

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL
FOR ADMINISTRATIVE INVESTIGATIONS

RECORDED TRANSCRIPTION

X ----- X

INTERVIEW OF

Mr. Robert Contee

March 17, 2021

X ----- X

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1 P R O C E E D I N G

2 [REDACTED] Today is March 17, 2021. The time is 2:04
3 p.m. My name is [REDACTED] and with me today is
4 [REDACTED] We are investigators with the Department of
5 Defense Office of the Inspector General. With us today is Mr.
6 Robert Contee, Acting Chief of Police, D.C. Metropolitan Police
7 Department. Present with Mr. Contee is his Chief of Staff [REDACTED]
8 [REDACTED], Assistant Chief Mr. Jeff Carroll, and Executive
9 Director [REDACTED]. [REDACTED] and [REDACTED] from
10 the Mayor's Office of General Counsel are also present on this
11 call. As we discussed before going on tape we are conducting a
12 review of DoD's involvement leading up to and during the events
13 in the District of Columbia and at the U.S. Capitol on January
14 6th, 2021. We are conducting this interview telephonically. I am
15 located in [REDACTED] [REDACTED] [REDACTED] and is located in [REDACTED]. Mr.
16 Contee and his staff with the exception of [REDACTED] are located
17 in the District of Columbia. [REDACTED] is located in Maryland. Mr.
18 Contee, please acknowledge that you are aware we are recording
19 this interview.

20 MR. CONTEE: I'm aware.

21 [REDACTED] Okay. Also please acknowledge that I you
22 received a copy of the DoD IG Privacy Act Notice.

23 MR. CONTEE: I have received it.

24 [REDACTED] Okay. I'll now administer the oath. Please
25 raise your right hand.

1 Whereupon:

2 ROBERT J. CONTEE, III

3 was called as a witness, placed under oath, and testified
4 as follows:

5 E X A M I N A T I O N

6 BY [REDACTED]

7 Q: For the record please state your full name and spell
8 your last name?

9 A: Robert James Contee, III. Last name is C-O-N-T-E-E.

10 Q: Also for the record, please state the position you held
11 on January 6th, 2021.

12 A: Acting Chief of Police Metropolitan Police Department,
13 Washington D.C.

14 Q: All right, sir. When did you start your term as Acting
15 Chief?

16 A: January the 2nd, 2021.

17 Q: All right, sir. And are you still serving in that
18 capacity?

19 A: I am.

20 Q: All right, sir. Sir, the first section of questions
21 that I'd like to go over is some general coordination between
22 your office and the D.C. National Guard. Can you please tell us
23 about your or the D.C. Metropolitan Police Department's general
24 or daily coordination with D.C. National Guard?

25 A: Yes. Our general coordination when there's a need for

1 the National Guard to be activated in the District of Columbia,
2 we normally discuss what the operational needs are for the city.
3 Those requests are then sent to our Director of Emergency
4 Management Office. Homeland Security and Emergency Management
5 Agency. That request is then I guess on behalf of the Mayor and
6 the District of Columbia is then sent to the National -- D.C.
7 National Guard for the National Guard to consider the request
8 that we send.

9 Q: Okay, sir. Is that process codified in writing
10 anywhere?

11 A: I'm not sure if it's codified in writing anywhere.
12 That's what we do, what we have been doing. That's been the
13 practice but I'm not sure. I don't know that it's codified
14 anywhere in any MPD regulation, but that's the process. So that's
15 the practice that we generally abide by.

16 Q: Yes, sir. And just to confirm I understood that
17 correct, if you identify a need for National Guard support you
18 submit that over to the D.C. Department of Homeland Security
19 Office, correct?

20 A: That's correct.

21 Q: Do you have a specific point of contact at the D.C.
22 National Guard that you coordinate with as a part of your routine
23 duties at all?

24 A: Normally when we are having conversations it's me or
25 one of my -- my Assistant Chief over at Homeland Security, Jeff

1 Carroll, would normally coordinate with General Walker or whoever
2 is there at the D.C. National Guard. In the past there's been
3 other generals, General Schwartz and a few other -- one or two
4 others, but generally it's the Chief of Police or the Homeland
5 Security Chief who coordinates with them.

6 Q: Does that coordination take place in the pre-approval
7 stages or is that post-approval?

8 A: Most of the time I think it's a little bit -- it's been
9 a little bit of both because, I mean, just out of courtesy a
10 heads up with respect to what the ask is going to be because we
11 know that our Guardsmen, you know, they're not necessarily at the
12 ready, and we try to get as much lead time as we possibly can
13 that a request will be coming up the chain. So, and then
14 obviously once those requests are approved there's a lot more
15 coordination that takes place in terms of exactly where people
16 will be for whatever the mission is, whatever the operation is.
17 In the past the inauguration, 4th of July, those types of
18 deployment. We have operational plans for that and those plans
19 will outline which traffic posts as an example will be covered by
20 D.C. National Guard.

21 Q: Okay, sir. Sir, my next question was going to be
22 related to the type of events that National Guard typically would
23 provide D.C. Metro PD support for, but you indicated
24 inaugurations and things such as that. Are there any other types
25 of things?

1 A: Yeah. We have the National Guard has been here as part
2 of our COVID response here in the city. They've been here for
3 that a number of just demonstrations that we've had before. When
4 it snows as an example we'll send in requests because they'll
5 send a HMMWV to assist with getting officers to assignments. I
6 mean, those are generally the things that we request their
7 support for, traffic obviously, and those kinds of things, but we
8 do make those requests.

9 Q: Understood, sir. What is the average time would you say
10 from the time you submit a request through Department of Homeland
11 Security until you receive a response from National Guard?

12 A: You know, my personal knowledge I think it depends.
13 Again I've been in an acting role since January 2nd. This event
14 happened on January the 6th. My Assistant Chief of Homeland
15 Security has a more frequent interaction with them with respect
16 to these requests and it really kind of depends --

17 Q: Okay. Can you --

18 A: -- on how soon we get a response back.

19 Q: Understood, sir. Can you describe any requirements that
20 exists regarding National Guard providing support to Metro PD?

