



2017 Presidential Inauguration First Amendment Assembly Independent Law Enforcement Review



July 2018

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Introduction

On January 20, 2017, Donald J. Trump was inaugurated as the 45th President of the United States in Washington, D.C. (DC).

Due to the significance and size of the event and the anticipated attendance of U.S. and foreign officials, the U.S. Department of Homeland Security (DHS) designated the Inauguration a National Special Security Event (NSSE). When an event is designated an NSSE, the U.S. Secret Service (USSS) assumes primary responsibility at the federal level for “developing, exercising, and implementing security operations.”¹ Local law enforcement agencies are responsible for providing site security, traffic, and crowd management, as well as maintaining policing activities in the rest of the city.² Local law enforcement responsibilities were led by the Metropolitan Police Department (MPD), with the assistance of approximately 3,200 local, state, and federal law enforcement officers from across the nation.³

As the law enforcement agency responsible for providing police services to the nation’s capital, MPD is accustomed to policing First Amendment assemblies and mass demonstrations, particularly those that are political in nature. According to the Office of the District of Columbia Auditor (ODCA), “In 2016 alone, the District hosted approximately 1,224 marches and demonstrations overseen by the Metropolitan Police Department (MPD),” and there were approximately 2,436 marches and demonstrations between 2014 and 2016.⁴

Inauguration Events and Demonstrations⁵

The swearing-in ceremony began at approximately 11:30 a.m. on the West Front of the U.S. Capitol, with thousands of attendees receiving tickets to watch from around the Capitol and additional people watching from the National Mall. The ceremony was followed by the official Inaugural Parade that followed Pennsylvania Avenue from the Capitol to the White House. Following the parade, official events including galas and balls were held throughout DC.⁶

In addition to the Inauguration attendees, thousands of demonstrators participated in marches and assemblies throughout the city. While the overwhelming majority of the demonstrators

¹ Reese, Shawn. *National Special Security Events: Fact Sheet*. January 25, 2017. Congressional Research Service. <https://www.hsdl.org/?view&did=798471> (accessed January 3, 2018).

² Straub, F., H. Aden, R. Monroe, J. Castor, N. Joyce, R. Haas, J. Zeunik, and B. Gorban. *Managing Large-Scale Security Events: A Planning Primer for Local Law Enforcement Agencies*. Publication Pending. Washington, DC: BJA National Training and Technical Assistance Center.

³ Metropolitan Police Department. “2017 Command Staff Briefing.” PowerPoint presentation on external hard drive provided to Police Foundation assessment team by OPC. November 8, 2017. Reviewed by Police Foundation assessment team November 2017 – June 2018.

⁴ Hussain, Masooma, Amy Wu, and Ed Pound. *Metropolitan Police Monitor Nearly 2,500 Demonstrations in 2014-2016 and Report No First Amendment Inquiries*. July 3, 2017. Washington, DC: Office of District of Columbia Auditor. <http://www.dcauditor.org/sites/default/files/MPD%20FINAL%20Report%20Website%207%203%2017.pdf> (accessed January 4, 2018).

⁵ A timeline of the events of January 20, 2017 can be found in Appendix A.

⁶ Fandos, Nicholas. “Your Guide to Inauguration Day 2017.” *The New York Times*. January 19, 2017. <https://www.nytimes.com/2017/01/19/us/politics/inauguration-day-guide.html> (accessed June 26, 2018).

peacefully exercised their First Amendment rights, some of the demonstrations turned violent and MPD responded with uses of force. Seven MPD officers reported suffering injuries.⁷

Large groups of demonstrators began gathering in various locations around the city—mainly around entry gates to the National Mall—beginning at around 7:00 a.m.⁸ One of the groups that became the focus of heightened tensions and interactions between the police and demonstrators formed at Logan Circle. At approximately 10:30 a.m., hundreds of demonstrators started walking south toward the Inaugural Parade route.⁹ Within approximately 17 minutes of leaving Logan Circle, some of the demonstrators began destroying property and assaulting officers in their path, leading an MPD commander to declare that the First Amendment assembly had become a riot.¹⁰

¹¹ Less than two minutes later, at approximately 10:40 a.m., in response to the destruction of windows and projectiles being thrown directly at officers, the commander authorized the use of Oleoresin Capsicum (OC) spray and hand-thrown sting balls.¹² By 10:49 a.m., in the area of 12th and L Street, NW, MPD Civil Disturbance Unit (CDU) officers created line formations to block a large group of demonstrators from advancing. Officers also used verbal commands, hand controls, and OC spray to move the group and prevent people from leaving.¹³ Soon after being contained, a group of demonstrators charged a small area of the police line, pushing several

