of this report, Ms. [REDACTED] has not made contact with Agent [REDACTED] If Ms. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Ms. [REDACTED] statement.

On June 2, 2020, Ms. [REDACTED] made a statement about her alleged injuries to Officer [REDACTED] and Sergeant [REDACTED] at the MPA. The following is a brief summary of Ms. [REDACTED] statement: **(Attachment 30)**

On June 2, 2020, Ms. [REDACTED] asked Officer [REDACTED] if she was going to make sure she was not hurt. When Officer [REDACTED] asked what happened, Ms. [REDACTED] replied she was hit with a stick by an MPD member. Ms. [REDACTED] advised Officer [REDACTED] she had bruising on her right arm, left rib cage. Ms. [REDACTED] advised Officer [REDACTED] she was in pain.

Ms. [REDACTED] advised Sergeant [REDACTED] that she had bruising on her left leg. She also advised him they used their sticks, and that was how she sustained bruising. Sergeant [REDACTED] advised Ms. [REDACTED] she needed to go to the hospital. He then asked her if she wanted to go, and Ms. [REDACTED] agreed to go to the hospital.

WITNESS CANVASS

On June 3, 2020, Agents [REDACTED] and [REDACTED] of the IAD canvassed the 1400 block Swann Street, Northwest, and they located multiple witnesses to the incident.

On June 5, 2020, Mr. [REDACTED] of the Information Technology Bureau (ITB) advised via email that under the CCTV Business Partnership, there were no cameras listed in the 1400 block of Swann Street Northwest.

On June 6, 2020, Agent [REDACTED] of the IAD canvassed the 1400 block of Swann Street Northwest, and he did not locate any additional CCTV, or porch cameras in the block.

Agent [REDACTED] mass mailed a complaint letter to each of the arrestees from the 1400 block of Swann Street, Northwest, to the addresses they provided, and on file in the Records Management System (COBALT). As of the date of this report, none of the individuals arrested have made contact with Agent [REDACTED]. If any further witnesses, or complainants contact the IAD after the completion of this report, an addendum will be completed with their statement.

CIVILIAN WITNESS STATEMENTS

Mr. [REDACTED]

On July 17, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Mr. [REDACTED]. The following is a brief summary of Mr. [REDACTED] statement: **(Attachment 31)**

On June 1, 2020, Mr. [REDACTED] was aware there was a curfew order established by Mayor Bowser at 1900 hours. Earlier that day, Mr. [REDACTED] was in front of the White House. Mr. [REDACTED] did not hear the curfew warnings voiced by MPD on the LRAD after 1900 hours.

Mr. [REDACTED] was "dispersed" from the White House around 1845 hours. Mr. [REDACTED] then walked north on Black Lives Matter Plaza (800-900 blocks of 16th Street, Northwest). Several streets were blocked, and Mr. [REDACTED] had to travel down various streets to get to his vehicle. Mr. [REDACTED] vehicle was parked in Dupont Circle, and he needed to exit on Connecticut Avenue, Northwest.

Everyone was in "groups" and "they" were marching, and walking up 14th Street, Northwest. There were hundreds of people leaving after they were dispersed from the White House. Everyone was heading in the same direction. According to Mr. [REDACTED] the police blocked the streets he needed to use to go home.

Mr. [REDACTED] observed acts of vandalism while he was on 14th Street. There were negative people "doing the most." When people were throwing projectiles, Mr. [REDACTED] was hit with water bottles, and he was hit with a brick. Mr. [REDACTED] did not throw any projectiles at the police. Mr. [REDACTED] did not participate in the acts of vandalism, and he was concerned for his own safety.

At approximately 1920 hours, Mr. [REDACTED] encountered an officer who was assisting with escorting people out of the city. At that point, Mr. [REDACTED] and the group he was with were advised that they needed to "leave the city." Police were escorting people out of the city safely. Mr. [REDACTED] asked an officer²⁷ if he was going to his car was in violation. The officer advised Mr. [REDACTED] to hurry up and get to his vehicle. Mr. [REDACTED] was warned to hurry up, and to make his way out of the city by the officer. The officer advised Mr. [REDACTED] to leave right now, because they were serious about the curfew.

²⁷ Mr. [REDACTED] did not obtain the officer's name, and he could not advise what agency the officer was with.

While Mr. [REDACTED] was on 14th Street, he did not witness anyone vandalize, or destroy an MPD vehicle. Several individuals parked where Mr. [REDACTED] parked, and he was advised if he stayed with them, he would end back up at Dupont Circle. Mr. [REDACTED] then followed a group of people onto Swann Street. It was late when Mr. [REDACTED] traveled onto Swann Street, and it was almost dark outside. The group Mr. [REDACTED] was with were actual activists, and he asked them for their help. Mr. [REDACTED] was trying to get out of the city as quickly as he could. After MPD arrived, Mr. [REDACTED] remained on Swann Street for approximately an hour and a half. Mr. [REDACTED] pleaded to leave, and he advised the officers his vehicle was down the street. Mr. [REDACTED] request was denied by MPD members.

There were over one-hundred (100) people on Swann Street, Northwest. Mr. [REDACTED] could not back up without bumping into someone. MPD blocked everyone in, and the group was advised they were not allowed to leave. Mr. [REDACTED] and the group, were "pushed" into a smaller circle by MPD members, and at that point MPD began arresting people.

Initially, there were no objects thrown at the police, and people were making phone calls to their lawyers. Mr. [REDACTED] was not "tear gassed" or "maced," and he was not physically assaulted by any MPD member. When Mr. [REDACTED] was advised by MPD members to move back, he complied and he moved back. Mr. [REDACTED] stood in the front of the police line, and according to Mr. [REDACTED] he observed several juveniles near him. As the MPD members moved forward, Mr. [REDACTED] observed MPD members being hit with projectiles. Mr. [REDACTED] was also hit with a projectile (water bottle), because he was in the front. Other protesters were hit with objects from the "knuckle heads" that were throwing things.

According to Mr. [REDACTED] he was there, and what was said on TV was not what he experienced. MPD just started collecting people, and making arrests. MPD did not make the arrests in a biased way, and they randomly selected people from the group to be processed.

Mr. [REDACTED] did not witness anyone being beaten, or struck with batons. The only altercation Mr. [REDACTED] witnessed was after MPD advised the crowd to move back multiple times, some people began fighting and clashing with the police. MPD members had their shields, and they were not thrusting them at anyone. MPD members only used their shields to push people back that would not move. MPD was equipped with what Mr. [REDACTED] described as night sticks and mace. Mr. [REDACTED] did not observe any MPD members deploy any rubber bullets, or stinger grenades on scene. Mr. [REDACTED] did not observe any MPD members deploy any OC spray into any of the residences.

Mr. [REDACTED] went on to say that the MPD members' conduct was very professional, and this was the best interaction he had with the police since the demonstrations began. Mr. [REDACTED] did not observe anyone attempt to break into, or flee into any of the residence on the street.

According to Mr. [REDACTED] the force used by MPD members was not excessive. The MPD members were extremely nice to him. Mr. [REDACTED] was arrested in the past during protests, and this was the most efficient experience he has had with MPD. After Mr. [REDACTED] was processed, MPD members assisted him in getting a ride back home. Mr. [REDACTED] was stranded in a part of DC he did not know. According to Mr. [REDACTED] that was the most peaceful arrest he has ever been part of. Mr. [REDACTED] learned he was arrested for the curfew violation after he received his paperwork.

Mr. [REDACTED] denied that MPD members took him to the ground after he attempted to flee from police custody. Mr. [REDACTED] denied that he was involved in that incident. Mr. [REDACTED] stated he was the third person processed and he did not resist arrest.

Mr. [REDACTED] [REDACTED]

On July 22, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Mr. [REDACTED]. The following is a brief summary of Mr. [REDACTED] statement: **(Attachment 32)**

On June 1, 2020, Mr. [REDACTED] called 911 for an attempted break in of his residence. Mr. [REDACTED] resided in the lower basement unit at [REDACTED]. Mr. [REDACTED] was in the back yard listening to loud noises consistent with rioting. Mr. [REDACTED] observed a group of individuals running down Swann Street, Northwest. People were banging on Mr. [REDACTED] door, and Mr. [REDACTED] pushed a dresser up against the front door so people could not gain entry into his residence. Mr. [REDACTED] was working from home, and his computer monitors were close to his window. The sound, and the vibrations from the commotion in the street cause one of his monitors to fall to the ground. Mr. [REDACTED] took shelter in his bathroom, and he called 911. The crowd became louder out front.

There was a back door in Mr. [REDACTED] bedroom that opened up to a fenced in back yard. Mr. [REDACTED] observed several males in hooded sweatshirts in his yard. When Mr. [REDACTED] turned the lights on, the individuals hopped back over the fence. Mr. [REDACTED] remained on the phone with the 911 call-taker, and he was advised that officers were making their way to him.

MPD then gained control of the situation by peaceful means, and they were able to get the crowd back. The crowd was screaming at the police officers who were wearing PPE equipment. Mr. [REDACTED] did not observe any MPD members make physical contact with the curfew violators. Once MPD was in front of Mr. [REDACTED] residence, he was advised to come out, and MPD conducted a sweep of Mr. [REDACTED] residence.

According to Mr. [REDACTED] he did not observe any MPD members act out of line, and he felt they did a fantastic job keeping the peace. Mr. [REDACTED] stated that there were several youths antagonizing the MPD members by screaming in their faces. Mr. [REDACTED] observed several home owners on the opposite side of the street allow people into their residences. Mr. [REDACTED] witnessed what he describes as an excellent job by MPD

members to handle the situation. Mr. [REDACTED] did not witness any use of force by MPD members.

Mr. [REDACTED]

On July 22, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Mr. [REDACTED]. The following is a brief summary of Mr. [REDACTED] statement: **(Attachment 33)**

On June 1, 2020, Mr. [REDACTED] was outside on his rooftop with his roommate Mr. [REDACTED] and he knew from events on the previous day that "things were escalating." They decided to go to Mr. [REDACTED] apartment in the lower level. There was a group of people that traveled down Swann Street, Northwest. While Mr. [REDACTED] was in the basement, he heard a bunch of people run past his residence.

Mr. [REDACTED] advised Mr. [REDACTED] that people were trying to get into their residence from the back. Mr. [REDACTED] looked out the front and he observed several individuals standing there. A couple people knocked on the front door. The back yard was fenced in, and there were several people that jumped over the fence into their back yard. Mr. [REDACTED] then called 911 for assistance. Mr. [REDACTED] back door was open to his residence, and he was concerned that people may have entered into his dwelling.

Mr. [REDACTED] stuck his head out the front door and he gained the attention of an officer there. A walk through was conducted by MPD on Mr. [REDACTED] residence and no one was located. Mr. [REDACTED] then left Swann Street, and he went to a friend's house. Mr. [REDACTED] did not witness any MPD use of force.

Mr. [REDACTED]

On June 5, 2020, Mr. [REDACTED] provided an audio recorded statement to Agents [REDACTED] and [REDACTED] of the IAD. The following is a summary of Mr. [REDACTED] statement: **(Attachment 34)**

Mr. [REDACTED] reported that on the night of June 1, 2020, he was inside his residence at [REDACTED]. Mr. [REDACTED] observed a large crowd of protesters on Swann Street as well as a large police presence. Mr. [REDACTED] reported that during the protest he observed numerous protesters run inside his neighbor's house located at [REDACTED]. Initially, Mr. [REDACTED] believed that these protesters had broken into this residence. Mr. [REDACTED] reported that throughout the night several protesters attempted to gain entry into his residence by attempting to open his front door and basement door. Mr. [REDACTED] reported that he has a tenant who resides in the basement of his residence. Mr. [REDACTED] tenant denied entry to one protester, who attempted to gain entry into the basement. The protester that was denied entry into the basement stated to Mr. [REDACTED] tenant, "I'll remember you."

Mr. [REDACTED] reported that at various times throughout the night protesters were attempting to gain entry into several of his neighbor's houses by knocking on and

attempting to open front and basement doors. Mr. [REDACTED] reported that the protesters and the police officers appeared to be peaceful and at no point did Mr. [REDACTED] witness MPD officers beat, kick, punch, or use their batons on the protesters. Mr. [REDACTED] reported that several of the protesters were standing on parked vehicles. Mr. [REDACTED] reported that his vehicle sustained scuff marks from individuals standing on it and from passing bicycles. Mr. [REDACTED] did not hear the police make any announcements to the protesters.

Mr. [REDACTED] reported that the next day, June 2, 2020, he found a can of spray paint, a knife, and a taser in his neighbor's yard. Mr. [REDACTED] turned these items over to the MPD as found property (CCN [REDACTED])

Mr. [REDACTED] [REDACTED]

On June 12, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Mr. [REDACTED]. The following is a brief summary of Mr. [REDACTED] statement: **(Attachment 35)**

On June 1, 2020, Mr. [REDACTED] was in the downstairs apartment and he heard some moderate shouting. He really could not see what was going on and he sent a text message to his landlord. His landlord advised that protesters were blocked in on his street, and Mr. [REDACTED] went upstairs to his landlord's apartment. Mr. [REDACTED] observed the protesters being placed under arrest for a curfew violation. Some of the curfew violators were freaking out, and there was "some" resistance. Some people were peacefully being arrested, and some, who were younger, did not understand they were being arrested for the curfew violation.

Mr. [REDACTED] thought he observed a bottle thrown towards the police, and he did not really observe any altercations. Mr. [REDACTED] thought pepper spray was used because he could smell it through his window. Mr. [REDACTED] was not sure if tear gas was deployed. Mr. [REDACTED] thought MPD deployed pepper spray after a bottle was thrown. Mr. [REDACTED] did not think MPD's conduct towards the protesters was rude, or disrespectful. The protesters were yelling at the police on scene.

A "guy," two (2) doors down, had let approximately sixty (60) protesters into his residence. Some of the protesters were jumping through people's back yards to escape. There was a police presence in the alley, and they were blocked in. Mr. [REDACTED] walked back down to his apartment and he observed two (2) or (3) people in his yard. They asked if they could cut through his residence, and Mr. [REDACTED] asked them to get off the property. One of the unidentified individuals turned back and stated, "I'm going to remember you, and I'm going to come back and fuck you up."