21 A: Requirements? Requirements in terms of things that
22 we've asked for in the past you mean?

23 Q: Well, yes, sir. Specifically with regards to what they
24 can and can't do.

25 A: So, when we request them if I understand your question

1 correctly, we'll give a specific mission request and we are told
2 by the National Guard what they can and cannot do. For example
3 I'll say for inauguration for example we'll say, "We need three
4 quick response force platoon. This is what the need is." And
5 they'll say either we can or cannot support that. So, sometimes
6 we're very specific about what that requirement is. It's a
7 requirement sometimes, you know, is it an armed requirement or
8 not? Is it a civil disturbance unit type of response or not? So
9 that's again one of those things it kind of depends on what we
10 happen to be dealing with, what the situation is. If it's a
11 typical 4th of July and it's just a traffic control type response
12 we'll say, "We have X amount of traffic posts." And their
13 response whoever it would be, "All right. In order to fulfill
14 this request it's going to take 300 Guardsmen to fulfill this
15 request because of logistics in terms of transporting people, and
16 relief factor, all that kind of stuff." We kind of just give the
17 mission and then like I said they're able to kind of tell us what
18 their able to do and what it's going to take to fulfill the
19 mission.

20 Q: Okay. Understood. Understood. Sir, can you explain your
21 knowledge for how the Capitol Police Board factors into the
22 request process?

23 A: For the D.C. National Guard for us?

24 Q: Yes, sir.

25 A: They don't. They have absolutely nothing to do with

1 when Washington D.C. -- when Washington D.C. requests the
2 National Guard. They absolutely have nothing to do with that.
3 That's a totally separate request and they're not mutually
4 independent of each other, or anything like that.

5 Q: Okay. There's no --

6 A: Or they're not mutually dependent. I'm sorry. They're
7 not mutually dependent on each other.

8 Q: Yes, sir. I understood. So, there's no consultation
9 that occurs between the D.C. government and the CPB if I
10 understand --

11 A: No.

12 Q: -- it correctly? Okay. Perfect.

13 A: Yeah, that's correct.

14 [REDACTED] Okay, sir. [REDACTED] do you have any
15 questions for that section?

16 [REDACTED] No questions.

17 BY [REDACTED]

18 Q: Sir, now I'd like to kind of move onto the coordination
19 with the National Guard prior to January 6th regarding the
20 Ellipse rally. Can you please explain the process that you or
21 Metro PD used to request National Guard support leading up to
22 January 6th protests at the Ellipse?

23 A: So the Ellipse falls on the National Park Service. So,
24 any request for National Guard specifically for that area would
25 fall under the jurisdiction of the National Park Service and U.S.

1 Park Police. The only coordination with MPD would be for city
2 traffic posts that potentially impacts that area, but if it's
3 down on National Mall property, in this case you're talking about
4 the Ellipse, that's U.S. Park Police that would be their request
5 not ours.

6 Q: Okay, sir. So specifically for the protest, the large
7 gathering can you speak to that with regards to the support that
8 was requested?

9 A: Yeah, that was all Park Service so we didn't request
10 National Guardsmen for that specific protest that you're
11 referring to.

12 Q: But you did if I understand correct request support for
13 traffic and things of that nature. Is that correct?

14 A: Yeah, so but that wasn't -- yes. So, in response to the
15 protest on the D.C. streets we did request National Guard
16 assistance to assist us with traffic control as well as crowd
17 management, that's correct.

18 Q: Okay. Can you tell us who --

19 A: When you said -- I'm sorry. When you say protest and
20 you're kind of throwing me off a bit. Speaking specifically about
21 the Ellipse because again that's kind of separate in park, but
22 specifically for our streets just to be clear, we did make a --
23 we made an MPD request to the National Guard for support for
24 traffic and for crowd management.

25 Q: Yes, sir. I apologize for that. I could have phrased

1 that question better. Can you tell us how those requests for the
2 traffic aspects were made and who made them?

3 A: Yeah, so we spent our half with what our practice has
4 been. We send our half, MPD, sent our half as long with the Fire
5 Department actually to our Director of Homeland Security
6 Emergency Management Agency Director Chris Rodriguez. He
7 formulated the letter to include whatever the needs of MPD as
8 well as D.C. Fire, whatever those needs are, and then he sends
9 that on behalf of the city to the D.C. National Guard asking for
10 their assistance. After they received the letter obviously
11 there's a decision that's made and then that -- whatever that
12 decision is normally communicate back to us here at MPD. It's
13 normally communicated back to us here at MPD. I'm not sure if
14 they talk to Director Rodriguez but I know that I had
15 conversations. For January 6th when that request was sent out the
16 decision that was made was communicated directly back to me.

17 Q: Okay, sir. Do you know when you --

18 A: That was the initial --

19 Q: Oh, I'm sorry. Go ahead. Go ahead please.

20 A: I was just going to say the initial decision to if you
21 will.

22 Q: Okay. Do you know when that request was sent to
23 Director Rodriguez?

24 A: The day that it was sent? There's a memo with that on
25 there and I don't recall, let me see might have in here

1 somewhere. When we initially sent it. There's a memo with the
2 date on there. I know that it was -- I seem to recall it being
3 like after Christmas sometime around like after Christmas but I
4 don't know the exact date that the memo arrived over there.

5 Q: Okay, Sir. Would you be willing to share that memo if
6 we contacted your Chief of Staff?

7 A: The memo that we sent to -- the one that we sent to
8 Director Rodriguez?

9 Q: Yes, Sir.

10 A: Oh, absolutely. Yeah, we can share that.

11 Q: Okay. Perfect. Now, with regards to this request do you
12 recall what specifically was requested?

13 A: Support. There were no numbers attached to it. Again we
14 tell them what the mission is we articulate the mission. In
15 response to articulating the mission they tell us this is the
16 number that it's going to require to fulfill the mission.

17 Q: Okay. Whenever they provided you the support was the
18 support consistent with what you actually needed?

19 A: Was a support consistent with what we needed?

20 Q: Yes with what was requested. And this is -- This is
21 prior to January 6. Not on January 6. We understand there some
22 exigent circumstances there.

23 A: Yes. But not initially. They did ultimately supply us
24 with what we needed, but that was not the initial -- response.