⁷ Internal Affairs Division. “Final Investigative Report Concerning Use of Force by Members of the MPD Civil Disturbance Units (CDU) and the Special Operations Division (SOD) Domestic Security Operations Unit (DSO), IS# 17-000248, IAB#17-027.” May 25, 2017. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁸ Internal Affairs Division. “Final Investigative Report Concerning Use of Force by Members of the MPD Civil Disturbance Units (CDU) and the Special Operations Division (SOD) Domestic Security Operations Unit (DSO), IS# 17-000248, IAB#17-027.” May 25, 2017. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁹ Duggan, Paul. “Were Inauguration Day protestors rioting or lawfully demonstrating? That’s the question for jurors.” The Washington Post. November 25, 2017. https://www.washingtonpost.com/local/public-safety/were-inauguration-day-protestors-rioting-or-lawfully-demonstrating-thats-the-question-for-jurors/2017/11/25/9b3e49dc-cecf-11e7-a1a3-0d1e45a6de3d_story.html?utm_term=.ecbe28826bcd (accessed June 27, 2018).

¹⁰ According to §22-1322 “Rioting or inciting to riot,” of Title 22 “Criminal Offenses and Penalties,” of the Code of the District of Columbia, “A riot in the District of Columbia is a public disturbance involving an assemblage of 5 or more persons which by tumultuous and violent conduct or the threat thereof creates grave danger of damage or injury to property or persons.” See: “Rioting or inciting to riot. Code of the District of Columbia. <https://code.dccouncil.us/dc/council/code/sections/22-1322.html> (accessed June 21, 2018).

¹¹ Testimony of Commander Keith DeVille. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 30, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

¹² Testimony of Commander Keith DeVille. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 30, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

¹³ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board. <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

officers down.¹⁴ In response, officers engaged to systematically stop the demonstrators and again used hand controls and OC spray to push the group back, while a line of officers that had formed behind the group pushed forward and encircled the crowd. Officers then began procedures to process the individuals for arrest: 235 were charged with the Felony Riot Act and two were charged with Crossing a Police Line.¹⁵

After arrest processing had begun, around 1:49 p.m., another group of protestors on the opposite side of the street began to throw hammers, rocks, bricks, metal poles, explosive devices, and crowbars at the police line.¹⁶ CDU platoons pushed these protestors down 12th Street towards K Street, NW, away from the individuals being processed for arrest, using physical force and some sting ball grenades.¹⁷ The area around Franklin Square Park continued to be the site of demonstrations for the rest of the afternoon.¹⁸

District of Columbia Office of Police Complaints (OPC) Request for Independent Review

The District of Columbia Office of Police Complaints (OPC) regularly monitors First Amendment assemblies in DC and had five mobile field teams monitoring, observing, and recording MPD interactions with demonstrators citywide over the course of the day. As a result of their monitoring, OPC published a report on February 27, 2017 that identified two areas of concern regarding MPD's interactions with First Amendment assembly participants on Inauguration Day: (1) that some arrests may not have been carried out according to standard operating procedures; and, (2) less than lethal weapons were used indiscriminately and without adequate warnings in certain circumstances.¹⁹ As a result of these findings, OPC recommended

¹⁴ "ESU UC Footage." Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

¹⁵ Internal Affairs Division. "Final Investigative Report Concerning Use of Force by Members of the MPD Civil Disturbance Units (CDU) and the Special Operations Division (SOD) Domestic Security Operations Unit (DSO), IS# 17-000248, IAB#17-027." May 25, 2017. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

¹⁶ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

¹⁷ Internal Affairs Division. "Final Investigative Report Concerning Use of Force by Members of the MPD Civil Disturbance Units (CDU) and the Special Operations Division (SOD) Domestic Security Operations Unit (DSO), IS# 17-000248, IAB#17-027." May 25, 2017. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

¹⁸ Internal Affairs Division. "Final Investigative Report Concerning Use of Force by Members of the MPD Civil Disturbance Units (CDU) and the Special Operations Division (SOD) Domestic Security Operations Unit (DSO), IS# 17-000248, IAB#17-027." May 25, 2017. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

¹⁹ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

that an independent consultant review MPD's compliance with standard operating procedures in handling First Amendment assemblies, DC Code §5-331 First Amendment Rights and Police Standards Act of 2004, and applicable best police practices.