Mr. [REDACTED] did hear the curfew warning that was administered by MPD²⁸, however he could not recall exactly what was said. Mr. [REDACTED] did not observe any of the curfew

²⁸ The LRAD was not deployed on Swann Street, Northwest. Mr. [REDACTED] heard MPD members verbally warning people to go home.

violators being thrown to the ground by MPD members. According to Mr. [REDACTED] MPD members were very professional and there was "no aggression from the police." Mr. [REDACTED] did not observe any MPD members punch or kick any of the curfew violators. The protesters were shouting, "Fuck the police!"

Mr. [REDACTED] felt MPD was just doing their job, and they were following the Mayor's orders. Mr. [REDACTED] found a switch blade and a taser the next day, and he believed this property was left behind by the curfew violators who were cutting through the yard. The next day a young male and female came back and they appeared to be looking for something. They were looking under vehicles in the area for "something." Mr. [REDACTED] was not sure if they were looking for the knife and taser he found.

Mr. [REDACTED]

On June 3, 2020, Mr. [REDACTED] provided an audio recorded statement to Agent [REDACTED] of the IAD. The following is a summary of Mr. [REDACTED] statement:
(Attachment 36)

Mr. [REDACTED] reported that he and his husband were watching the protest on Swann Street, Northwest from his upstairs bedroom window located at [REDACTED]. At approximately 2115 hours, Mr. [REDACTED] saw a massive group of protesters run down Swann Street, Northwest, towards 14th Street, Northwest. Shortly thereafter, the group ran back towards 15th Street, Northwest. Mr. [REDACTED] reported that MPD officers closed in on the group from 15th Street, Northwest, and the National Guard troops closed in on the group from 14th Street, Northwest, until the crowd was compressed into the middle of Swann Street, Northwest. Mr. [REDACTED] reported that he did not observe any force used on the protesters by MPD officers or National Guard members. Mr. [REDACTED] reported that the current media reports concerning the Swann Street incident were not consistent with what he observed. Mr. [REDACTED] reported that he observed three (3) protesters washing their eyes out and assumed that they were pepper sprayed at some point.

Mr. [REDACTED] reported that the MPD was very organized with effecting the arrests, and at no point did he observe any member of the MPD use any force. Mr. [REDACTED] reported that his experience during the Swann Street incident was vastly different than the account given by Mr. [REDACTED]. Mr. [REDACTED] reported that Mr. [REDACTED] was quoted in the Washington Post as saying, "He could hear the skulls cracking." Mr. [REDACTED] reported that Mr. [REDACTED] also reported that officers sprayed pepper spray into his home. Mr. [REDACTED] reported that if that had happened it would have been captured on video because, "everyone" had their phones out recording the police. Mr. [REDACTED] reported that he has yet to see a video on social media that would corroborate Mr. [REDACTED] account.

Mr. [REDACTED]

On June 12, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Mr. [REDACTED]. The following is a brief summary of Mr. [REDACTED] statement: **(Attachment 37)**

On June 1, 2020, Mr. [REDACTED] heard some loud bangs, and he came outside to where his vehicle was parked in the 1400 Block of Swann Street, Northwest. Mr. [REDACTED] was the

owner of the [REDACTED] that was parked on the street. Mr. [REDACTED] heard a group of mountain bike officers near an alley on 14th Street, Northwest, telling people to go home because they were violating curfew. Mr. [REDACTED] did not witness anyone standing on his vehicle. He did observe MPD members push the crowd back with their batons. The MPD members stated "get back" a couple of times before they pushed the crowd back with their batons. Mr. [REDACTED] did not observe any MPD members strike any one with their batons. He only observed them push the crowd back. He did not observe any kicks or punches by MPD members on scene. Mr. [REDACTED] felt the MPD members did show restraint on scene. Mr. [REDACTED] did witness MPD members take an individual to the ground on 15th Street, Northwest.

On the following day, when Mr. [REDACTED] inspected his vehicle, he observed several scratches and shoe prints on his vehicle. The shoe prints were up and down his hood, roof, and on his rear deck lid. Mr. [REDACTED] vehicle was damaged because there was a dent on the rear deck lid. Mr. [REDACTED] was able to buff out all the scratches. The individual who was on top of Mr. [REDACTED] vehicle was not authorized to be there.

Mr. [REDACTED]

On June 3, 2020, Mr. [REDACTED] provided an audio recorded statement to Agent [REDACTED] of the IAD. The following is a summary of Mr. [REDACTED] statement: **(Attachment 38)**

Mr. [REDACTED] reported that at 9:18 PM he exited his residence, and stood on his front porch stoop. Mr. [REDACTED] reported that there was a heavy presence of police. Mr. [REDACTED] reported that there were numerous protesters at Swann and 15th Street, Northwest, which were peacefully chanting. Shortly after 9:18 PM, Mr. [REDACTED] heard a bang, and screaming coming from 15th Street, Northwest, Mr. [REDACTED] opened his front door and ordered everyone inside. Mr. [REDACTED] reported that there was, "pepper spray everywhere", and that there was total "pandemonium." Mr. [REDACTED] reported that he held his front door open for 10 minutes to allow people inside.

Mr. [REDACTED] reported that there was a human wave of fierce Robo-Cops pushing their way down Swann Street. Mr. [REDACTED] reported that he walked past a few of these officers, and they were four times his size. Mr. [REDACTED] reported that the human wave of police officers pushed their way to the lamp post just past his house. At that time, Mr. [REDACTED] ran inside and locked his front door.

Mr. [REDACTED] reported that shortly after he heard the bang at 15th and Swann Street, Northwest, he observed batons flying. When asked to elaborate on what he meant, Mr. [REDACTED] stated that he heard crunching plastic, and screeching from the protesters. Mr. [REDACTED] reported that the protesters were running for their lives, and screaming at the top of their lungs. Mr. [REDACTED] reported that the cops were "hunting" the protesters. Mr. [REDACTED] reported that the police pepper sprayed protesters in the back of the head. Mr. [REDACTED] reported that he observed an "amped up, totally roided out cop" that was looking to grab someone, and was spraying the whole place with pepper spray.

Mr. [REDACTED] reported that he was 99.9% sure that the Swann Street incident was not started by the protesters. Mr. [REDACTED] felt that if the protesters were out to riot and loot that they would have looted his house and that didn't happen.

Mr. [REDACTED] was asked how the pepper spray was deployed. Mr. [REDACTED] was unable to provide a specific manner in which the officers deployed pepper spray. Mr. [REDACTED] was asked if the officers sprayed pepper spray into his house. Mr. [REDACTED] replied that officers sprayed the crowd of people in the back as they ran inside his house from the sidewalk in front of his residence. Mr. [REDACTED] then reported that the officers were trying to spray individuals who were inside his house. When asked if the officers sprayed directly inside his house he reported that he heard a bang followed by cloud of smoke or pepper spray. Mr. [REDACTED] reported that after that the effects of the pepper spray were felt inside his residence. Mr. [REDACTED] never provided a direct answer to the question of whether or not he observed police officers spray pepper spray directly into his residence.

Mr. [REDACTED] reported that one protester who sought refuge inside his house was curled up in the fetal position holding his head and crying. Mr. [REDACTED] said this was the result of the police using force for no reason. Mr. [REDACTED] refused to provide the name of this individual. Mr. [REDACTED] felt that the police used more force than they would have if they faced 10 people armed with guns and knives.

Mr. [REDACTED]

On June 9, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Mr. [REDACTED]. The following is a brief summary of Mr. [REDACTED] statement: **(Attachment 39)**

On June 1, 2020, Mr. [REDACTED] was on the telephone with a friend and he heard a large amount of activity out of his front window. Mr. [REDACTED] observed "two-hundred (200) people running down the block." Mr. [REDACTED] contacted 911 to report the people in the street. Mr. [REDACTED] went outside to make sure nothing happened to his vehicles. Everyone was just standing around not doing "anything." There were three individuals standing in front of Mr. [REDACTED] house, and he began a conversation with them. The individuals indicated that they were protesting by the White House, and they were chased up 16th Street, Northwest, and they were then moved over to 14th Street, Northwest. They asked if they could come into Mr. [REDACTED] house, and he let them inside.

Approximately 2130, MPD members moved down in a line, and they moved people back towards 15th Street, Northwest. Mr. [REDACTED] observed what was going on from an upstairs window. There were also National Guard members in the line. The line of MPD members passed Mr. [REDACTED] house and moved towards to 15th Street, Northwest. The individuals left Mr. [REDACTED] home after he spoke with Commander Emerman. Mr. [REDACTED] did not observe any MPD use of force. Mr. [REDACTED] was concerned that MPD utilized his block to corral potentially violent protesters.

Mr. [REDACTED] did not hear MPD announce any curfew warnings, and he did not observe any MPD members strike anyone with their batons. Mr. [REDACTED] did not observe any deployments of OC spray. Mr. [REDACTED] did not observe any MPD members kick or punch the curfew violators, and he did not observe anyone attempt to break into any of the residences.

Mr. [REDACTED]

On June 12, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Mr. [REDACTED]. The following is a brief summary of Mr. [REDACTED] statement: **(Attachment 40)**

On June 1, 2020, Mr. [REDACTED] heard a "bang" from a "flash bomb," and he did not observe who set it off. His residence shares an alley with the 1400 block of Swann Street, Northwest. Mr. [REDACTED] observed a group of individuals running through the alley from 15th Street, Northwest towards 14th Street, Northwest. Mr. [REDACTED] then observed a group of police officers on bicycles in the alley coming from 14th Street, Northwest, and some of the individuals attempted to hide in several gardens of the residences. Mr. [REDACTED] also observed several individuals move trash cans in the alley to prevent anyone from following them. The officers then moved towards 15th Street, Northwest. Several of the people that were hiding then came out. Mr. [REDACTED] did not witness any of the events on Swann Street, Northwest, and he did not witness any MPD members use force.

Mr. [REDACTED]

On June 12, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Mr. [REDACTED]. The following is a brief summary of Mr. [REDACTED] statement: **(Attachment 41)**

On June 1, 2020, Mr. [REDACTED] called 911 because he heard some loud chanting coming from outside. Mr. [REDACTED] observed a flash of light, and he heard a loud bang, and he could not tell where it came from. Mr. [REDACTED] turned his lights off, and he looked out the window towards the back of his house in the alley between Swann and S Street, Northwest.

Mr. [REDACTED] observed several individuals running eastbound in the alley, and he observed police officers on bicycles going westbound in the alley. Mr. [REDACTED] noticed that trash cans were turned over in the alley, however he did not see anyone do it. Mr. [REDACTED] observed several individuals in fenced in back yards that were not residents or owners of the properties. Mr. [REDACTED] did not witness the events that occurred on Swann Street, Northwest. Mr. [REDACTED] observed police officers shining flashlights into several yards and he did not observe any one being pulled out of the yards by the police. He also observed police officers walk through [REDACTED] and check the residence.

Ms. [REDACTED]

Agent [REDACTED] contacted Ms. [REDACTED] via telephone and he left a voice message requesting that she contact him regarding his use of force investigation. As of the date of this report, Ms. [REDACTED] has not made contact with Agent [REDACTED]. If Ms. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Ms. [REDACTED] statement.

On June 2, 2020, Ms. [REDACTED] filed an e-form complaint to OPC, and she made a statement about the incident in Swann Street, Northwest. The following is a verbatim of Ms. [REDACTED] statement: **(Attachment 42)**

"I am writing to complain about the way police corralled, harassed and attacked peaceful protesters in DC last night. Specifically the treatment of the protesters that were attacked on 15th and Swann NW. Tear gas and mace was used on a private residence that was protecting protesters.

This is a disgusting and unacceptable use of force and I am furious that my tax dollars are being used to actively harm this city. I demand better treatment of DC residents and better leadership from Mayor Bowser."

Mr. [REDACTED]

Agent [REDACTED] contacted Mr. [REDACTED] via telephone and he left a voice message requesting that he contact him regarding his use of force investigation. As of the date of this report, Mr. [REDACTED] has not made contact with Agent [REDACTED]. If Ms. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Mr. [REDACTED] statement.

On June 2, 2020, Mr. [REDACTED] file an e-form complaint to OPC, and he made a statement about the incident in Swann Street, Northwest. The following is a verbatim of Mr. [REDACTED] statement: **(Attachment 43)**

"After peaceful protesting all day, at around 10:00pm police blocked us off and wouldn't let anyone through. So we then turned around and went on Swann Street, they then cut off 14th Street. We turned back around towards 15th Street and they cut us off again, not letting anyone through. So we're now trapped on Swann Street and they're pushing people, pepper spraying people, and arresting people. We were trapped for hours, some residents on the block saw what was going on and was letting people inside their homes. Not everyone got inside a home though, those who didn't were arrested and taken. I was arrested around 11:40pm and they immediately took my phone, cut my strings and took my shoelaces. They put zip ties on my wrist and put me in a van, after they loaded the van up they took us to their police academy. When we got there they told us we were getting citation papers and being released. The time is now 4:00am, since 11:40pm. They take me in the building and finally cut the zip ties off which have been on the entire time since 11:40pm. After cutting them they took me to a room and told me to practice social distancing, I walked into a room with at least 50 other males. I

stayed in that room until 7:30am. They gave us no food or phone calls. This was a very traumatizing experience for me because I've never been in any type of trouble with the law ever, so for them to treat me like that, I'm scared for life, I haven't stopped thinking about it since it has happened and I cry every time I do. Something has to be done about this."

Ms. [REDACTED]

Agent [REDACTED] contacted Ms. [REDACTED] via telephone and he left a voice message requesting that she contact him regarding his use of force investigation. As of the date of this report, Ms. [REDACTED] has not made contact with Agent [REDACTED]. If Ms. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Ms. [REDACTED] statement.

On June 2, 2020, Ms. [REDACTED] file an e-form complaint to OPC, and she made a statement about the incident in Swann Street, Northwest. The following is a verbatim of Ms. [REDACTED] statement: **(Attachment 44)**

"I live in the area and could hear disruptions from this incident through the night. Police trapped protesters a few blocks away on Swann St. I am particularly concerned about whether the officers in this video fabricated a 911 call in order to try to enter a private residence."