25 Q: Okay. Can you speak to that, sir?

1 A: Sure. So, I believe that it was on the 31st somewhere
2 thereabout. It was definitely right before the New Year. I'm
3 thinking it was the 31st. It may have been on the 1st of -- 1
4 January. I received a call directly from the Secretary of the
5 Army Ryan McCarthy and at that time -- at that point he had
6 reviewed our request for the support of D.C. National Guard, and
7 what he relayed to me this phone call was not what I initially
8 thought that he would saying. He did not initially say, "Yes, you
9 get the National Guard responding and they're going to handle
10 this traffic and crowd management that you asked for that they're
11 going to be responding to handle it." That was not what was
12 stated. What was stated to me was that he was not inclined to
13 fulfill the request with Guardsmen simply because the optics of
14 it was bad. He said that he did not want to have boots on the
15 ground on the -- he didn't want to have boots on the ground
16 anywhere near the Capitol is what was stated. Again our request
17 was for crowd management and traffic control posts. So he said he
18 didn't want to have boots on the ground anywhere in near the
19 Capitol. And I certainly explained to him that I understood the
20 optics of it, and I understood what his concern was, but he
21 offered as a compromise that he could get us -- he could get the
22 D.C. government, that he could get us several police officers, or
23 federal -- he didn't say police officers he said federal officers
24 that he could get federal officers to fulfill this request
25 instead of the National Guard. I thanked him kindly for that,

1 however I told him that that was not our ask specifically for
2 federal officers based on our experience in the past with the
3 deployment of federal personnel specifically looking at the
4 Bureau of Prison personnel that have been deployed on our streets
5 before. In addition to that FBI agents who were deployed on the
6 streets of the District of Columbia walking around with long guns
7 who were not trained in civil disturbance response just was not
8 something that we wanted to do here in our city for what we were
9 dealing with. The city had actually and I relayed this to them as
10 well we did actually requested additional police officers from
11 surrounding jurisdictions outside of the District of Columbia to
12 be staged physically in the District of Columbia as well as a
13 contingent of police officers from the Virginia State Police to
14 be stationed outside the District of Columbia should they be
15 needed to respond in. So the law enforcement piece was pretty
16 well covered in our estimations of what we were dealing with. The
17 National Guard piece of this was to ensure that they covered
18 crowd management, traffic control piece so that we would not have
19 uniformed police officers manning these traffic and they would be
20 able to respond to any situation that we had on D.C. streets that
21 we would have police officers available to respond to those
22 situations and in the areas where we had concerns. Obviously with
23 January the 6 happening the way that it did the Capitol obviously
24 was an obvious area of concern but again that's Capitol Police.
25 Our concern and purposes for requesting the D.C. National Guard

1 was for what was happening on D.C. streets. So again when I had
2 this conversation and he offered that response that with the
3 federal police officer that is not something that we wanted to do
4 certainly without any coordination or anything like that. I was
5 told -- I told the Secretary of the Army, I told him that I had
6 a press conference on Monday and at that press conference
7 certainly I would be asked whether or not we had requested
8 service of the National Guard. He told me in response to that,
9 well, he when he asked what -- I told him we would be having a
10 press conference and I would have to answer that question. In his
11 response to that he told me to give them until Monday he was
12 going to be meeting with the Secretary of Defense. He also told
13 me that he asked me what time the press conference was. I told
14 him that it was 11:00 o'clock. He told me that he would call me
15 before the press conference which he did. He said he would call
16 me before 11:00 o'clock but that he wanted to have a conversation
17 with the SecDef is what he said. "I want to have a conversation
18 with SecDef about this whole optics, boots on the ground thing."
19 That was obviously a concern for him. We ended our call. I heard
20 back from him at about 1045-ish somewhere around that about 15
21 minutes before my press conference because in fact I was a couple
22 of minutes late because I was talking on the phone with Secretary
23 at that point. The Secretary he relayed to me that he spoken to
24 the SecDef. That the request for the National Guard had been
25 approved and he told me what the resource allocation would be. He

1 told me -- it was a number 300 and something but he broke the
2 number down specifically like X amount of on traffic posts, X
3 amount for crowd management at this Metro station, at that Metro
4 stations and that they would be working like 12 hour shifts. So
5 he gave me -- he told me what number was going to be for their
6 deployment. In addition to that what he told me was that their
7 mission is not to change, and if their mission were to change
8 that that would have to be approved by the Secretary of Defense
9 and that I would need to reach out to him directly in order for
10 their mission to change. And he also said to me that, "They're
11 not to go anywhere east of 9th Street." Is what he said.

12 "Anywhere east of 9th Street they should not be deployed anywhere
13 east of 9th Street. So, in our operational plan that we had for
14 January 6th obviously all of their posts are 9th Street back
15 towards 18th Street covering from K Street, or L Street on down
16 to the area of the National Mall. So we complied with --
17 certainly with what we were asked to do. There was a situation --
18 there was a situation on the -- I think it -- may have occurred
19 like on the 5th where we moved one of the Guardsmen like moved
20 the traffic points like literally like across the street, and
21 shortly thereafter my Assistant Chief received a call from
22 General Walker just kind of reinforcing like, "Hey, if you guys
23 move anybody we have to get approval for that." And again that's
24 kind of odd because we worked with the Guard hundreds of times
25 before and moving a person from one corner to the next never

1 required approval from the Secretary of the Army or the Secretary
2 of Defense for that matter. The general from the D.C. National
3 Guard or even at a lower level normally is who we would be
4 dealing with. So, that was kind of odd but it was certainly
5 reinforced with my Assistant Chief.

6 Q: Did the Secretary of the Army -- well one, can you tell
7 me about what time day that first phone call took place?

8 A: It was in the -- it was kind of -- it was in the
9 evening time because I was at home. I don't recall the exact
10 time. I just know that it was in the afternoon maybe early
11 evening when we had the phone call.

12 Q: Okay. Was the context contents of that phone call
13 documented any way?

14 A: No.

15 Q: Okay. Were there any other people present on the call
16 that you're aware of?

17 A: No, not on the call. He called from his cell phone. He
18 had 703 number I believe. I'm assuming -- well I talked to him
19 quite a bit on that number once everything kind of happened on
20 January 6th and he -- he called from that number. He never
21 mentioned that it was like a bridge or somebody else was setting
22 it out. I was under the impression that it was like his -- a cell
23 phone.