OPC contracted with the Police Foundation (PF) to conduct the independent review of MPD's actions on January 20, 2017, regarding interactions with First Amendment assembly demonstrators in the District of Columbia. The PF assessment team reviewed MPD's response to the demonstrations within the context of nationally-recognized policing principles, promising practices, and lessons learned. The assessment team also identified opportunities to better align MPD with statutory requirements and national promising practices related to policing mass demonstrations.

The PF review also addressed MPD's compliance with standard operating procedures in handling First Amendment assemblies and DC Code §5-331 First Amendment Rights and Police Standards Act of 2004. The review draws on lessons learned during reviews of similar incidents and nationally recognized promising practices to recommend strategies for improvement in MPD's response to mass demonstrations and to inform the broader law enforcement community as they prepare for future First Amendment assemblies. The issues explored in this review focus on policies and procedures, training, staffing and resource allocation, use of force, dispersal warnings and communication, mass arrest and arrestee processing, and equipment.

Limitations and Challenges of this Project

OPC provided the PF assessment team exceptional access and assistance in gathering information for this review. OPC provided 105 videos and 1,108 pictures captured by its mobile field teams that monitored MPD interactions; field notes and monitoring memos; its February 2017 final report; open source media articles; and, other relevant materials. OPC demonstration monitors and executives were also interviewed by the PF assessment team. In addition to its own staff, OPC connected the PF assessment team to demonstration participants and organizations that provided independent legal observers, some of whom agreed to be interviewed. Their consistent support and insight were invaluable to the team and this report.

Due to ongoing litigation, the MPD counsel did not allow Police Foundation's assessment team to interview or benefit from the insights of the MPD Chief, members of the command staff, supervisors, or officers assigned to the Inauguration Day events and demonstrations. However, MPD provided access to, and PF assessment team members reviewed, more than 550 videos from the body-worn cameras (BWCs) of MPD officers who worked throughout the city on Inauguration Day. Through OPC, MPD also provided the PF assessment team its standard operating procedures, some of its inaugural training presentations, citizen complaints, briefing memos, press releases, and other materials.

PF assessment team members also reviewed the transcripts from *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne*

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

Lawson (2017 CF2 1256); and, examined open source media and social media articles, images, and videos.

PF assessment team members also leveraged resources from previous large-scale security events, including the 2016 Democratic and Republican National Conventions and other First Amendment assembly after action reports to conduct its after action assessment.²⁰

Report Organization and High-Level Findings

The report begins with an explanation of the methodology employed by the PF assessment team. The Analysis section focuses on the issues that impacted the MPD response to the First Amendment assemblies and demonstrations that occurred on Inauguration Day, including: policies and procedures, training, staffing and resource allocation, use of force, dispersal warnings and communication, mass arrest and arrestee processing, and equipment. The Findings and Recommendations section provides important observations, recommendations, and promising practices as they relate to MPD's response to the First Amendment assemblies. The Conclusion summarizes the key themes and the implications for policing similar First Amendment assemblies and mass demonstrations.

²⁰ For a full list of PF after action reports, visit: <https://www.policefoundation.org/critical-incident-review-library/>.

Methodology

The Police Foundation (PF), in partnership with the District of Columbia Office of Police Complaints (OPC), assembled an assessment team with expertise in law enforcement response to First Amendment assemblies to conduct this review. The PF assessment team developed a comprehensive methodology to review actions by the Metropolitan Police Department (MPD) on January 20, 2017, regarding interactions with First Amendment assembly participants in the District of Columbia (DC) and identified areas where improvements in policy, practice, training, supervision, and resource allocation are needed to better align the department with statutory requirements and national promising practices. The PF assessment team used the totality of the information collected to conduct a gap analysis, which focused on identifying key areas to develop a set of lessons learned for MPD and the larger law enforcement community.

The assessment approach involved four methods of information gathering and collection: (1) open source media review, (2) on-site data collection, (3) resource material review, and (4) off-site data collection and research. Each method is described in more detail below.

Open Source Media Review

The PF assessment team collected, reviewed, and referenced open source media throughout the project. The PF assessment team read dozens of newspaper and magazine articles, watched videos, and reviewed social media posts. This review provided context for the interviews, areas of focus, and other research conducted.

On-Site Data Collection/Interviews

The PF assessment team conducted semi-structured focus groups with OPC demonstration monitors and executives. The PF assessment team also conducted interviews with attorneys representing persons and/or organizations that participated in the demonstrations. Due to ongoing litigation, the MPD counsel did not allow Police Foundation's assessment team to interview or benefit from the insights of the MPD Chief, members of the command staff, supervisors, or officers assigned to the Inauguration Day events and demonstrations.