Mrs. [REDACTED]

Agent [REDACTED] spoke with Mrs. [REDACTED] on the telephone and she advised she was unable to provide him a statement at that time. On July, 31, 2020, Agent [REDACTED] contacted Mrs. [REDACTED] and he left her a voice mail, and she has not contacted him in reference to his investigation. On June 2, 2020, Mrs. [REDACTED] filed an e-form complaint to OPC, and she made a statement about the incident in Swann Street, Northwest. The following is a verbatim of Mrs. [REDACTED] statement: **(Attachment 45)**

"Multiple officers swarming Swann St and 15th to terrorize, intimidate and arrest peaceful protesters. Completely uncalled for. The police caused unnecessary chaos and potential harm forcing protesters into a private home and TEAR GASSING it not to mention this all puts so many people at risk for COVID. I am livid and call on you to productively talk and engage with protesters or leave them alone and not turn my home into a war zone for no reason. I'm embarrassed right now that my city did this."

Mr. [REDACTED]

Agent [REDACTED] contacted Mr. [REDACTED] via telephone and he left a voice message requesting that he contact him regarding his use of force investigation. As of the date of this report, Mr. [REDACTED] has not made contact with Agent [REDACTED]. If Mr. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Mr. [REDACTED] statement.

On June 3, 2020, Mr. [REDACTED] file an e-form complaint to OPC, and he made a statement about the incident in Swann Street, Northwest. The following is a verbatim of Mr. [REDACTED] statement: **(Attachment 46)**

"Hello I am calling for the immediate and unconditional release of all protesters currently detained in a "kettle" at Swann and 15th St. NW. The Sc Police, National Guard, and other law enforcement agencies brutally attacked, tear gassed, shot, and arrested our community members. It is not lost on us that it is because we are demanding an end to racist police brutality that we have been met with extreme violence. I am demanding that Mayor Bowser calls for the release of all protesters being detained and immediately lifts the curfew that directly contributed to this state of violence."

Mr. [REDACTED]

Agent [REDACTED] contacted Mr. [REDACTED] via telephone and his voice message box was full. As of the date of this report, Mr. [REDACTED] has not made contact with Agent [REDACTED] If Mr. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Mr. [REDACTED] statement.

On June 3, 2020, Mr. [REDACTED] file an e-form complaint to OPC, and he made a statement about the incident in Swann Street, Northwest. It should be noted that Mr. [REDACTED] submitted the same statement of events as Mr. [REDACTED] The following is a verbatim of Mr. [REDACTED] statement: **(Attachment 47)**

"Hello I am calling for the immediate and unconditional release of all protesters currently detained in a "kettle" at Swann and 15th St. NW. The Sc Police, National Guard, and other law enforcement agencies brutally attacked, tear gassed, shot, and arrested our community members. It is not lost on us that it is because we are demanding an end to racist police brutality that we have been met with extreme violence. I am demanding that Mayor Bowser calls for the release of all protesters being detained and immediately lifts the curfew that directly contributed to this state of violence."

Mr. [REDACTED]

Agent [REDACTED] contacted Mr. [REDACTED] via telephone and he left a voice message requesting that he contact him regarding his use of force investigation. As of the date of this report, Mr. [REDACTED] has not made contact with Agent [REDACTED] If Mr. [REDACTED] contacts the IAD after the completion of this report, an addendum will be completed with Mr. [REDACTED] statement.

On June 5, 2020, Mr. [REDACTED] file an e-form complaint to OPC, and he made a statement about the incident in Swann Street, Northwest. The following is a summary of Mr. [REDACTED] statement: **(Attachment 48)**

On June 5, 2020, OPC received an e-form from Mr. [REDACTED] Mr. [REDACTED] advised that on June 1, 2020, at approximately 23:30, he was at his residence in the area of 15th Street, and Swann Street, Northwest, when he heard excessive noises of flash bang

explosions, and low flying helicopters. Mr. [REDACTED] further stated that he also spoke with protesters that stayed in his neighbor's house, and he was upset by the militarized policing, and excessive force they were subjected to.

Ms. [REDACTED]

On August 17, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Ms. [REDACTED]. The following is a brief summary of Ms. [REDACTED] statement: **(Attachment 49)**

On June 1, 2020, Ms. [REDACTED] was out protesting near the White House. Ms. [REDACTED] was aware of the curfew which began at 1900 hours. Ms. [REDACTED] did hear two (2) warnings voiced about the curfew near the White House. According to Ms. [REDACTED] she was attempting to go home, and she was waiting on a ride. Even after the curfew went into effect, there was a lot of the public still outside on the sidewalks, and in the stores.

The DC National Guard was blocking every corner, and her ride could not get to her. Ms. [REDACTED] did not know what street she traveled on before she arrived on Swann Street, and she did not observe any one damage any property. Ms. [REDACTED] just walked with the crowd. Ms. [REDACTED] did not observe an MPD vehicle get damaged. An unidentified white male led Ms. [REDACTED] down Swann Street, Northwest. This "one person" kept telling her to go down this "one street." People were asking him, "Where are you taking us?" The individual advised they could cut through to another street. Ms. [REDACTED] was questioning this individual's actions. The entire crowd followed this individual down Swann Street, Northwest. The group followed "This guy," and it was the "worst idea."

The police blocked off the alleyways, and there were people running down the street. Ms. [REDACTED] could not get off Swann Street because it was blocked off. Ms. [REDACTED] stated she observed the police running towards her, and she tried to turn around to go back down the street she came through. Ms. [REDACTED] stated she was kettled into a small circle in the street.

Ms. [REDACTED] heard what she described as "pops." She did not observe any officers deploy rubber bullets, however she did hear people screaming. According to Ms. [REDACTED] tear gas was deployed on Swann Street, Northwest. Ms. [REDACTED] did not observe any specific officer deploy tear gas. She stated that the officers were "shooting" tear gas from behind the police line. Ms. [REDACTED] observe a cloud of white smoke, and the whole street was filled with smoke. Ms. Homes stated there was four (4) or five (5) deployments of tear gas, and she did not observe any canisters on the ground. Ms. [REDACTED] stated that an individual tossed a canister back towards the MPD members to get it away from them. Ms. [REDACTED] did not observe any throw any projectiles towards the police, and she did not observe anyone attempt to break into any dwellings.

There were a couple of residents that allowed people into their residence. There were also people that would not allow people in their residence, and they were standing on their door step. There was a guy that looked like a government official because he was standing there on his phone while everyone was running.

Ms. [REDACTED] felt there was not a proper notification of the curfew, and she could not leave the city because everything was blocked off.

POLICE/NATIONAL GUARD WITNESS STATEMENTS

Commander Stuart Emerman

Third District

On September 4, 2020, Agent [REDACTED] of the IAD conducted an audio recorded interview with Commander Stuart Emerman at the Third District. The following is a brief summary of Commander Emerman's statement: **(Attachment 50)**

On June 1, 2020, Commander Emerman was working the evening tour of duty, and he was monitoring the events in the Third District. Commander Emerman responded to the 1400 block of Swann Street, in reference to a large group of demonstrators that were in the area after curfew. This group was marching through the Third District destroying property, and they set fire to a scout car. This group had made their way up to the 1400 block of Swann Street, Northwest.

After the curfew violators were detained, Commander Emerman responded to [REDACTED] and he spoke with Mr. [REDACTED]. The Office of Unified Communication (OUC) received a call, or a text message in reference to someone needing medical assistance inside Mr. [REDACTED] residence. Commander Emerman did not know where the information originated from²⁹.

Commander Emerman went to the front door to check on the individuals inside Mr. [REDACTED] residence. Mr. [REDACTED] answered the door, and he claimed that no one called the police, and that everyone was OK inside. Mr. [REDACTED] stated that no one needed medical assistance. Mr. [REDACTED] referred to the individuals inside his residence as his guests. Mr. [REDACTED] further advised that no one called 911.

Commander Emerman had a conversation with Mr. [REDACTED] about his guests. Commander Emerman did not recall having a conversation with Mr. [REDACTED] about him potentially facing criminal charges for sheltering the individuals inside his residence. Mr. [REDACTED] inquired if his guests could come outside onto Swann Street. Commander Emerman advised Mr. [REDACTED] his guests would be arrested if they came out onto Swann Street, because they were in violation of the curfew order. Commander Emerman also advised Mr. [REDACTED] the individuals inside his residence were the individuals MPD was attempting to arrest for the curfew violation. Mr. [REDACTED] became argumentative with

²⁹ MPD received a call for service for a check on the welfare at [REDACTED]. The call did not originate from inside Mr. [REDACTED] residence.

Commander Emerman, and he alleged MPD forced one-hundred (100) people into his residence. Mr. [REDACTED] stated his guests were hungry, and that it was Commander Emerman's responsibility to feed them.

After the initial conversation, Commander Emerman went to the rear of Mr. [REDACTED] residence. Commander Emerman could hear people talking in Mr. [REDACTED] back yard. Commander Emerman asked if everyone was OK. At that time, there was no police presence in the alley. Commander Emerman went back to the front to talk to Mr. [REDACTED] again. Commander Emerman advised Mr. [REDACTED] if his guests wanted to leave, they could exit out the back alley. Mr. [REDACTED] did not agree with Commander Emerman, and he was concerned his guests would be arrested. Mr. [REDACTED] guests chose not to leave.

Commander Emerman was asked to come to the front to talk with Mr. [REDACTED] again. Mr. [REDACTED] advised he ordered pizza, and it was Commander Emerman's responsibility to facilitate the delivery. Commander Emerman advised Mr. [REDACTED] the pizza delivery could come through the alley. Commander Emerman did not have any further conversations with Mr. [REDACTED] that evening.

Officer [REDACTED]

Special Operations Division

On September 9, 2020, Agent [REDACTED] of the IAD conducted an audio recorded interview with Officer [REDACTED]. The following is a brief summary of Officer [REDACTED] statement: **(Attachment 51)**

On June 1, 2020, at approximately 1730 hours, Officer [REDACTED] deployed the LRAD at 17th and D Street, Northwest. That was the only location Officer [REDACTED] deployed the LRAD that day. Officer [REDACTED] did not deploy the LRAD on Swann Street, Northwest, and she did not deploy the LRAD on 14th Street, Northwest. Officer [REDACTED] responded to 14th and Swann Street, Northwest, and she did not witness any use of force. Officer [REDACTED] had her back to Swann Street because a group assembled across the street on 14th Street, Northwest. Officer [REDACTED] was attempting to protect the backs of the officers on Swann Street.

Inspector Robert Glover

Homeland Security Bureau

On July 9, 2020, Agent [REDACTED] of the IAD conducted an audio recorded interview with Inspector Robert Glover at the IAD. The following is a brief summary of Inspector Glover's statement: **(Attachment 52)**

On June 1, 2020, there was a Mayor's Order, and a curfew went into effect at 1900 hours. There was a large crowd that had gathered in the downtown area around that time. The crowd was advised utilizing the LRAD for approximately twenty (20) minutes that they were in violation of the Mayor's Order, and that they were subject to arrest. Inspector Glover gave the curfew violators a "way to leave." The warning could be heard over long distances through the city on the LRAD. According to Inspector Glover, the warnings were clear and audible.

The crowd from downtown moved onto 14th Street, Northwest, and they traveled northbound. Several individuals from the group began to spray paint vehicles and buildings. Several windows were broken on buildings during their course of travel. The group was heading towards the Target store, which was looted the night before. Inspector Glover was concerned about the commercial buildings on 14th Street, Northwest. The group did turn around on 14th Street, and they headed in a southbound direction. Inspector Glover heard a radio transmission that the group burned a marked MPD cruiser on 14th Street. The group of curfew violators was challenging MPD members, and they were hostile. Several individuals from the group were throwing rocks, bricks, and water bottles. Due to the conduct of the crowd, Inspector Glover authorized the use of PPE for MPD members, which included helmets, batons, and shields for protection.

Inspector Glover authorized the arrest of the curfew violators based on probable cause that they were in violation of the Mayor's Order. Initially Inspector Glover wanted to coordinate the mass arrest on S Street, Northwest. The group appeared to move onto Swann Street, Northwest, for undetermined reasons. Inspector Glover was able to deploy police lines to encircle the group to make the arrest. The group "dictated" where the arrest was going to take place because that was the street they moved onto. Inspector Glover's initial intent was not to make the arrest on Swann Street, Northwest, in that specific residential area.

After Inspector Glover authorized the arrest, he became the incident commander for the scene. Inspector Glover requested multiple MPD CDU Platoons to respond to the 1400 block of Swann Street, Northwest. CDU units formed police lines from building line to building line to the east and west ends of Swann Street, Northwest. There were also MPD members positioned in the alleys, and as rear security.

Inspector Glover gave the command for the MPD members to encircle the group. Normally MPD CDU units would actually encircle the group, however MPD units just formed up from building line to building line to effect the arrest. The crowd was no longer involved in a First Amendment assembly because they were in violation of the Mayor's Order.

Inspector Glover made a decision based on the crowd dynamics³⁰ that a majority of the curfew violators were on the west end of Swann Street. Inspector Glover initially had the CDU units push the curfew violators east to west from 14th Street. The movement was very slow and methodical, and MPD members provided loud verbal commands to back up. MPD members were clearing stairwells. The movement was very controlled and it was not "rushed." According to Inspector Glover, the officers performed within

³⁰ Inspector Glover was referring to the crowd movements and the physical environment safely managing the crowd.

Departmental policy. The NSID high volume arrest team was positioned on 15th Street, Northwest.

Inspector Glover did not authorize the use of chemical munitions. Inspector Glover authorized the use of the 40mm EIW³¹, and he believed that was the best force option for the safety of the members. Inspector Glover did authorize the use of OC spray in defense of the MPD members.