24 Q: Okay. Yeah, I just want to be sure. Now, you said that
25 during the telephone call at 10:45 prior to your news conference

1 that he reinforced a bunch of restrictions that were being place.

2 Did he give any reason why?

3 A: No. He didn't say any reason why. My thought, my
4 understanding was that it was really just kind of build out that
5 this was a compromise. Right? This is the build out from the
6 conversation on the 31st. When we were talking about optics, we
7 were talking about boots on the ground. We're just having that
8 discussion. It's not a good look. These are Soldiers. All that
9 kind of thing. And then just again that was the request because
10 it was not -- as of the 31st we did not have approval for the
11 National Guard and I communicated the same to the Mayor of the
12 District of Columbia. I communicated that to the Mayor even now
13 that I think about that morning I would not have an answer still
14 until somewhere around the time of our press conference. So, my
15 understanding of the restrictions were like this is the
16 compromise, okay? So we don't want the Bureau of Prisons and
17 these guys. We're going to give you the National Guard but here
18 are kind of the rules, right? Here are the parameters.

19 Q: Okay. All right. Were there any other conversations
20 that you had with DoD folks prior to January 6 other than the
21 Secretary and Major General Walker?

22 A: Most of my conversations were with the Secretary. On
23 the day of the press conference I think that there may have some
24 members of the staff, he has I guess a group of people that he
25 normally -- that normally travels with him. His attorney or the

1 General Counsel I guess for the military and a couple of other
2 folks, public information person, but I think at various times
3 like we would be holding on a call and they say, "The Secretary
4 would join us in a second." So, I can only assume that there were
5 -- at least on that phone call that there were other people
6 around. My Chief of Staff he was sitting next to me when we had
7 the call the day of the press conference, and where we talked
8 about what the parameters were discussed about where they could
9 not go and if we moved them what we needed to do to do that. He
10 was here. He was present for that one listening.

11 Q: Okay. But just to confirm that didn't that did strike
12 you as odd and outside of the norm so far as placing restrictions
13 on where they could be, no further east the 9th Street and what
14 have you.

15 A: Oh absolutely --

16 Q: Is that correct?

17 A: -- it struck me as odd because normally we don't have
18 those types of restrictions when we're talking about deploying
19 the National Guard but the other piece of that I mean we're at
20 the 11th hour and so I wasn't -- I needed the National Guard. If
21 I had to take them and -- we worked around the plan basically.

22 [REDACTED] Yes, sir. Understood. [REDACTED] [REDACTED] do you any
23 questions for that section?

24 BY [REDACTED]

25 Q: Just one question for you, Chief. And unfortunately we

1 didn't provided to you because we didn't think we'd be covering
2 that but, on January 5th Mayor Bowser sent a memo to the Acting
3 Attorney General, Secretary McCarthy, and Acting Secretary Miller
4 and it talks about not requesting anymore law enforcement
5 support. Are you familiar with that letter?

6 A: Yeah. You've got to keep on reading past that part
7 though. There's another piece to that after not requesting law
8 enforcement support I think it also says without coordinating
9 with, basically her Chief of Police which is the Park and most of
10 the people that's missing we had a discussion about that but yes,
11 I am familiar with that.

12 Q: Okay. That is the memo. My question for you though is
13 do you know how that letter came about?

14 A: I can tell you that -- I can tell you what I believe
15 how it came about. I believe that I communicated back to the
16 Mayor that it was Secretary McCarthy's intent to perhaps instead
17 of deploying the National Guard send Bureau of Prisons and other
18 folks to our city that we had not requested. So I believe that's
19 how the memo came about. I mean there were a lot of conversations
20 that were going on but I believe that's how the memo came about.
21 Again this is based off of experience over the course of several
22 months of dealing with unrest in the city. You know, when we have
23 federal law enforcement agencies running around without nametags,
24 badges, identifying insignia, running around with long guns we
25 don't know who's who, and again I think the Mayor point was --

1 the point that the Mayor was making obviously she can speak for
2 herself, but the point in terms of coordinating with law
3 enforcement I have 3,600 police officers out here. I don't need
4 men running around with long guns and me not know who they are.
5 Are they law enforcement or not? So, that was obviously very
6 concerning for us. So, I'm sure after relaying that that's
7 probably what generated the memo.

8 [REDACTED] Okay. Thank you. That's all.

9 BY [REDACTED]

10 Q: All right, sir. Just moving on to the coordination with
11 National Guard that took place on January 6th regarding the riots
12 at the Capitol. Can you talk to us about what happened during
13 January 6th events that resulted in the request for National
14 Guard support?

15 A: So, around 1258-ish we received a call from the Chief
16 of Police for the U.S. Capitol Police, Steve Sund and he was
17 requesting -- he had asked me, talked to us in advance but this
18 particular day when he was calling he was asking if we could
19 deployed MPD personnel to the grounds of the Capitol because one,
20 we're not allowed to be there unless we're invited, but he asked
21 for our office to respond because the demonstrators at that point
22 had reached the west front of the Capitol. The bike racks stands
23 that they had up they had breached that and had started up the
24 hill to the inaugural stands that were being erected they are. So
25 we deployed MPD personnel there and obviously our officers as

1 soon as they got there they engaged with the U.S. Capitol Police
2 officers in an effort to try to prohibit the demonstrators at
3 that point I mean things are really getting ugly and turning into
4 a riot, but to prohibit them from gaining access to the Capitol
5 building itself. They were already on the ground but this is the
6 actual building itself. While all this is going on at some point
7 I make it back from the west front of the Capitol with my Chief
8 of Staff with me, make it back here to MPD Headquarters, and
9 while back here at MPD Headquarters we are obviously it's a lot
10 of stuff going on, coordinating with all entities that are
11 involved at what's happening at the Capitol, and I was trying to
12 speak to the -- I wanted to speak to the Capitol Police Chief
13 just to make sure that we were giving him what he needed and that
14 we were also monitoring what we needed to monitor in the city
15 because again that's our primary responsibility what's happening
16 in the city. So, I was unable to reach him on the phone calling
17 directly to his cell, but Director Rodriguez at some point after
18 the 2:00 o'clock hour he was able to have him on the phone and
19 several members of the Army. I'm not sure who all the people were
20 on the phone. I know Chief Sund was on the phone, and I know that
21 representative from the Army was on the phone but I don't believe
22 Secretary McCarthy was on that call. I'm just not really sure who
23 all, I think this was some of his people who are in his circle to
24 assist him were on the phone but I got kind of pulled away from
25 overseeing what was happening in our command center because they

1 were all on this call I wanted to be part of obviously the
2 coordination effort that I'm assuming was taking place on this
3 call. What I heard on the call was Chief Sund pleading, he was
4 pleading. I know this man. He was pleading for the assistance of
5 the National Guard to be deployed to the grounds at the Capitol.
6 Whoever's on the call representatives from the Army it was more
7 of the conversation that I had had with Secretary McCarthy back
8 on the 31st, it was more along the line of, the 31st of the 1st,
9 whichever day it was. It may have been the 1st I can't remember
10 but it was more along the lines of talking about optics, talking
11 about boots on the ground. The same stuff that we had already
12 talked about it was kind of being rehashed on this call and they
13 were very emphatic about, "What's the plan? What's the plan?" And
14 I kind of -- maybe I got a little frustrated at that point but I
15 was like, "Hey, hey. Hold on. Wait, wait, wait a minute. Wait a
16 minute." I asked Chief Sund very emphatically I said, "Chief
17 Sund, let me make sure I understand this correct. Are you asking
18 for the support of the D.C. National Guard on the grounds of the
19 Capitol?" His response was, "Yes." I said, "Okay. United States
20 and Army, Chief Sund is requesting support services the D.C.
21 National Guard. Are you denying his request?" Is what I said, and
22 the response to that was, "No, we're not denying the request. We
23 just need to understand what the plan is." By this point this
24 stuff is unfolding all over national world news. I'm deploying
25 every resource that I have available to include, not just the

1 eventually 1,000 officers that I had but all of the officers that
2 I've got from the surrounding jurisdictions that were supposed to
3 be here specifically for the D.C. streets. I also ended up
4 sending them to the Capitol. I sent Prince George's County
5 Police, Arlington County Police, Montgomery County police. I sent
6 all of those agencies to assist at the United States Capitol
7 ultimately the Virginia State Police as well when they arrived --
8 when they arrived in the city. And the National Guard
9 conversation at that point it never really moved beyond, "Well,
10 we need a plan. We need to understand this and that. But
11 meanwhile again I'm sending every available officer that I have
12 to send. And at some point -- at some point later on and I don't
13 know exactly when it occurred the National Guardsmen I believe
14 the ones that we had on traffic post are the National Guard,
15 those that we're not supposed to move east of 9th Street were the
16 ones that later on in the day they eventually ended up sending
17 over to the U.S. Capitol but that was hours after the
18 insurrection started which was around some time in the 12:00
19 o'clock hour. This phone call was at 2:00 something and then by
20 the time they pulled these National Guardsmen from traffic post
21 it was several hours later.

22 Q: And sir, when you say "they pulled them", you're
23 talking about National Guard, General Walker?

24 A: Yes. By the time that they were given the authority,
25 the authorization it was several hours later. So Secretary

1 McCarthy at some point during the evening is all this stuff is
2 unfolding he ended up here at MPD Headquarters in the JOC, in the
3 command center where I was. And we went from having these
4 discussions over the phone to now having face-to-face
5 communication and coordination about what resources he could
6 bring up there to assist and what was going on at the Capitol. I
7 mean once he was engaged he was fully engaged but again that took
8 -- that was several -- that was several hours on the back end.

9 Q: Yes, sir. Now sir, going back to the conference call
10 that you talked about I have a couple of follow-up questions
11 there. Do you know what time of day that call took place and who
12 all was on the call?

13 A: It was after 2:00 p.m., and I don't know who all was on
14 that call. It was like around 2:20 something, 2:22, 23 somewhere
15 around there. It was 2:00 something. I know that Chief Sund was
16 on there. I was on there obviously, Director Rodriguez he was on
17 there. He was standing there with me. The Mayor was standing next
18 to me. She was in close proximity. I just don't know who all the
19 players on the U.S. Army side of things. I don't know -- I don't
20 know all of the voices. I can only assume that General Walker at
21 the minimum perhaps he was on there, but I don't know for certain
22 who all was on that call.

23 Q: Okay. Do you know who arranged the call or who
24 requested it?

25 A: I think Director Rodriguez, Chris Rodriguez I think he

1 organized it. I for some reason I remember him saying that he had
2 Chief Sund and the other folks on a bridge called, but I'm not
3 exactly sure which bridge they used. Obviously I'm dealing with a
4 national crisis going on at the time so I'm not sure whose line
5 was used to get everyone on the phone.

6 Q: Absolutely. Now sir, you mentioned some discussion
7 about optics. I'd like to kind of delve a little deeper into
8 that. Do you know --

9 A: Sure.

10 Q: -- who said it? The same words that the Secretary had
11 used in this phone call with you, or what exactly was said?

12 A: Yeah. It was the same words, but it wasn't the
13 Secretary this time. The Secretary we had talked a couple of
14 times leading up to January 6th. As a matter of fact he was
15 coordinating, calling, "Hey, we need to meet up on the 6th. Want
16 to meet up on the 6th. I want to check in with you. I want to
17 make sure you've got what you need." Those kind of things, but
18 those conversations -- I was pretty familiar with his voice by
19 that time. Like I said, on this particular call this after 2:00
20 p.m. call on the 6th it was somebody from the Army but it wasn't
21 Secretary McCarthy. Again I just don't know who it was. But the
22 speak if you will in terms of the issues are concerned with the
23 National Guard's presence on the ground of the U.S. Capitol.
24 Those were the same as the conversation I had with the Secretary.

25 Q: All right. Sir, I'm having to pick your memory here

1 little bit, but do you remember exact words that were used
2 regarding optics?