Inspector Glover did not witness anyone attempt to break into the residences. Inspector Glover did witness the crowd throwing projectiles at MPD members. It appeared the projectiles were going in a westbound direction. Inspector Glover did not witness anyone chased or pushed into any residences by MPD members. Inspector Glover did not witness any MPD member deploy chemical agents, sting balls, or rubber bullets on scene. Inspector Glover did not witness any MPD members deploy any chemical agents into any of the residences, and he did not witness any baton strikes. Inspector Glover did not witness any MPD member throwing any curfew violators to the ground. Inspector Glover did not witness any use of force on the scene.

The whole crowd was in violation of the curfew order, and there was probable cause to make the arrest. The criminal activity they committed on their course of travel was witnessed by multiple MPD officials. Inspector Glover was surveying the crowd, and there appeared to be no elderly citizens, or persons with visible disabilities among the group. MPD members were very restrained, and they used the minimum amount of force necessary to conduct the arrests in the safest manner possible.

Lieutenant [REDACTED] Special Operations Division

On July 17, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Lieutenant [REDACTED]. The following is a brief summary of Lieutenant [REDACTED] statement: **(Attachment 53)**

On June 1, 2020, there were several demonstrations and marches throughout the city after the curfew at 1900 hours. All the groups were considered curfew violators with certain exemptions. There was a large group that left the 16th and H Street area, and the group proceeded to travel north on 14th Street, Northwest. Lieutenant [REDACTED] was the "lead" for that group almost to the "Columbia or Harvard area." There was a plan to utilize CDU police lines to get this group stopped to arrest them for the curfew violation. The group began vandalizing property on 14th Street, Northwest, and they damaged a MPD cruiser. Lieutenant [REDACTED] could not recall if the LRAD was used.

The group started moving quickly southbound on 14th Street, Northwest. There was an attempt to cut the group off with MPD CDU units, however the group then moved down

³¹ Extended Impact Weapon is a device capable of firing a 40mm sponge projectile (either marking or non-marking) at a high velocity for the purpose of temporarily incapacitating an aggressive, non-compliant subject who is armed.

Swann Street, Northwest. MPD CDU lines were deployed on the east and west ends of the 1400 block of Swann Street, Northwest, to keep the group contained. Inspector Glover decided to effect the arrests for the curfew violation, and mass processing was set up by NSID on 15th Street, Northwest.

Lieutenant [REDACTED] set up a police line in the north alley. Inspector Glover was on 14th Street with a police line, and he gave a directive for the police lines to move forward, to push the crowd in a more confined area. After the MPD CDU line passed the alley, Lieutenant [REDACTED] exited onto Swann Street. MPD members were giving loud verbal commands to move back. There was a radio transmission that the curfew violators were kicking in doors. There was a concern that they were burglarizing homes on Swann Street.

Lieutenant [REDACTED] did not witness any of the force used on the 15th Street side of the MPD police lines. Some reporters and attorneys were given the option to leave the group that was being placed under arrest. Men, women, and children were sorted out for mass processing. Lieutenant [REDACTED] was made aware that the owner of [REDACTED] [REDACTED] allowed curfew violators into his residence. Commander Emerman spoke with the home owner.

Lieutenant [REDACTED] was not aware of any tear gas or CS gas deployments on Swann Street, and there were no rubber bullets or stinger grenades used. Lieutenant [REDACTED] stated there was no OC spray deployments into any residences that he was made aware of. Lieutenant [REDACTED] did not observe any curfew violators being thrown to the ground. He did witness several curfew violators attempt to hide under vehicles to avoid being arrested. No one was chased into any residences, and Lieutenant [REDACTED] felt MPD members did a good job being patient. There were individuals that were attempting to get MPD members to engage them through name calling, and MPD members showed poise, and control from getting baited into a confrontation. There was no excessive force used on scene.

Lieutenant [REDACTED] Homeland Security Bureau

On July 17, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Lieutenant [REDACTED]. The following is a brief summary of Lieutenant [REDACTED] statement: **(Attachment 54)**

On June 1, 2020, there was a curfew order that began at 1900 hours. Lieutenant [REDACTED] was monitoring a group of approximately two-hundred (200) individuals on 14th Street, Northwest at approximately 2000 hours. This group was no longer part of a First Amendment assembly because they were in violation of the Mayor's Order. There were marching north on 14th Street, and Lieutenant [REDACTED] witnessed numerous acts of vandalism. Lieutenant [REDACTED] witnessed spray paint being deployed on multiple establishments. He observed three (3) or four (4) acts act vandalism between 14th and R Street, and 14th and U Street, Northwest, on 14th Street.

Lieutenant [REDACTED] observed several unknown individuals from the group vandalize marked MPD cruiser 1306. The vehicle was parked at 14th and Euclid, Northwest. There was an individual that used a skate board to smash the windows. Lieutenant [REDACTED] voiced what he observed over the radio. Lieutenant [REDACTED] observed a majority of the group travel south back down 14th Street. There was a group that then set fire to the MPD cruiser after the other group walked off. That small group then rejoined the main group. This group went westbound onto Florida Avenue, Northwest, and the group then went southbound on 15th Street.

SOD was attempting to set up police lines to stop the group. The group then moved down the 1400 block of Swann Street, Northwest. There were MPD lines set at 14th and Swann, and at 15th and Swann Street to contain the group. Once the police lines were established, they were given a command to move forward to contain the group. Lieutenant [REDACTED] observed projectiles being thrown at MPD members. There was an individual standing on top of a vehicle jumping up and down. CDU and SOD officers gave him commands to get off the vehicle and he did not comply. Lieutenant [REDACTED] believed he was one of the individuals who threw a water bottle at the police. Lieutenant [REDACTED] witnessed two (2) deployments of OC spray, and he witnessed an individual attempt to push past an officer with a shield.

Lieutenant [REDACTED] observed several curfew violators banging on doors in the block. There was a location where an occupant opened the door, and he let the curfew violators inside his residence. The home owner did not flag the officers down.

Lieutenant [REDACTED] was not able to identify anyone that was specifically involved in the destruction of the MPD vehicle. Lieutenant [REDACTED] was not close enough to be able to identify them. There was a possibility that the individuals directly involved were able to evade capture by gaining access to a residence on Swann Street.

Lieutenant [REDACTED] was near 15th and Swann Street, Northwest. When the MPD CDU units advanced forward they gave loud verbal commands for the curfew violators to move back. There were several individuals not compliant, and they were attempting to push through the police lines. Lieutenant [REDACTED] did not witness Lieutenant [REDACTED] deploy OC spray on the unidentified individual on top of the vehicle. Lieutenant [REDACTED] observed Lieutenant [REDACTED] deploy OC spray at an individual that charged an MPD member.

Lieutenant [REDACTED] did witness Officer [REDACTED] deployment of OC spray. Officer [REDACTED] deployed OC spray towards the sidewalk area. There was a large group gathered there and they were given commands to move back and they did not comply. Although the owner of [REDACTED] opened his door, he did not make himself know to MPD members, and he did not advise MPD members he was allowing people into his residence.

Lieutenant [REDACTED] recalled hearing warning, however he could not recall what was said. The warnings were given as the group was moving north from the downtown area. Lieutenant [REDACTED] did not witness any tear gas or CS gas deployed in the 1400 block of Swann Street. The only "thing" he observed was OC spray. Lieutenant [REDACTED] did not witness any deployment of OC spray into any doorway or into any window in the 1400 block of Swann Street, Northwest. Lieutenant [REDACTED] did not witness Officer [REDACTED] OC spray anyone the stairs at [REDACTED] and he did not witness any rubber bullets or stinger grenades on scene. Lieutenant [REDACTED] did not witness any curfew violators thrown to the ground, and he did not observe any baton strikes.

Lieutenant [REDACTED] observed MPD members push curfew violators back with their shields, and he felt their actions were consistent with MPD policy. Lieutenant [REDACTED] was a CDU lieutenant for almost ten (10) years, and what Lieutenant [REDACTED] witnessed was within MPD's use of force policy. Lieutenant [REDACTED] did not witness any curfew violators chased into any residence into the 1400 block of Swann Street, Northwest.

Officer [REDACTED]

Sixth District

On July 29, 2020, Agent [REDACTED] of the IAD conducted an audio recorded interview with Officer [REDACTED] at the IAD. Present for the interview was Officer [REDACTED] of the Fraternal Order of Police (FOP). The following is a brief summary of Officer [REDACTED] statement: **(Attachment 55)**

On June 1, 2020, Officer [REDACTED] responded to 15th and Swann Street, Northwest, and he assisted with forming a police line. Officer [REDACTED] was equipped with PPE, and he was equipped with a shield. There was a command decision to effect a mass arrest for a curfew violation. Officer [REDACTED] was given an order from an official to move forward. Other MPD members were equipped with shields, and they moved forward. Loud verbal commands were given for the curfew violators to move back, and some did not comply. Some curfew violators linked up their arms, and others placed their hands in the air, and they would not move back.

Officer [REDACTED] along with other MPD members utilized their shields to push the curfew violators back. Officer [REDACTED] was next to a smaller vehicle, and a gentleman ran onto the roof and hood of the vehicle. Projectiles were being thrown at MPD members. This male was at an elevated position, and if MPD members pushed past him, he would have been behind the police line. Officer [REDACTED] observed an OC spray deployment, and the male then ran off the vehicle into the crowd.

Officer [REDACTED] was given a command to stop, and the line was held. Officer [REDACTED] observed a male with black hair that took an aggressive posture. The male was upset, and he clinched his fists, and charged towards Officer [REDACTED]. The male initiated contact with his upper torso, and Officer [REDACTED] utilized his shield to push him back. The male appeared to come back towards the police line, and OC was

deployed at him by Lieutenant [REDACTED]. The male's behavior changed, and he remained near the police line.

Officer [REDACTED] did not witness the deployment of OC spray in front of [REDACTED]. Officer [REDACTED] did not observe any baton strikes, and he did not observe any tear gas or CS gas deployed. Officer [REDACTED] did not observe any MPD members slam anyone to the ground. Officer [REDACTED] did not observe any rubber bullets or stinger grenades deployed.

Officer [REDACTED] Sixth District

On August 3, 2020, Agent [REDACTED] of the IAD conducted an audio recorded interview with Officer [REDACTED]. Officer [REDACTED] of the Fraternal Order of Police (FOP) was present for the interview. The following is a brief summary of Officer [REDACTED] statement: **(Attachment 56)**

On June 1, 2020, Officer [REDACTED] responded to the 1400 block of Swann Street, Northwest, to assist with the arrest of multiple curfew violators that were in violation of the Mayor's Order. After the curfew violators were detained, Officer [REDACTED] assisted with escorting Mr. [REDACTED] to a transport vehicle for processing. Mr. [REDACTED] was not handcuffed, and Officer [REDACTED] escorted Mr. [REDACTED] by his left arm. Mr. [REDACTED] made a motion to break free from Officer [REDACTED] grip. Mr. [REDACTED] pulled Officer [REDACTED] to the ground while he was attempting to escape. Officer [REDACTED] did not assist Officer [REDACTED] in conducting a takedown on Mr. [REDACTED]. Officer [REDACTED] did not observe Officer [REDACTED] make any contact with Mr. [REDACTED] neck, and Officer [REDACTED] did not have any contact with Mr. [REDACTED] neck.

Lieutenant Colonel [REDACTED] DC National Guard

On June 23, 2020, Agent [REDACTED] of the IAD conducted an audio recorded telephone interview with Lieutenant Colonel [REDACTED] of the DC National Guard. The following is a brief summary of Lieutenant Colonel [REDACTED] statement: **(Attachment 57)**

On June 1, 2020, Lieutenant Colonel [REDACTED] and eight (8) other DC National Guard troops assisted MPD members with forming a line on the east side of Swann Street, Northwest. Lieutenant Colonel [REDACTED] troops were in full uniform, and they were equipped with shields. There was a large crowd on Swann Street, Northwest, and Lieutenant Colonel [REDACTED] troops advanced westbound, on line, down Swann Street with MPD members. Lieutenant Colonel [REDACTED] stated that no one in the crowd pushed or touched anyone on his line. DC National Guard members did not make any physical contact with any of the curfew violators.

Lieutenant Colonel [REDACTED] did not witness any MPD members use force to push the crowd back. Lieutenant Colonel [REDACTED] did not witness any baton strikes, or deployments of OC spray.

PHYSICAL EVIDENCE SECTION

Description of the Scene:

The 1400 block of Swann Street, Northwest, Washington, DC 20009 is a residential street, and traffic can only flow one-way in an eastbound direction. The north and south side are lined with brick front attached row homes. On the east side in the 1400 block of Swann Street, Northwest, there is an alleyway that runs north and south, on both sides of the street.

Evidence Recovered / Processed:

Members from the NSID responded to 1400 Swann Street, Northwest, and they photographed the individuals arrested and uploaded the images into evidence.com. On July 22, 2020, Agent [REDACTED] photographed the 1800 block of 14th Street, Northwest, and he canvassed the area for damaged property.

Mr. [REDACTED] located several items in the 1400 block of Swann Street, Northwest, and the items were placed on property book # 2702, page # 139 at the Third District:

1. One (1) Vipertek Taser with case.
2. One (1) Smith and Wesson Extreme Ops knife.
3. One (1) Ace Hardware spray paint and primer.

The following tasks were performed:

4. Photographs of the arrestees.
5. Photographs of the 1800 block of 14th Street, Northwest.

Involved Vehicles:

- [REDACTED] (tag [REDACTED]) registered to Mr. [REDACTED]
- 2018 Ford Taurus (DC tag [REDACTED]) MPD Cruiser 1306.