3 A: Optics, that's not a word I'm making up. That was the
4 word that was used. It was, "We don't like the optics of that,
5 boots on the ground on the U.S. Capitol." Those were things that
6 were -- those are the things that stood out to me and like I said
7 I was a little frustrated and I'm like, "You know, you have got
8 to be kidding me." I was a little frustrated in my response to
9 that, and just kind of thinking back on how everything was
10 imposing you know here we are I have police officers on the front
11 line, some with mountain bike helmet are out there doing what
12 they can to protect our Capitol and we're calling on the
13 assistance of the United States, or the D.C. National Guard and
14 it seemed like -- it seemed like that's not happening the way
15 that I think we should respond to a crisis in terms of, "Hey.
16 Let's send the people. This is a now thing. We have to move with
17 a sense of urgency. Turn on CNN let's see what's going on." It
18 was again, "Well what's the plan?" "Stop the people from getting
19 into the Capitol is the plan." You know what I mean?

20 Q: Yes, sir.

21 A: So I didn't say that that was the plan but those were
22 questions that were being posed, "What's the plan?" You know,
23 "Was it the optics of having boots on the ground, on the ground
24 the Capitol. That's not a good look." Those are specific words
25 that were used.

1 Q: Okay. How did you respond to the comment about optics?

2 A: "Are you kidding me?" That was my response. "Are you
3 kidding me?"

4 Q: All right. Was there anything else said during that
5 conversation you think we should be aware of?

6 A: No. I mean to be quite frank find after that
7 conversation which I felt my mind at that point was useless. I
8 had more important things to be tending to, right? Like that
9 point somewhere around there or in close proximity to that time
10 we were getting called for people were down, and it was a medical
11 emergency, shots of being fired. There's all kinds of stuff going
12 on so to the extent that I could I sent every resource that I had
13 available to assist again Capitol Police, and Capitol Police had
14 to do whatever they could do to get the National Guard there. It
15 wasn't really my fight to fight, you know what I mean? As it
16 relates to what I am responsible for. It was really to try to
17 help us all out by getting those additional bodies. I know we had
18 at least 300 and some bodies that were here because those are the
19 ones that MPD requested. So I knew about those, right? I knew we
20 had 300 and something on traffic posts and handling crowd
21 management. I knew that. So that's an additional 300 bodies that
22 in my mind should have been immediately deployed to assist and
23 help things out.

24 Q: Okay. Got it, sir. And sir, you talked about your
25 meeting later with Secretary McCarthy when he traveled to D.C.

1 That was at MPD Headquarters, correct?

2 A: That's correct. He spent quite a bit of time with me.

3 Q: Okay can you tell me about that meeting?

4 A: It was several meetings. So, I have a large, a couple
5 of conferences here. We were literally in the room looking at a
6 map of the Capitol, identifying where the fencing would go,
7 identifying staging area for personnel who would be responding.
8 Outside agencies. We were calling in outside agencies from as far
9 away of as New Jersey. So we were just really in the room
10 strategizing on what this response is going to look like a really
11 kind of knocking out or identifying what the objectives were just
12 in terms of getting the folks -- getting the Congress Members
13 back in there so they could get the vote done. You know, we need
14 to clear the Capitol. Granted he didn't have at that time he
15 didn't have a presence of personnel there on the grounds of the
16 Capitol but we were talking to through, "What is the strategy
17 while the men and women are still out there fighting? Here's kind
18 of what the strategy and the priorities have to be. So there was
19 a lot of conversation around that. I remember him even at one
20 point there was a question of Capitol Police about, "Who's paying
21 for this fence?" And the Secretary of the Army said, "I'm paying
22 for the fence." With his response to the question from the folks
23 over at U.S. Capitol. So like I said once he was engaged, once
24 they got approval or whatever happened at that point he was all
25 in and he spent a lot of time in here with me, with other members

1 of my team just going over things. He had to leave and come back.
2 I think he met with the Members of Congress, or he told me he was
3 going to. He came back to MPD Headquarters. So we spent a lot of
4 time together, and after the 6th like I said he really was going
5 out of his way to try to make sure that we had everything --
6 everything that we needed or at least up to the point, well after
7 if it was approval that he needed to see, once he got that he
8 really went out of his way to try make sure that we had
9 everything that we needed.

10 Q: Yes, sir. Now sir, do you remember about what time this
11 series of meetings with the secretary began and I understand he
12 left and then what time he came back?

13 A: It was over the course of many hours, sir. I would say
14 probably somewhere after 4:00 or 5:00 o'clock somewhere. It went
15 on into the night, late into the night. Congress was back in
16 session by 8:00 o'clock but we still -- by that time, by the time
17 Congress got back in session at 8:00 it was National Guardsmen I
18 think that was deployed down like on the grounds of the Capitol
19 around that time. So I'm sure he was -- he had to be here around
20 that time in terms of the coordination that took place there, but
21 we were here for many hours that night and even into -- really
22 into the next day. He showed up with his team the next day and
23 just trying to make sure that we were able to coordinate whatever
24 needed to be coordinated for the next day and then obviously he
25 spent a lot of time leading up to the inauguration and all the

1 coordination that needed to happen there. We attended several
2 meetings over at the FBI. He attended one or two meetings over
3 there with me and so we spent a lot of time together after this,
4 but I can't give you a specific time when he got here.

5 Q: No, I totally understand the fog of war kind of sets in
6 at that point. Do you recall any of the other specific
7 individuals that were present for any of these meetings?

8 A: From his side or are you just saying in general?

9 Q: In general.

10 A: Yeah, I mean there were several members from my team.
11 My Chief of Staff, gosh, one of my executive directors. One of my
12 officers. I mean the Mayor was in the room at a certain point.
13 Director Rodriguez he was in the room. I mean there is a lot
14 going on in between my office and another office, and two
15 conference rooms all on the same level. I mean we were in and out
16 of these rooms at different points having discussion about what
17 was going on in responses, and just everything that was happening
18 that night.