Property Damage:

- [REDACTED] tag [REDACTED] Scratched and dented.
(No MPD report generated)
- 2018 Ford Taurus DC tag [REDACTED] - Burned and vandalized.
(CCN [REDACTED])

- 1914 14th Street, Northwest (Trader Joe's) - Front window broken. (CCN [REDACTED])
- 1802 14th Street, Northwest (Lou Lou Boutiques)-Spray paint appeared to have been cleaned from the exterior of the building. (No MPD report generated)
- 1811 14th Street, Northwest (Black Cat) – Spray paint on the boarded up front window. (No MPD report generated)
- 1819 14th Street, Northwest (El Centro) - Spray paint on the boarded up front window. Glass on the front door was smashed in. (CCN [REDACTED])
- 1825 14th Street, Northwest- Spray paint in the front window. (No MPD report was generated)
- 1800 14th Street, Northwest-Spray paint on west lamp post. (No MPD report generated)

DIGITAL / ELECTRONIC EVIDENCE

Body Worn Camera Review:

The Body Worn Camera (BWC) videos taken by the members who were on the scene of this incident were reviewed by Agents [REDACTED], [REDACTED], and [REDACTED]. Multiple members were equipped with BWC on scene, and their videos did not provide additional evidence because their BWCs captured the same incident. Although members had multiple videos, Agent [REDACTED] completed a synopsis of the videos directly related the use of force incident, and the videos are summarized as follows: **(Attachment 58)**

The noted times indicate the counter time and not actual time.

Lieutenant [REDACTED] had one (1) BWC video recorded

Lieutenant [REDACTED] BWC video began at 2107 hours and was twenty-seven (27) minutes and seven (7) seconds in length:

05:23 Lieutenant [REDACTED] asked if there were enough units in the north and south alleys to push everyone onto Swann Street, Northwest.

06:35 Lieutenant [REDACTED] directed nine (9) MPD members to form a line by a fence to prevent individuals from climbing the fence.

09:25 Lieutenant [REDACTED] stated, "I don't want them launching anything."

- 09:53** Lieutenant [REDACTED] advised that they were holding the line at 14th and Swann Street, Northwest.
- 12:27** Lieutenant [REDACTED] responded to 15th and Swann Street, Northwest to push the crowd east on Swann Street, Northwest.
- 14:39** Lieutenant [REDACTED] advised it would be easier to push the crowd from 14th Street, Northwest.
- 18:24** Lieutenant [REDACTED] was advised by an unknown member that people were getting out by jumping a fence in the alley, and the protesters kicked in a fence, and they were jumping over a car in the north alley.
- 21:40** Lieutenant [REDACTED] was advised that a vehicle was damaged.
- 22:06** Captain [REDACTED] asked, "Are we going to give them warnings?" Lieutenant [REDACTED] stated, "No. We are locking them up."
- 22:20** Lieutenant [REDACTED] stated, "We are set. Start coming from the west."
- 23:43** Lieutenant [REDACTED] stated, "They are trying to kick in doors in the block."
- 23:47** Lieutenant [REDACTED] advised the CDU units to push into Swann Street, Northwest. MPD members gave loud verbal commands to "move back," as the members moved eastbound on Swann Street, Northeast.
- 24:20** An order was given to hold the line.
- 24:28** An unidentified male was standing on top of a vehicle on the north side of the street. Lieutenant [REDACTED] recovered a MK-9 OC dispenser with his right hand, and he pointed it at the male on the car. Lieutenant [REDACTED] yelled, "Watch out for the bottles!"
- 24:54** Lieutenant [REDACTED] BWC fell to the ground in an unknown manner. An unknown MPD member pick up the camera.

There was no further evidentiary value related to Agent [REDACTED] Use of Force investigation.

Officer [REDACTED] had one (1) BWC video recorded

Officer [REDACTED] BWC video began at 2105 hours and was one (1) hour and five (5) minutes in length:

25:50 Officer ██████ utilized his shield to push the crowd back. MPD members were observed utilizing their shields to push the crowd back. MPD members gave multiple loud verbal commands to move back.

26:18 Lieutenant ██████ deployed a single one second burst of OC spray at a male standing on top of a vehicle.

26:24 Lieutenant ██████ deployed another burst of OC spray.

26:32 An unidentified MPD member yelled, "Back up! Back up! Back up!" A crowd was moving up a stairway at ██████

26:51 An unidentified male approached Officer ██████ and yelled, "We are peaceful!" Officer ██████ pushed him back with his shield. Multiple unidentified individuals were observed running into ██████
██████ No MPD members were observed on the staircase, or pursuing the individuals into the residence.

52:00 MPD members began taking multiple people into custody.

There was no further evidentiary value related to Agent ██████ Use of Force investigation.

Officer ██████ had one (1) BWC video recorded

Officer ██████ BWC video began at 2103 hours and was three (3) hours and fifty-nine (59) minutes in length:

27:38 MPD members gave multiple loud verbal commands to move back, and they began pushing the crowd back with their shields.

27:55 An unidentified male was standing on top of a vehicle. The male then appeared to move to the trunk area on top of the vehicle. The male then appeared to jump off the vehicle.

28:24 Officer ██████ yelled, "Get down!" There was an individual observed standing on the top of a stairway. A large crowd was observed moving into ██████
██████

28:40 An unidentified male charged forward towards an MPD member, and he was pushed back by an MPD member with a shield. Lieutenant ██████ then deployed a single one second burst of OC spray to the male's facial area. The male then turned to his left, and he appeared to flee.

28:48 Officer ██████ deployed OC spray, towards the sidewalk near ██████
██████

29:02 A male appeared to be coughing on the sidewalk from the OC exposure. Three (3) individuals walked to the top of the stairs located at [REDACTED], Northwest, and they appeared to be suffering from OC exposure.

There was no further evidentiary value related to Agent [REDACTED] Use of Force investigation.

Officer [REDACTED] had one (1) BWC video recorded

Officer [REDACTED] BWC video began at 2105 hours and was two (2) hours and twenty-eight (28) minutes in length:

26:26 Officer [REDACTED] appeared to push Ms. [REDACTED] back with his shield.

26:28 MPD members were moving the crowd back with their shields. An unidentified male fell to the ground.

26:50 An unknown object was thrown at MPD members from the crowd.

27:05 Lieutenant [REDACTED] had the MK-9 OC dispenser in his right hand.

27:20 An unidentified male moved forward towards MPD members, and he appeared to be hit in the facial area with a single burst of OC spray. There was a large crowd that fled into [REDACTED]

27:25 MPD members were giving loud verbal commands to move back. A single one second burst of OC spray was deployed from Officer [REDACTED] at several individuals on the sidewalk in front of [REDACTED]. Officer [REDACTED] did not deploy his OC spray directly towards the house, and he deployed it in an eastbound direction on the sidewalk.

There was no further evidentiary value related to Agent [REDACTED] Use of Force investigation.

Officer [REDACTED] had one (1) BWC video recorded

Officer [REDACTED] BWC video began at 2136 hours and was eighteen (18) minutes and five (5) second in length:

10:15 Sergeant [REDACTED] asked, "Did you go in the house?" Office [REDACTED] replied, "No I just sprayed down." He then raised his OC dispenser up and brought it back down.

There was no further evidentiary value related to Agent [REDACTED] Use of Force investigation.

Officer [REDACTED] had one (1) BWC video recorded

Officer [REDACTED] BWC video began at 2106 hours and was one (1) hour and six (6) seconds in length:

48:12 Officer [REDACTED] escorted Mr. [REDACTED] by his left arm down Swann Street, Northwest. Officer [REDACTED] utilized his hands to escort Mr. [REDACTED] by his right arm. Officers [REDACTED] and [REDACTED] escorted Mr. [REDACTED] northbound on 15th Street, Northwest, to a NSID transport vehicle.

48:43 Officer [REDACTED] was carrying an MK-9 in his left hand.

48:50 Mr. [REDACTED] pulled his right arm away from Officer [REDACTED]. Mr. [REDACTED] was then taken to the ground by Officer [REDACTED].

49:03 An unidentified male stated, "Calm down mo." Officer [REDACTED] stated, "Relax." An unidentified male stated, "Get off his neck." Officer [REDACTED] was near Mr. [REDACTED] lower torso, and there was no MPD member near Mr. [REDACTED] neck.

49:08 Officer [REDACTED] utilized hand controls on Mr. [REDACTED] arm to pull them behind his back. Officer [REDACTED] was positioned on Mr. [REDACTED] lower torso, and there was no contact with Mr. [REDACTED] neck. An unidentified male stated, "Get off his neck."

49:30 Mr. [REDACTED] stated, "I'm going to relax."

50:09 Officer [REDACTED] assisted Mr. [REDACTED] to his feet. Mr. [REDACTED] was not secured in restraints.

There was no further evidentiary value related to Agent [REDACTED] Use of Force investigation.

Officer [REDACTED] had one (1) BWC video recorded

Officer [REDACTED] BWC video began at 2106 hours and was one (1) hour and twenty-seven (27) minutes in length:

47:50 Mr. [REDACTED] sat down, and Officer [REDACTED] assisted him to his feet by utilizing hand controls on his left arm. Officer [REDACTED] then escorted him to 15th Street, Northwest.

48:21 Officer [REDACTED] was escorting Mr. [REDACTED] by his right arm.

48:51 Officer [REDACTED] and Mr. [REDACTED] went to the ground. Officer [REDACTED] stated multiple times, "Relax." Officer [REDACTED] was straddled over Mr. [REDACTED] lower torso while he was face down on the ground.

49:19 Officer ██████ asked, "Are you going to relax?" Mr. ██████ stated, "I'm going to relax. You're hurting my arms." Officer ██████ asked, "Are you good?" Officer ██████ repositioned Mr. ██████ arms. Sergeant ██████ advised Mr. ██████ he was just being arrested for a curfew violation and if he relaxed, they could get him released on a citation. Mr. ██████ replied, "OK." Officer ██████ then assisted Mr. ██████ to his feet.

There was no further evidentiary value related to Agent ██████ Use of Force investigation.

Sergeant ██████ had one (1) BWC video recorded

Sergeant ██████ BWC video began at 0342 hours and was one (1) hour and thirteen (13) minutes in length:

37:32 Ms. ██████ was called up by Sergeant ██████ to be processed. Ms. ██████ then walked up to the processing tent.

38:52 Ms. ██████ stated, "I have one on my leg." She then extended her left leg forward. Officer ██████ called Sergeant ██████ over. Ms. ██████ stated, "It hurts right here." She then lifted her right leg, and she touched the inside of her left knee with her foot. Ms. ██████ stated, "The officers with their little stick things. They were not little, but the sticks. I have one on my arm." Ms. ██████ attempted to raise her right arm. Sergeant ██████ asked, "They hit...you have what?" Ms. ██████ replied, "Bruises. I saw it in the bathroom. I have a bruise on this arm."

39:15 Sergeant ██████ advised the officers to finish searching Ms. ██████ and he advise Ms. ██████ that she needed to go to the hospital. Ms. ██████ asked, "For real, for a bruise? What are they going to do for a bruise?"

42:19 Sergeant ██████ asked Ms. ██████ if she wanted to go the hospital. Ms. ██████ stated, "Sure."

Officer ██████ had one (1) BWC video recorded

Officer ██████ BWC video began at 0419 hours and was one (1) hour and eight (8) minutes in length:

02:18 Officer ██████ began searching Ms. ██████

02:24 Ms. ██████ asked, "You going to make sure I'm not hurt...right? If I have bruises on my arms? What do about that?" Officer ██████ asked, "What happened?" Ms. ██████ stated, "I was hit with one of your sticks. Your police officers." Officer ██████ asked, "Who did you tell?" Ms. ██████ stated, "I did not get a chance to tell anybody." Ms. ██████ stated that she had a bruise on her right arm.

02:57 Ms. [REDACTED] stated, "I have bruises on my arm right here. My right arm, and right here under my rib." Ms. [REDACTED] indicated her left rib was injured. Officer [REDACTED] asked, "Does it hurt?" Ms. [REDACTED] replied, "Ya." Officer [REDACTED] called Sergeant [REDACTED] over. Officer [REDACTED] advised Sergeant [REDACTED] that Ms. [REDACTED] was complaining of pain, and that she was struck by officers.

SOD Events Radio Zone Transmissions:

Agent [REDACTED] reviewed the SOD Events radio zone transmissions related to the mass arrest and use of force on Swann Street, Northwest. The following is a brief synopsis of the recording. The time stamps listed are relative to the electronic file and not the actual time of day. **(Attachment 59)**

- 23:16** Intel 2 notified Cruiser 50 there were approximately one-hundred and fifty (150) people at Dupont Circle, Northwest.
- 42:43** CDU 3110 advised a large crowd was marching in the 1400 block of U Street, Northwest.
- 53:38** Cruiser 12 to JOCC, asked if USPP had the group at Dupont Circle. Approximately one-hundred (100) travelling northbound 1500 block of New Hampshire Avenue, Northwest, towards 3D.
- 54:37** CDU 32 requested units to 14th and T Street, Northwest, to cut traffic. Organizers have advised they will leave the area at 1840 hours.
- 01:02:36** CDU 32 advised 14th and U Street, Northwest, has been cleared. Group allegedly back to Barry Place and 8th Street, Northwest, to disperse.
- 01:07:24** The group that left Dupont Circle, Northwest, is now blocking traffic at 15th and P Street, Northwest. Cruiser 50 acknowledged.
- 01:08:57** Crowds at 15th and P Street, Northwest, just stepped off travelling westbound.
- 01:09:30** Cruiser 5 requested the dispatcher to voice the time. Dispatcher voiced the time is 1901 hours. Cruiser 5 advised the curfew is now in effect and to begin making the announcements. Dispatcher reiterated by stating "curfew is now in effect."
- 01:55:15** 8701 has the lead of a group from K Street. Travelling on Vermont Avenue towards Thomas Circle, Northwest.
- 01:55:38** CDU 6 stated approximately twenty-five (25) people at Vermont and K Streets, Northwest. CDU 6 stated, "If we want to give the warnings now we may want to use an LRAD to make the warning down here for this crowd."

- 01:56:19** CDU 6 asked if Falcon is above. Unknown members stated it is Eagle (USPP). CDU 6 was requesting for the helicopter to lift away because their noise was washing out the warning announcement.
- 01:57:26** A group from Vermont Avenue is heading north from Thomas Circle on 14th Street, Northwest.
- 01:57:34** A large group eastbound on I Street and Connecticut Avenue, Northwest. There was a "couple hundred" on 17th Street, Northwest northbound.
- 01:57:56** 8701 requested additional assets for his group that is now approaching Rhode Island Avenue, Northwest.
- 01:59:42** 8701 advised group was still northbound on 14th Street, Northwest, approaching P Street, and he is requesting assistance.
- 02:01:40** 8701 stated his group is still northbound on 14th Street, Northwest, approaching Q Street, Northwest. There was approximately one-thousand (1,000) people, and 8701 needed assets on U Street, Northwest, if the group decides to do anything besides march.
- 02:06:43** 8701 advised his group is approaching U Street, Northwest.
- 02:07:27** 8701 advised the group went northbound on 14th past U Street, Northwest. 8701 lost sight of lead. CDU 33 is north of 8701 and they have eyes on the lead. CDU 33 will provide the updates.
- 02:08:26** Cruiser 50 requested an update on location from 8701. Group still northbound 14th Street, Northwest, and he advised the group is now spray painting.
- 02:08:58** JOCC requested a location of spray painters. Male voice states "northbound approaching Florida Avenue on 14th Street. Cruiser 50 states "CDU 6 (██████) keep giving us blocks. We'll pick side streets. We'll pinch them at the narrowest point."
- 02:10:20** Cruiser 50 stated "8600 let's think about this concept. You need to establish an east flanking movement up and a west flanking movement up so we get them into a narrow block. That's where we're going to execute the encirclement."
- 02:11:09** Cruiser 50 directed Cruiser 8600 and 8701 to coordinate the east and west flanks with pinching the block. Transmissions following are the movements of the crowd and the efforts being made by CDU units to encircle the group.
- 02:13:27** Intel 1 announced a priority by advising a cruiser is being smashed on the east side of 14th Street, Northwest.

- 02:13:53** Cruiser 50 directed CDU 6 to continue north towards Columbia Heights to prevent the group from approaching the Target. Cruiser 50 advised to try the encirclement at 14th and Clifton Street, Northwest.
- 02:16:50** DSO 2 stated the group is moving south on 14th Street, from Belmont Street, Northwest.
- 02:18:59** 8706 advised the second group is northbound on 14th Street crossing Rhode Island Avenue, Northwest, to meet with the first group.
- 02:19:33** Intel 1 advisee the group is stopped at 14th and Florida Avenue Northwest.
- 02:19:51** 2nd group was approaching T Street, Northwest.
- 02:21:02** Motor 1 announced the group northbound on 14th at S Street, Northwest, is approximately "150 large."
- 02:21:14** Cruiser 50 advised to let the group (2nd) travelling north to continue with no interference. He wants to let the two groups to merge.
- 02:26:12** "15th and Swann Street, Northwest."
- 02:28:28** Announcement was made that a portion of the group is travelling east on Swann Street, Northwest, towards 14th Street, Northwest
- 02:28:34** Cruiser 50 directed CDU 54 to 14th Street and Swann Street, Northwest to hold the line.
- 02:28:59** Group was throwing pyrotechnics; not MPD.
- 02:29:04** Majority of crowd was eastbound on Swann Street, Northwest, towards 14th Street, Northwest.
- 02:30:57** DSO 2 announced projectiles being thrown at 15th and Swann Street, Northwest.
- 02:33:22** 1400 Swann Street, Northwest, approximately "75-100." Cruiser 50 then notified NSID 1 and requests mass arrest team for "100."
- 02:36:46** Cruiser 50 advised, "Units that are deploying on Swann Street. Munitions absent. 40 mm exact impact. No munitions deployment on Swann Street. We have this group completely surrounded. It'll be mechanical force only and 40 mm exact. No other munitions are authorized."
- 02:37:14** Cruiser 50 stated, "I need all the munitions teams to acknowledge. The only thing authorized at Swann Street is mechanical force and 40 mm exact impact. No other munitions are to be deployed. The crowd is surrounded and they do not have an avenue of escape."

- 02:37:33** Cruiser 8601 stated, "We're in the alley. The only thing we have is the [MK] 46. Is 46 authorized?" Cruiser 50 states, "We cannot use munitions, [REDACTED] The crowd is encircled. The rules are we have to give them an escape route if we use munitions. Cruiser 8601 states, "This is just OC." Cruiser 50 stated, "46...If you have to for defense that's fine. But let me know if you have to use it. I don't want this crowd surging lines." Cruiser 8601 stated, "Only reason we would use it is if we got a rush."
- 02:47:14** "They're trying to kick in doors in the block."
- 02:47:30** "Pushing back from 15th and Swann Street, Northwest. Group is now breaking in doors."
- 02:47:53** CDU 24 advises the 4th house in on the north side is being rushed in by the group.
- 02:48:14** "Made entry into [REDACTED]"
- 02:50:46** Cruiser 50 assigned CDU 54 as the arrest squad on Swann Street, Northwest.
- 02:56:15** Cruiser 50 requested 5 Bravo to reassign a mountain bike squad from east flank to west side to now be assigned to arrest team.
- 03:01:07** CID Team 3 stated they interviewed homeowner at [REDACTED] [REDACTED] Owner allowed protesters to enter the residence
- 03:02:15** CDU 6 announces first arrest was made on Swann Street, Northwest.
- 03:17:40** Cruiser 8600 stated. "...JOCC be advised OC. 1400 block of Swann Street earlier...OC deployed on 15th Street and Swann Street side" During this transmission Cruiser 8600 was trying to ascertain if any deployment took place on the 14th and Swann Street side through Cruiser 50; however, Cruiser 50 was now near MPD headquarters.

No additional mention of Use of Force on Swann Street beyond this point.

911 Telephone Calls to Office of Unified Communications (OUC):

The following is a brief synopsis of the recordings. The time stamps listed are relative to the electronic file and not the actual time of day. **(Attachment 60)**

The first call was 1 minute and 32 seconds in length.

00:18 The caller advised he had one-hundred (100) people at his front door. He stated the protesters were pushed up north from the white house.

00:40 The caller advised there was a police presence on 14th Street, Northwest.

The second call was 2 minutes and 20 seconds in length.

00:45 The caller advised there was about twenty-five (25) individuals in the alley turning over trash cans and setting off firecrackers and flash bombs.

02:05 The caller advised that there was an individual changing clothes in his driveway.

The third call was 12 minutes and 45 seconds in length.

00:09 The caller advised there were people trying to break in his residence at [REDACTED]
[REDACTED] The caller stated people were trying to break in his lower level unit while he was in there.

01:07 The caller advised he was in a locked room.

02:02 The caller advised he had a dresser against the front door.

02:48 The caller advised there was a lot of noise in front.

04:08 The caller advised he heard someone say they were going to, "beat people's asses."

04:19 The caller advised the officers were on scene.

06:35 The caller advised the scene was tense outside, and he advised there were individuals blocking the police, and screaming in their faces.

08:20 The caller advised he was going to the rear.

CCTV Review:

The following CCTV videos were provided to Agent [REDACTED] by Mr. [REDACTED] from [REDACTED]. The videos related to the incident were reviewed by Agent [REDACTED] and a synopsis of these videos are summarized as follows: The noted times indicate the counter time and not actual time. **(Attachment 61)**

The first video was 10 seconds in length.

00:01 There were multiple curfew violators running westbound in the 1400 block of Swann Street, Northwest.

The second video was 23 seconds in length.

00:01 An unidentified MPD member checked the stair well of [REDACTED]
[REDACTED] There was water bottles and trash visible on the stairs.

The third video was 2 minutes and 18 seconds in length.

00:01 There was a large group of individuals gathered outside on the side walk. MPD members were heard saying move back multiple times.

01:18 An unidentified male approached the MPD members and stated, "I'm not scared of you!"

01:37 An unidentified male stated, "They don't give a shit about you right now." He then appeared to blow his nose into his hand right hand and he the tossed the mucus at the MPD members standing online.

The fourth video was 4 minutes and 55 seconds in length.

00:12 A large group of individuals ran across the side walk and an unidentified individual yelled, "Fuck the police!"

00:20 An unidentified male pick up and object from the ground, and he appeared to be looking for projectiles.

00:30 The unidentified male cocked his right arm back with an object in his hand.

00:59 A unidentified male poured water onto a unidentified females face.

01:32 Multiple individuals were coughing on the sidewalk.

The fifth video was 2 minutes and 6 seconds in length.

There was no evidentiary value in the fifth CCTV video.

Social Media Videos:

Several social media videos were identified and recovered related to the Swann Street, Northwest, use of force. The following is a brief synopsis of those videos:
(Attachment 62)

The first social media video was 44 seconds in length.

00:00 The video began with the individuals recording the incident positioned at a higher elevation than the street. The video appeared to be recorded from a residence, and was narrated by two (2) unidentified male voices.

00:01 The first unidentified male voice stated, "They're fighting." The second unidentified male voice responded, "Yeah, it's tear gas." The video depicted numerous MPD members on Swann Street, Northwest, as several protesters running up to the front door of residences.

00:14 The video skipped ahead.

00:15 Several protesters began entering an unidentified residence, as someone appeared to hold the door open for them.

00:22 One (1) of the male voices stated, "It's a fight." The second male voice responded, "Oh, gosh, everyone's going into that house."

00:29 The video skipped ahead again. The video depicted several MPD members as they attempted to apprehend an individual in the street.

00:32 The individual was apprehended by several MPD members after he fell to the ground on the sidewalk.

00:42 One (1) of the male voices stated, "This is getting insane."

The second social media video was 34 seconds in length and did not capture any MPD use of force.

00:00 The video began from the street level perspective on Swann Street, Northwest. The video appeared to be recorded by a protester. The video depicted several protesters standing on Swann Street, Northwest.

00:06 The video panned up and captured a helicopter flying overhead.

00:15 The video captured several MPD members forming a line with shields on one (1) end of Swann Street, Northwest. One (1) of the protesters stated, "They're here!" and another responded, "And the chopper's above us."

The third social media video was 32 seconds in length and did not capture any MPD use of force.

00:00 The video began depicting MPD members in a residence backyard or alley as they appeared to be searching for someone or something. The video appeared to be recorded from a residence from an elevated position.

00:18 An unidentified MPD member wearing a white uniform entered the backyard of a residence, followed by several MPD members wearing helmets. A helicopter flew overhead and provided artificial illumination.

00:23 An unidentified female voice stated, "Do they have permission to be on that property?"

00:31 An unidentified female voice stated, "Maybe not."

The fourth social media video was 39 seconds in length.

00:00 The video began on the street level of Swann Street, Northwest, and appeared to be recorded by a protester. The video depicted a female protester walking away from the MPD line.

00:08 The MPD line began moving toward the protesters as an unidentified female began shouting "George Floyd! George Floyd!"

00:12 An unidentified male protester approached the line and began screaming at an officer.

00:20 An unidentified male member of MPD deployed OC spray at the group of protesters. An unidentified male protester (*appeared to be same person recording*) stated, "Hey! I'm a member of the press!"

00:29 As the MPD line approached his position, the unidentified male again stated he was a member of the press and that he was "trying" to move back and comply with the MPD officer's orders.

00:31 As the video was jostled, the unidentified male yelled, "Ow! Ow! Fuck!" as a sounds of a shield pressing against an object was heard. The male then briefly coughed and as the video neared end, stated "Thank you."

The fifth social media video was 20 seconds in length.

00:00 The video began recording from the rear of the officers forming a line on Swann Street, Northwest. The video held the street level vantage point.

00:04 The protesters on Swann Street, Northwest, began chanting "Let us leave! Let us leave! Let us leave!"

00:13 An unidentified MPD member approached the person recording the video as they approached the line and ordered the video recorder to back up.

On June 4, 2020, BuzzFeed.com posted several social media videos related to the Swann Street, Northwest, incident. The following is a brief synopsis of those videos:

The first video was 9 seconds in length.

00:03 An undefined male was seated on the floor inside Mr. ██████ residence, and he was holding onto his face. He also appeared to be coughing.

The second video was 23 seconds in length.

00:01 A large group of curfew violators were standing in front of MPD members at 15th and Swann Street, Northwest, with their hands in the air. The group was chanting, "Don't shoot."

The third video was 44 seconds in length.

00:01 Commander Emerman was standing at the front door speaking with Mr. ██████. Mr. ██████ stated, "I ordered a bunch of pizzas and you need to let them in. You going to have to direct them because I can't get a hold of them. You can tell them to come through the alley because you're blocking my front lawn."

The fourth video was 45 seconds in length.

00:01 Mr. ██████ stated, "No one called 911."

00:14 Commander Emerman stated, "Our concern is if someone needs medical help." Mr. ██████ stated, "We will call 911 if someone needs medical attention. We need some food or they are going to pass out. No one called 911 here, but I have been making requests for food." Commander Emerman asked, "You don't have any food in your refrigerator?" Mr. ██████ stated, "Zero food. I have one-hundred (100) kids in here. There is one-hundred (100) kids in here that you guys pushed in here. Do you think I want to be involved in this? You guys created this." Commander Emerman asked, "Is this your home?" Mr. ██████ replied, "Yes. So can you get me some food?"

The fifth video was 19 seconds in length.

00:10 An unidentified female stated, "Fuck you pigs. Trying to go inside some peoples private houses. More people are letting people in their houses. Thank God people."

The sixth video was 8 seconds in length.

There was no evidentiary value in the sixth video.

The seventh video was 50 seconds in length.

00:01 An unidentified female stated, "They think on the news we broke into your house." Mr. ██████ replied, "No you didn't." The female asked, "Are you giving us shelter?" Mr. ██████ replied, "Yes." The female asked, "Is everyone in this house OK here?" Mr. ██████ replied, "Yes."

00:31 The female asked, "What did they do to your house?" Mr. ██████ replied, "They shot tears gas through the window?" The female asked, "What did they do when you tried to come to your house when no one was here?" Mr. ██████ stated, "They put me up against the wall." The female asked, "How long did they hold you?" Mr. ██████ replied, "About fifteen (15) seconds until I said please let me in my house." The females asked, "How were you able to get home if they were holding you." Mr. ██████ replied, "Because I'm not black."

Several videos were identified and recovered from YouTube.com related to the Swann Street, Northwest, use of force. The following is a brief synopsis of those videos:

The first video was 22 seconds in length.

00:01 MPD members moved westbound in the 1400 block of Swann Street, Northwest. MPD members were giving multiple loud verbal commands to move back. Groups of unidentified individuals were fleeing up the stairwells at several of the residences in the block.