19 Q: Yes, sir. Understood. Sir, was any of the context of
20 any of these discussions documented in any way?

21 A: I can't say that they were really documented. I mean we
22 had the map that we are looking at. Folks may have been making
23 notes, that kind of thing just as reminders or something, but I
24 mean I was really just kind of making decisions about things. I
25 had people on my team who were around me and so forth, but I mean

1 there may be some notes around I'm just not familiar with.

2 Q: Yeah, if you learn of any we'd certainly be interested
3 in seeing those. Sir, were there any conversations with Acting
4 Secretary Miller's between him and you on that day?

5 A: I've never talked to Acting Secretary Miller. All of
6 his conversations I would assume it was were with the Secretary
7 at different points you know he would say, he was checking with
8 SecDef that kind of thing. But he obviously needed privacy step
9 out use my conference room at different points whatever, but he
10 never -- I never talked directly to him, no.

11 Q: Okay. Anybody else from the office of the Secretary
12 Defense's staff or the Joint Chiefs of Staff that you're aware
13 of?

14 A: No. The people that were with the Secretary was just --
15 they were Soldiers pretty much. Everybody was in uniform with the
16 exception of the Secretary Defense I mean the Secretary of the
17 Army and I think one instance of a lady who I think was his
18 public information person or something but the next day she was
19 in uniform. I wasn't sure if she was -- I wasn't sure what her
20 role was to be quite honest but everybody else that was around
21 him were all military personnel with uniforms on.

22 Q: Okay, sir. I'm just checking my notes here to make sure
23 I covered most everything. So far as what you requested on
24 January 6th and what DoD provided how did that sync up? Was there
25 anything that was denied, understanding it took a little bit to

1 role it all out?

2 A: No. I can't think of -- yeah, understanding that it did
3 take time to roll it out that -- let me answer the question his
4 way because the way that you're asking it you know they gave us
5 what they gave us that we worked with what they gave us in those
6 parameters. I would have liked to have had people east of 9th
7 Street. I would have like -- because I had officers on traffic
8 posts all the way up to 3rd Street. I would have liked to have
9 had National Guardsmen covering that but I didn't get that. What
10 I was told was I was going to receive these 300 and whatever it
11 is and they can cover anywhere up to 9th Street. So at the end of
12 the day did they give us Guardsmen? Yes, they they did give us
13 Guardsmen but with parameters.

14 Q: Understood. Understood. Can you tell me what time the
15 additional support finally started arriving there in D.C.?

16 A: It was late in the evening I know that. They were
17 breaching the Capitol at just before 1:00 o'clock and I know it
18 was hours, I'm not talking about an hour or a half hour, hours
19 later by the time they got there. I just don't know exactly what
20 that time was. I'm inclined to believe that it was definitely
21 after 4:00. So they would have been in it what 3 hours at that
22 point, and that's being generous. I really believe that it was
23 later than that but I'll be lying if I told you exactly at this
24 time. I just don't remember.

25 Q: Were you being kept up to date by Secretary McCarthy or

1 anybody else from his staff on the status?

2 A: Yeah he was -- like I said when he showed up here at
3 MPD he was fully engaged. I'm getting you this. I'm going to have
4 however many Guardsmen responding. He would say things like that
5 obviously at that point I'm not physically on the ground. Where I
6 could see the National Guardsmen on the west front was around the
7 -- he was after the 8:00 o'clock hour I think when we started --
8 when we got ready to start making arrests. I could see them on
9 the camera from where I was but it seemed to me, and again I
10 don't -- I'm sure that their people know exactly what time they
11 arrived, but it seemed to me that in my discussions with him it
12 was preparation, right? Like we're getting ready to do this or
13 we're getting ready to do that. When they actually deployed like
14 I said it was those men and women Guardsmen that were on the
15 traffic post that they ultimately moved as the first contingency
16 of National Guardsmen that were physically on the ground of the
17 Capitol. That was the first group. I don't know about the time
18 any other group got there, but at some point they took them from
19 those traffic posts and they ended up deploying them here.

20 Q: Did he tell you or give you any reason for the delay?

21 A: No.

22 [REDACTED] Okay. [REDACTED] [REDACTED] do you have any questions
23 for this section?

24 BY [REDACTED]

25 Q: Just a couple of follow-up questions. Chief, when you

1 received that call either on December 31st or January 1st from
2 the Secretary of the Army that said he couldn't support you with
3 D.C. National Guard but an alternate form of support, how did
4 that make you feel?

5 A: I was disappointed actually because again I had only
6 been acting. In fact I wasn't even -- I got sworn in on the 2nd.
7 So this was -- this was kind of the lead up to that. The previous
8 chief was transitioning out. I'm transitioning in. I was talking
9 to the team. From what I'm told from the team like, "Hey, this is
10 something that we always do. Don't worry about it. It's not a
11 problem. You're going to have what you need." And here I am on
12 the -- I'm really inclined to believe that it was on the 1st that
13 we had this call the more that I think about it because the 1st
14 would have been the holiday and that's why I would have been home
15 that late in the afternoon. But when he called and he's not
16 saying what my team has shared with me that he probably should be
17 saying, like, "Hey, yeah you get the National Guard." I was a
18 little bit disappointed behind that, and kind of coming in as the
19 new Chief of Police of the Metropolitan Police Department and
20 asking for the National Guard, being denied that for something
21 that's critical as what we thought we would be doing, right? I
22 mean we don't normally call in National Guard and outside law
23 enforcement agencies just because we think we're going to have a
24 regular First Amendment demonstration. We just don't do that.
25 We're very good at what we do here in the net Metropolitan Police

1 Department when it comes to First Amendment demonstrations. This
2 obviously would something totally different from that but that
3 being said, that wasn't what I was expecting to hear. So I mean I
4 had to kind of -- I had to think like, "All right. If at the end
5 of the day he says we're not getting them what are we going to do
6 because these traffic posts still need to be covered? The problem
7 is it still needs to happen. What am I going to do?" And I'm just
8 thinking through different scenarios. So like I said I was very
9 much disappointed because I -- the team has said again that we
10 routinely get the support of the National Guard without an issue.

11 Q: Okay. Thank you. You mentioned earlier that you
12 received or somebody received a phone call from Chief Sund about
13 12:58ish asking for MPD help. How do you know that time? Are you
14 basing that on something?