The second video was 27 seconds in length.

00:07 The crowd was chanting, "Let us leave!" MPD members formed a line on 15th and Swann Street, Northwest.

The third video was 43 seconds in length.

00:09 An MPD was standing at a front door at an unknown residence and he asked, "Does anyone need medical attention?" The male replied, "I do not need medical attention. No one needs medical attention. That guy has medical training." The MPD member stated, "Someone called 911."

The fourth video was 2 minutes and 21 seconds in length and it was a report by Ms. Maureen Umeh from Fox 5 DC.

00:09 Ms. Umeh advised that approximately one-hundred (100) protesters took refuge at three (3) or four (4) homes in the 1400 block of Swann Street, Northwest. Ms. Umeh went on to say the individuals were rushed into the homes by the police after they deployed tear gas. Ms. Umeh went on to say police were clubbing and pelting "them" with rubber bullets and they were boxed in by the police.

00:42 An unidentified male threw an unknown object towards the MPD members while he was standing on the side walk in front of Mr. ██████ residence.

01:32 Mr. ██████ stated, "The door opens out...I remember opening it up and hanging onto the railing and grabbing people and saying get inside."

The fifth video was 17 seconds in length.

00:08 An undefined male stated he was trapped on Swann Street, Northwest because he was surrounded by cops. He went on to say he was there for twenty-five (25) minutes.

The sixth video was 4 minutes and 25 seconds in length.

00:22 MPD members gave loud verbal commands to move back. A large group of curfew violators stood in front of the MPD members with their hands in the air and they did not move back.

00:31 MPD members began pushing the crowd back with their batons and shields. An unidentified female yelled, "Stop pushing!" An unidentified male was pushed back around a vehicle by a MPD member with a shield.

00:51 A male was observed on top a ██████. The male jumped off the front hood and fled into the crowd. A projectile was observed flying towards MPD members.

00:59 An unidentified male threw an unknown object towards the advancing MPD members.

01:04 Curfew violators were observed fleeing into Mr. [REDACTED] residence. The female stated, "Everyone is running into this house because they are about to throw bombs at us. Fuck you!"

01:34 An OC spray deployment was heard. The female began coughing.

02:05 Several unidentified individuals appeared to be affected by OC spray exposure.

02:47 The female stated, "I got maced for no fucking reason." A male was heard yelling, "[REDACTED] are you OK?" The female responded, "Yes."

The seventh video was 8 minutes and 37 seconds in length.

00:02 A large group of curfew violators were standing with their hands in the air as MPD members began advancing from 14th Street, Northwest. They crowd began moving back with their hands in the air.

00:37 MPD members gave loud verbal commands to move back as they advanced forward. The crowd moved back with their hands in the air.

02:35 The MPD line began moving westbound, and the curfew violators moved back.

04:29 There were several individuals on the front stair well of a residence.

The eighth video was 2 minutes and 51 seconds in length and it was a report by Ms. Ms. Ariane Datil from wusa9 on June 9, 2020.

00:36 An individual pulled his right arm away from Officer [REDACTED] Officer [REDACTED] grabbed him around his waist and he took the individual to the ground. The individual appeared to pull Officer [REDACTED] to the ground.

DISCREPANCIES AND CLARIFICATIONS

Was there an announcement to disperse made by MPD on Swann Street, Northwest?

No. There was not an announcement to disperse made on Swann Street, Northwest. The group remained on public space approximately two (2) hours after the curfew order went into effect, and they were being placed under arrest for the violation of the curfew order, and they were not free to leave.

The LRAD was deployed in the area of 17th and D Street, Northwest, and near 17th and Pennsylvania Avenue, Northwest, in close proximity to Lafayette Park. Although Agent [REDACTED] could not determine if the individuals arrested on Swann Street heard the curfew announcements, a preponderance of evidence exists that a majority of the group arrested on Swann Street, Northwest, moved from Lafayette Park onto 16th and H Street, Northwest, and they likely heard the curfew announcements.

Agent [REDACTED] also could not determine if the entire group arrested on Swann Street had moved to 14th Street from 16th and H Street, Northwest.

Although an order to disperse was not voiced by MPD members in the 1400 block of Swann Street, Northwest, other methods were used to make citizens aware of the curfew order. On June 1, 2020, the Wireless Emergency Alert System was utilized, and at 1641 hours, a message was sent out to all cell phones advising of the curfew that began at 1900 hours. Also, announcements were made through the local media, and through social media about the curfew in the District of Columbia.

Was tear gas deployed through a window into Mr. [REDACTED] residence?

No. On June 4, 2020, BuzzFeed.com posted a social media video where Mr. [REDACTED] alleged MPD members fired tears gas through a window into his home. During the course of his investigation Agent [REDACTED] found no evidence that chemical munitions were deployed into the 1400 block of Swann Street, Northwest, and he found no evidence that tear gas was deployed by MPD members through Mr. [REDACTED] window.

Was Mr. [REDACTED] pushed up against a wall by MPD members for fifteen (15) seconds?

On June 4, 2020, BuzzFeed.com posted a social media video where Mr. [REDACTED] alleged he was pushed against a wall for fifteen (15) seconds by an unidentified MPD member during an interview. Mr. [REDACTED] further alleged that he was let go because he wasn't black. Agent [REDACTED] found no evidence during the course of his investigation that Mr. [REDACTED] was pushed up against a wall for fifteen (15) seconds.

Did Officer [REDACTED] deploy OC spray into Mr. [REDACTED] residence?

No. On June 3, 2020, Mr. [REDACTED] was interviewed by Agent [REDACTED] Agent [REDACTED] asked Mr. [REDACTED] if any MPD members directly sprayed OC spray into his house, and Mr. [REDACTED] did not answer the question. Officer [REDACTED] deployed a single burst of OC spray in an eastbound direction at several individuals gathered at the bottom of Mr. [REDACTED] stairs on the sidewalk. Agent [REDACTED] found no evidence that Officer [REDACTED] deployed OC spray into Mr. [REDACTED] residence.

Did MPD members club and pelt curfew violators with rubber bullets?

No. On June 2, 2020, Ms. Maureen Umeh from Fox 5 DC reported allegations that MPD members clubbed and pelted the curfew violators with rubber bullets. Agent [REDACTED] found no evidence that MPD members utilized rubber bullets and clubbed curfew violators with their batons.

Did Officer [REDACTED] have his BWC activated when he deployed OC spray?

No. Agent [REDACTED] obtained Incident Summary [REDACTED] to investigate the alleged misconduct.

Was the individual on top of the vehicle or the individual that threw a projectile identified by Agent [REDACTED]

No. Agent [REDACTED] reviewed multiple BWC cameras from the officers on scene, and he reviewed photos of the arrestees, and he was not able to identify the individual on top of the vehicle, or the individual that threw the projectile. Agent [REDACTED] determined it was likely they were able to flee inside a residence in the 1400 block of Swann Street, Northwest.

Was there any other Use of Force by the other CDU units on scene?

No. On June 23, 2020, Agent [REDACTED] contacted Lieutenant [REDACTED] (CDU-42), Lieutenant [REDACTED] (CDU-54), and Lieutenant [REDACTED] (CDU-14) via email, and Agent [REDACTED] was advised that MPD members from the additional CDU units on scene did not use any reportable force. Additionally, BWC footage was reviewed by Agents [REDACTED] and [REDACTED] and no reportable force was observed. Agent [REDACTED] did not obtain statements from Lieutenants [REDACTED] and [REDACTED] because their statements would not provide Agent [REDACTED] any further evidentiary value related to his use of force investigation.

Did Agent [REDACTED] obtain a statement from Ms. [REDACTED]

No. Agent [REDACTED] made numerous attempts to contact Ms. [REDACTED] and she is deemed uncooperative with his use of force investigation.

Did Agent [REDACTED] obtain a statement from Ms. [REDACTED]

No. Agent [REDACTED] made numerous attempts to contact Ms. [REDACTED] and she is deemed uncooperative with his use of force investigation.

Did Agent [REDACTED] obtain a statement from Mr. [REDACTED]

No. Agent [REDACTED] made numerous attempts to contact Mr. [REDACTED] and he is deemed uncooperative with his use of force investigation.

Did agent [REDACTED] obtain statements from the additional individuals arrested on Swann Street?

No. Agent [REDACTED] mass mailed complainant letters to the individuals arrested on Swann Street, Northwest to the addresses they provided in the COBALT system. As of the date of this report, no one has made contact with Agent [REDACTED]. If any complaint or witness contacts the IAD after the completion of this report, an addendum will be completed with their statement.

Was Ms. [REDACTED] struck with a baton by an MPD member?

Agent [REDACTED] reviewed multiple MPD member's BWCs that were on scene, and Agent [REDACTED] found no evidence Ms. [REDACTED] was struck with a baton. After reviewing Officer [REDACTED] BWC (26:26), it appeared that he pushed Ms. [REDACTED] back with his shield.

Were there any photos of Ms. [REDACTED] injuries taken?

No. Agent [REDACTED] reviewed evidence.com and he did not locate any photos of Ms. [REDACTED] injuries. Agent [REDACTED] did locate Ms. [REDACTED] arrest photos and she was wearing a long sleeve sweatshirt and pants, and her injuries were not visible in the photos.

Was Lieutenant [REDACTED] able to identify the individual responsible for destroying an MPD cruiser on 14th Street?

No. According to Lieutenant [REDACTED] he originally observed an individual with a skate board damage the MPD cruiser on 14th Street. The group this individual was with then broke away and traveled south on 14th Street. Another group of unidentified individuals came up and set fire to the MPD vehicle. Lieutenant [REDACTED] did not observe the vehicle set on fire. According to Lieutenant [REDACTED] that group then joined another group and they made their way up to Swann Street. Lieutenant [REDACTED] could not provide an exact number of individuals around the MPD vehicle. Lieutenant [REDACTED] stated that he was far away, and he was unable to identify the individuals on Swann Street. Lieutenant [REDACTED] felt that some of the individuals may have escaped into some of the residences.

On June 2, 2020, at approximately 0710 hours, an individual identified as Mr. [REDACTED] returned to his vehicle that was parked at 16th and Constitution, Northwest. Mr. [REDACTED] was inside Mr. [REDACTED] residence. United States Secret Service (USSS) officers observed what appeared to be a firearm in plain view on the floor of Mr. [REDACTED] vehicle. As Mr. [REDACTED] approached his vehicle, he was stopped by members of the USSS. It was determined that Mr. [REDACTED] had a BB gun inside his vehicle, and he was subsequently placed under arrest. A search incident to arrest revealed that Mr. [REDACTED] was in possession of an explosive device in his backpack.

On June 9, 2020, Special [REDACTED] USSS provided information to Agent [REDACTED] that a search warrant was executed on Mr. [REDACTED] cell phone by the USSS. Images and videos were obtained from Mr. [REDACTED] cell phone of him inside [REDACTED]. Agent [REDACTED] was also made aware of a video of Mr. [REDACTED] next to a burning MPD vehicle. On July 17, 2020, Agent [REDACTED] contacted Detective Sergeant [REDACTED] of the Criminal Investigation Division (CID), and Agent [REDACTED] provided him AUSA [REDACTED] contact information to assist with CID's criminal investigation related to CCN [REDACTED].

How many sets of CCNs may were obtained for the incident?

Sergeant [REDACTED] of the IAD identified twenty-three (23) sets of CCNs associated with the arrests of the curfew violators from June 1, 2020.

Did OPC forward all of the complaints from Swann Street for a jurisdictional referral?

No. OPC is still currently investigating Incident Summary numbers, [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. Agent [REDACTED] will complete an amendment to his report for any additional OPC referrals.

When did Inspector Glover authorize the use of PPE?

Inspector Glover authorized the use of PPE once the curfew violators began throwing projectiles at MPD members on 14th Street, Northwest. Inspector Glover felt that there was a likelihood of violence during the arrest, and during the previous night, several members from MPD were injured from projectiles. According to Inspector Glover, there were individuals throwing projectiles at MPD members throughout the day.

Where there any injuries reported on Swann Street, Northwest?

No. There were no reported injuries after the arrest on Swann Street, related to the use of force while the arrestees waited for a transport to the MPA. On June 2, 2020, at approximately 0415 hours, Ms. [REDACTED] alleged that she sustained bruising after being struck with a baton on Swann Street, after she used the restroom at the MPA.

How was Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] identified as complainants?

Agent [REDACTED] reviewed BWC and the arrest photos taken from the scene, and he was able to identify Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] as complainants related to his use of fore investigation.

CURRICLIUM REVIEW

On August 8, 2020, Agent [REDACTED] made a request for a curriculum review for the incident in the 1400 block of Swann Street, Northwest.

TACTICAL ANALYSIS

Under the First Amendment Assembly Provisions of the First Amendment Rights and Police Standards Act of 2004 § 5-331.07, it specifically states there is nothing in this subsection that is intended to restrict the authority of the MPD to arrest persons who engage in unlawful disorderly conduct, or violence directed at persons or property. Additionally, a public safety emergency (Covid-19) was declared by the Mayor that was not based solely on the fact that the First Amendment assembly is occurring.

On June 1, 2020, Mayor Muriel Bowser of Washington D.C., ordered a District-wide curfew for June 1, 2020, commencing at 1900 hours and ending at 0600 on June 2, 2020. Under Mayor Bowser's order, no person during the hours of curfew, unless designated by the Mayor, shall be on public space within the District of Columbia. On the previous night, in multiple areas throughout the District of Columbia, numerous businesses, vehicles, and government buildings were vandalized, burned, or looted. Rioting occurred, and vandals smashed windows, and caused extensive property damage. Mayor Bowser specifically cited that the District was still under a public health state of emergency due to COVID-19.

Under the First Amendment Assembly Provisions of the First Amendment Rights and Police Standards Act of 2004, the unit commander, as a first means of dispersing a crowd, under static conditions, shall attempt to verbally persuade the crowd to disperse of its own accord.

At 1901, Assistant Chief Jeffery Carroll voiced a directive over the radio zone to the MPD members that the curfew was in effect, and he directed members to make announcements. Multiple announcements were made in the area of Lafayette Park utilizing the LRAD system. Curfew violators were specifically warned that they were in violation of the Mayor's Order, and that they were subject to arrest.