15 A: No. I'm basing it on -- you said am I basing it on
16 what?

17 Q: What are you basing that timeline? How do you remember
18 it was 1258ish?

19 A: Because I had my Assistant Chief pull his call log and
20 we were looking back at the call log at the call log to see what
21 time we got the initial call from the U.S. Capitol Police to send
22 our members -- to send our members to the grounds of the Capitol.

23 Q: Chief, is there a possibility that we can get a
24 sanitized version of that phone log for any DoD phone calls that
25 may have been made?

1 A: Yeah. I'll work on something -- yeah I'm just going to
2 say well and my lawyer is saying that answer for me but I was
3 going to say we'll consult on that and we'll have to get back to
4 you on that one.

5 ██████: Thank you. That's exactly what I was going to say.

6 ████ ██████ Thank you. That's a good enough answer. You
7 said twice now that traffic control points were supposed to
8 support the Capitol and you were unaware of what time that may
9 have been. Do you have a general time? Was it afternoon? Evening?
10 Something to maybe narrow it down a little bit?

11 A: My guess --

12 Q: [Inaudible.]

13 A: Yeah, my guess is sometime in the evening time, and I'm
14 basing that on -- I'm basing that on we're having this phone call
15 at 2:00 something where were talking about planning. If I recall
16 correctly it was kind of cloudy out and a little rain that day.
17 So it was getting dark at the 5:00 o'clock hour somewhere around
18 there and I don't recall being there at that time. I don't recall
19 them being there. So, I would say it was later on into the
20 evening or afternoon, or late afternoon, early evening.

21 Q: Okay. Thank you. For the conference call that finally
22 happened around 2:20, and I know that you perhaps were giving
23 testimony on the Capitol and you said it was about 2:22 p.m., was
24 Deputy Mayor Mitchell present for that phone call phone call by
25 chance?

1 A: Yeah he was in the hall - I think it was in the hallway
2 when we had that call. Like I said the Mayor, you know the
3 Mayor's whole team was here and we're like standing outside of
4 our command center. We were standing outside of their in the
5 hallway wall while this call is going on. The Mayor was closest
6 to me as well as Dr. Rodriguez, but Dr. Mitchell he was certainly
7 here for an extended period that day. He was in the room when a
8 lot of these conversations were happening as well as the current
9 Deputy Mayor for Public Safety, Chris Gilbert was present for
10 some of those discussions. So, there were a lot of people that
11 were here.

12 Q: Okay. Thank you. My last question for you is we
13 understand that the Secretary the Army at some point left MPD
14 Headquarters and travel to the U.S. Capitol Police Command
15 Center. Would you know about what time that may have happened?

16 A: I'm not sure what time that happened. The Secretary,
17 like I said he was fully engaged and once he got engaged he was
18 fully engaged. When he -- I remembered him he wanted to like go
19 over to the Capitol and kind of see what was going on kind of
20 thing. We were having this conversation about fencing and all
21 this kind of stuff. So, I don't know what time he left but he
22 left and came back. Left and came back kind of thing.

23 Q: Okay. Thank you. I'm done.

24 BY

25 Q: All right, Sir. We're almost done here. I just have a

1 few follow ups here. Are there any e-mails, or text messages,
2 other documents relating to January 6th, the request for
3 assistance that you have that we should review?

4 A: Not that I'm aware of, sir. I think everything is in
5 the memo that you guys pointed out. That's about the only thing
6 that I'm aware of.

7 Q: Okay. Yeah, if you do come across anything or anybody
8 on your staff please have them forward it to us. Obviously you
9 know what we're looking at here.

10 A: Okay.

11 Q: Do you have any concerns with DoD's responsiveness to
12 the request for assistance? From your office other than what
13 we've already talked about?

14 A: Other than what we discussed, no.

15 Q: Okay. Is there --

16 A: I probably should add -- I mean I think that -- I know
17 that this is already been stated publicly, I've said it
18 certainly. The fact that we have to -- or that we have been
19 required to receive authority or approval from the Secretary of
20 Defense a the cabinet level position for our local D.C. National
21 Guard I think that's a shame and I certainly think that that's
22 something that should be looked at and I'm sure it is at many
23 different levels above my pay grade but what I experienced, what
24 I saw on that day is probably the main reason why that should be
25 looked into.

1 Q: Yes, sir. Actually you're touching on my very next
2 question. According to media reports some have described the
3 process as "archaic". So I was going to ask what your
4 recommendations are for resolving the issues that you
5 encountered?

6 A: The Mayor should have the same authority as any
7 governor. I mean we shouldn't have to jump through those hoops
8 basically when we're requested the same service that they would
9 request on our sister places right across the border in Maryland
10 and Virginia.

11 Q: Yes, sir. Understood.

12 A: Yeah, I think that's kind of, you know, kind of cut and
13 dry as far as I'm concerned.

14 Q: Understand, understand, sir. What information that we
15 have not addressed thus far regarding your staff's coordination
16 with DoD on January 6th is important that we haven't talked about
17 or having considered? Is anything that comes to mind?

18 A: No, I think that's it. You guys pretty much covered
19 everything. That's it in a nutshell.

20 Q: Okay. Let's see. Is there any additional information
21 that you would like to provide?

22 A: No, sir. That's it.

23 Q: Would you recommend it anybody specific that we should
24 talk to?

25 A: No, sir.

Q: All right, sir. Do you have a questions for me?

A: No, sir.

Q: What about any comments or concerns with the way we
conducted this interview, understand telephonic is always
interesting?

A: I'm sorry, can you repeat that?

Q: No, sir. I was just asking if you have any comments or
concerns about the way we conducted the interview?

A: No, sir.

██████████ All right, sir. Well sir, if you do remember
anything else or you believe that may be relevant to our review
please contact me. Your staff has my contact information. We'd
love to hear from you. Finally, in order to protect the integrity
of the review we ask that you not to discuss the matter under
review or the questions that we have asked during this interview
with anyone other than your legal counsel or those present in the
room. Any questions about that, sir?

MR. CONTEE: No, sir.

██████████ All right, sir. The time is 3:12 p.m. and the
interview is concluded.

[The interview terminated at 3:12 p.m., March 17, 2021.]