After the Mayor's Order went into effect, MPD members observed a large group of curfew violators engage in criminal acts by defacing buildings on 14th Street, Northwest, and destroying an MPD vehicle.

Inspector Glover established there was probable cause that the large group had committed a criminal act by violating the Mayor's Order by remaining on public space, and he ordered a mass arrest of the curfew violators. Inspector Glover directed Lieutenant [REDACTED] and Lieutenant [REDACTED] to utilize MPD CDU units to detain the curfew violators in the 1400 block of Swann Street, Northwest.

A tactical improvement opportunity identified by Agent [REDACTED] was that MPD members should have detained the curfew violators on 14th Street, Northwest, away from a residential street. There was an imminent likelihood of violence and a potential to cause significant property damage during the arrest.

Under the First Amendment Assembly Provisions of the First Amendment Rights and Police Standards Act of 2004, the incident commander shall authorize the wearing of hard PPE (e.g. helmets, gloves, chest protectors, shin guards) only when the donning of such equipment is consistent with the District policy on First Amendment assemblies and only where there is a danger of violence.

Inspector Glover authorized the use of PPE once individuals began throwing projectiles at MPD members on 14th Street, Northwest. Inspector Glover's authorization of PPE was reasonable and within Departmental policy given that there was a likelihood of

violence during the arrest, and during the previous night, several members from MPD were injured from projectiles, and there were individuals throwing projectiles at MPD members throughout the day.

Under the First Amendment Assembly Provisions of the First Amendment Rights and Police Standards Act of 2004 § 5-331.08, no emergency area or zone will be established by using a police line to encircle, or substantially encircle, a demonstration, rally, parade, march, picket line, or other similar assembly (or subpart thereof) conducted for the purpose of persons expressing their political, social, or religious views except where there is probable cause to believe that a significant number or percentage of the persons located in the area or zone have committed unlawful acts.

The formation of MPD lines at 14th and 15th Street, Northwest, and the subsequent encirclement of the curfew violators was within Department policy because the entire group in the area had committed an unlawful act (curfew violation), and they were being placed under arrest.

Under the First Amendment Assembly Provisions of the First Amendment Rights and Police Standards Act of 2004, physical force involves hands-on touching or pushing maneuvers, but with no deployment of tools or weapons. Mechanical force, Level I, includes the use of tools or weapons, to include the riot baton, ASP, and riot shield.

The use of physical force and mechanical force by CDU Platoons 62 and 52 was reasonable and justified to move the curfew violators into a containment area to safely effect an arrest. MPD members gave loud verbal commands for the crowd to move back, and several of the curfew violators would not comply. Several curfew violators began throwing projectiles at MPD members as they advanced forward, and MPD members utilized their batons and shields to push the crowd back.

Under the First Amendment Assembly Provisions of the First Amendment Rights and Police Standards Act of 2004, the decision to use the MK-9 or MK-46 OC canisters shall be based upon the necessity to protect officers or others from physical harm or to arrest actively resisting subjects, or if subjects are endangering public safety or security. Additionally, under General Order 901.04, OC Spray may be used when cooperative controls are insufficient to control or stop an aggressive act or act of resistance.

As the MPD line advanced forward, several individuals began throwing projectiles. An unidentified individual stood on a vehicle which posed a serious safety risk to the officers as he stood over top of the advancing police line. Loud verbal commands were given to the individual to get back, and he would not comply. Another individual advanced towards the police line and threw an unknown object at the MPD members. Lieutenant Horos' deployment of OC spray was reasonable and within Departmental policy because these individual were a public safety risk to the officers on scene.

Mr. [REDACTED] charged directly at Officer [REDACTED] and Officer [REDACTED] pushed him back with his shield. Lieutenant [REDACTED] second deployment of OC spray was within

Departmental policy because Mr. ██████ behavior was assaultive, and the use of Lieutenant ██████ OC spray was a reasonable response to halt Mr. ██████ attack.

Several MPD members voiced that the curfew violators were attempting to break into homes as the lines advanced forward. Officer ██████ observed a large group of curfew violators fleeing into Mr. ██████ residence evading capture. Officer ██████ was unaware Mr. ██████ had let the curfew violators into his home. As MPD members advanced, they gave loud verbal commands to move back. There was a group of curfew violators on the side walk ignoring the loud verbal commands to move back. Officer ██████ deployment of OC spray was reasonable and within Departmental policy because, Officer ██████ had reason to believe the group on the side walk was breaking into Mr. ██████ home to evade capture, and they were a danger to public safety.

As Officers ██████ and ██████ escorted Mr. ██████ to a transport, Mr. ██████ broke free from their grip and he attempted to flee. Officer ██████ then conducted a takedown on Mr. ██████ to prevent his escape; his actions were reasonable, and within Departmental policy.

Under the First Amendment Assembly Provisions of the First Amendment Rights and Police Standards Act of 2004, and the policy of the Metropolitan Police Department (MPD) is to value and preserve the sanctity of human life at all times, especially when lawfully exercising the use of force. Therefore, MPD members shall use the minimum amount of force that the objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others. When using force, members shall continuously reassess the perceived threat in order to select the reasonable use of force response, or one that is proportional to the threat faced by him, her, or others.

Agent ██████ has determined that on June 1, 2020 MPD members established probable cause to effect an arrest on the curfew violators in the 1400 block of Swann Street, Northwest. Therefore it has been determined that the use of physical force, mechanical force, OC spray, and a takedown by members on the scene, were reasonable force options in that situation, and their actions represented the minimum amount of force necessary to take the curfew violators into custody.

SUMMARY AND CONCLUSIONS

In order to assess this issue of force and determine whether or not the events comport with applicable rules and regulations, several issues must be addressed and analyzed. Moreover, this type of analysis allows for a review of policies and procedures with the application of "hindsight vision," which lends itself as a teaching tool and helps precluded unsafe or improper practices from occurring in the future.

In reviewing and considering this matter, it is helpful to note the Supreme Court's decision in Graham v. Conner, 490 U.S. 386 (1989) as it relates to the reasonableness of force used by police. The Court indicated that:

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that the police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation."

Based on the physical and testimonial evidence obtained during this investigation, the following facts have been established:

- On June 1, 2020, Mayor Muriel Bowser ordered a District-wide curfew commencing at 1900 hours. At 1901 hours, multiple warnings were voiced, on the LRAD, through the District of Columbia, that if you remained on the street in violation of the Mayor's Order, you were subject to arrest.
- Approximately 2100 hours, a large group of over two-hundred (200) individuals gathered on public space in the area of 14th and Swann Street, Northwest, in violation of the Mayor Bowser's Order. MPD CDU and SOD members formed police lines at the east and west ends of the 1400 block of Swann Street, Northwest to contain, and effect the arrest of the curfew violators.
- CDU Platoons 52 and 62 gave loud verbal commands to move back, as they advanced forward, and several members of the crowd would not comply. MPD members utilized physical and mechanical force to push the curfew violators back into a containment area, to make the arrests.
- Curfew violators were throwing projectiles, and engaged in behavior that was a danger to public safety. Lieutenant [REDACTED] deployed OC spray at an individual on top of a vehicle, and he again deployed OC spray at an unidentified individual throwing an object at the MPD police line. Lieutenant [REDACTED] also deployed OC spray at Mr. [REDACTED] after he charged at Officer [REDACTED].
- Officer [REDACTED] deployed OC spray at multiple individuals, who were on the sidewalk in front of [REDACTED]. Officer [REDACTED] believed they were breaking into Mr. [REDACTED] residence, and these individuals were a danger to public safety. Mr. [REDACTED] did not initially advise MPD members he allowed these individuals into his residence.
- Approximately sixty (60) individuals fled into Mr. [REDACTED] residence to evade capture, and there was not a deployment of OC spray or chemical munitions into Mr. [REDACTED] residence. CS gas, rubber bullets, or stinger grenades were not used by MPD members in the 1400 block of Swann Street, Northwest.

- While being escorted to a transport vehicle, Mr. [REDACTED] attempted to flee by breaking away from Officers [REDACTED] and [REDACTED] grip. Officer [REDACTED] took Mr. [REDACTED] to the ground to prevent his escape, and to take him into custody.
- Ms. [REDACTED] alleged she sustained bruising when she was struck with a baton by an unknown officer. She was transported to UMC where she was treated for her minor injuries.
- On June 2, 2020, Mr. [REDACTED] alleged MPD members used excessive force by pepper-spraying, beating, and slamming protesters to the ground.

FINDINGS

Based on the evidence obtained during this investigation, the following recommendations are made:

A preponderance of the evidence has established that the force used by MPD members on scene was objectively reasonable, and it was justified.

It is recommended that the Use of Force by MPD CDU Platoon-52 (Mechanical Force), on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by MPD CDU Platoon-62 (Mechanical Force), on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Lieutenant [REDACTED] (OC Spray) against Mr. John Doe # 1, on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Lieutenant [REDACTED] (OC Spray) against Mr. John Doe # 2, on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Lieutenant [REDACTED] (OC Spray) against Mr. [REDACTED] on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Officer [REDACTED] (OC Spray) against Mr. [REDACTED] on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Officer [REDACTED] (OC Spray) against Ms. [REDACTED] on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Officer [REDACTED] (OC Spray) against multiple unidentified individuals, on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

It is also recommended that the Use of Force by Officer [REDACTED] (Takedown) against Mr. [REDACTED] on June 1, 2020, be classified as **Justified, Within Departmental Policy.**

A preponderance of evidence was not established to sustain the allegation that MPD members engaged in prohibited conduct, as enumerated in General Order 120.21, Part VIII, Attachment A, 11. Specifically, that MPD members used unnecessary and wanton force in arresting or imprisoning any person, or being discourteous, or using unnecessary violence toward any person, or the public.

It is recommended that the Allegation of Excessive Force by Mr. [REDACTED] against MPD members, on June 1, 2020, be classified as **Unfounded.**

It is also recommended that the Allegation of Excessive Force by Ms. [REDACTED] against MPD members, on June 1, 2020, be classified as **Unfounded.**

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It is also recommended that the Allegation of Excessive Force by Mr. [REDACTED] against MPD members, on June 1, 2020, be classified as **Unfounded.**

It is also recommended that the Allegation of Excessive Force by Mrs. [REDACTED] against MPD members, on June 1, 2020, be classified as **Unfounded.**

No evidence was established to sustain the allegation that MPD members fabricated a 911 call in order to try to enter a private residence.

It is recommended that the Allegation of Misconduct by Ms. [REDACTED] against MPD members, on June 1, 2020, be classified as **Unfounded.**

NOTIFICATIONS

Assistant Chief Wilfredo Manlapaz
Inspector John Knutsen
AUSA [REDACTED]

Internal Affairs Bureau
Internal Affairs Division
USAO

ON SCENE

Assistant Chief Jeffery Carroll
Inspector Robert Glover

Homeland Security Bureau
Homeland Security Bureau

U.S. ATTORNEY'S OFFICE REVIEW/ REVERSE GARRITY

On June 4, 2020, Agent [REDACTED] of the IAD notified Assistant United States Attorneys (AUSA) [REDACTED] and [REDACTED] of this Use of Force incident via email. On June 5, 2020, AUSA [REDACTED] responded via email that the Use of Force did not reach a level of criminal culpability, and they would not open a criminal case pertaining to Mr. [REDACTED] excessive force allegation. AUSA [REDACTED] declined prosecution, and referred the investigation back to the IAD.

[REDACTED]

Sergeant / Agent
Internal Affairs Division

ATTACHMENTS

1. Mayor's Order
2. COBALT Report [REDACTED]
3. COBALT Report [REDACTED]
4. PD 42 (Cruiser 1306)
5. CDU 14 Roll Call
6. DC National Guard Roll Call
7. CDU 54 Roll Call
8. CDU 42 Roll Call
9. CDU 24 Roll Call
10. CDU 62 Roll Call
11. CDU 52 Roll Call
12. PD 313 (Ms. [REDACTED])
13. Multiple CCNs for arrest
14. BuzzFedd.com Article
15. Incident Summary (IS) [REDACTED]
16. AUSA Notification
17. Cobalt Report [REDACTED]
18. IS [REDACTED] (OPC)
19. IS [REDACTED] (OPC)
20. IS [REDACTED] (OPC)
21. IS [REDACTED] (OPC)
22. IS [REDACTED] (OPC)
23. IS [REDACTED] (OPC)
24. IS [REDACTED] (OPC)
25. IS [REDACTED] (OPC)
26. PD 901-m (Use of Force Report)
27. Statement of Lieutenant [REDACTED]
28. Statement of Officer [REDACTED]
29. Statement of Officer [REDACTED]
30. Statement of Ms. [REDACTED]
31. Statement of Mr. [REDACTED]
32. Statement of Mr. [REDACTED]
33. Statement of Mr. [REDACTED]
34. Statement of Mr. [REDACTED]
35. Statement of Mr. [REDACTED]
36. Statement of Mr. [REDACTED]
37. Statement of Mr. [REDACTED]
38. Statement of Mr. [REDACTED]
39. Statement of Mr. [REDACTED]
40. Statement of Mr. [REDACTED]
41. Statement of Mr. [REDACTED]
42. Statement of Ms. [REDACTED]
43. Statement of Mr. [REDACTED]
44. Statement of Ms. [REDACTED]

45. Statement of Mrs. [REDACTED]
46. Statement of Mr. [REDACTED]
47. Statement of Mr. [REDACTED]
48. Statement of Mr. [REDACTED]
49. Statement of Ms. [REDACTED]
50. Statement of Commander Stuart Emerman
51. Statement of Officer [REDACTED]
52. Statement of Inspector Robert Glover
53. Statement of Lieutenant [REDACTED]
54. Statement of Lieutenant [REDACTED]
55. Statement of Officer [REDACTED]
56. Statement of Officer [REDACTED]
57. Statement of LTC [REDACTED]
58. PD 854 BWC Review
59. PD 854 Radio Transmissions
60. PD 854 911 Calls
61. PD 854 CCTV
62. PD 854 Social Media