Additionally, PF assessment team members visited the locations where the events cited in the OPC final report took place and were the focus of this review. These visits further informed the PF assessment team's analysis and findings and recommendations.

Resource Material Review

OPC provided 105 videos and 1,108 pictures captured by its mobile field teams that monitored MPD interactions; field notes and monitoring memos; its February 2017 final report; open source media articles; and, other relevant materials.

MPD provided access to, and PF assessment team members reviewed, more than 550 videos from the body-worn cameras (BWCs) of MPD officers who worked throughout the city on

Inauguration Day. Each video ranged in length from less-than-one minute to approximately three hours and recorded officer activities—including certain use of force incidents—and discussions related to officer activities on January 20, 2017. Through OPC, MPD also provided the PF assessment team its standard operating procedure regarding the policing of First Amendment assemblies and demonstrations, some of its training presentations for internal and external agencies provided prior to the Inauguration, citizen complaints, briefing memos, press releases, and other materials.

The PF assessment team also reviewed the transcripts from *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). However, as litigation continues, the PF assessment team was not able to review the entirety of trial transcripts from all the cases. The PF assessment team did review news articles regarding the litigation and noted that many of the charges have been dismissed against persons arrested during Inauguration-related demonstrations.

Off-Site Data Collection and Research

In addition to the information collected from OPC and MPD—and to ground the incident review in national standards, model policies, and recognized promising practices—the PF assessment team researched and reviewed professional and academic resources related to the police response to large-scale security events and First Amendment assemblies.²¹ PF assessment team members reviewed resources developed during and after large-scale security events, including the 2016 Democratic and Republican National Conventions. The assessment team also reviewed publications prepared by:

- Police Foundation
- Police Executive Research Forum
- U.S. Department of Justice
- U.S. Department of Homeland Security

²¹ For a full list of PF after action reports, visit: <https://www.policefoundation.org/critical-incident-review-library/>.

Analysis

The District of Columbia's Office of Police Complaints (OPC) acknowledged the experience and ability of the Metropolitan Police Department (MPD) to police numerous public assemblies each year. Regarding the Inauguration demonstrations, OPC observed that the overwhelming majority of MPD officers adhered to department policies and procedures and “performed in a professional manner and effectively and lawfully balanced the interests of public safety with the right to free expression.”²² An independent legal observer who monitored some of the demonstrations also noted that most of the MPD officers they saw were peaceful and professional throughout the day.²³ These observations are supported by the Police Foundation (PF) assessment team review.

However, as some of the Inauguration demonstrations progressed and some became violent, MPD resources were overwhelmed, MPD failed to stop property damage and other threats to public safety, and some MPD officers engaged in crowd management tactics that departed from their recently revised standard operating procedures (SOPs) and national best practices.

Policies and Procedures

On December 13, 2016, one month before the inauguration, MPD implemented a revised version of SOP 16-01 *Handling First Amendment Assemblies and Mass Demonstrations*.²⁴ These revisions and updates were based on local legislation—particularly the First Amendment Rights and Police Standards Act of 2004 (FARPA)—which was written to provide oversight and restrictions on MPD's response to First Amendment assemblies and demonstrations.²⁵ The law requires MPD to implement a tiered response that begins with enforcement through voluntary compliance, then issuing citations, and only arresting specific non-compliant persons as a last resort. FARPA also requires MPD to issue dispersal orders and defines the circumstances under which those orders should be issued. FARPA restricts the ability of MPD to use police lines, make arrests, and requires the prompt processing and release of any person arrested. FARPA §116 “Use of riot gear and riot tactics at First Amendment assemblies” also identifies the circumstances under which officers should use specialized personal protective equipment and certain crowd management tactics.²⁶

²² Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

²³ Police Foundation assessment team interview with independent legal observer. June 12, 2018.

²⁴ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

²⁵ Hermann, Peter. “D.C. auditor says police not adhering to law governing First Amendment investigations.” Washington Post. September 27, 2012. https://www.washingtonpost.com/local/crime/dc-auditor-says-police-not-adhering-to-law-governing-first-amendment-investigations/2012/09/27/4fb81a9e-08e4-11e2-858a-5311df86ab04_story.html?utm_term=.02be950e545b (accessed June 11, 2018).

²⁶ Code of the District of Columbia. “First Amendment Rights and Police Standards Act of 2004.” 2004. Washington, DC. <https://code.dccouncil.us/dc/council/laws/docs/15-352.pdf> (accessed June 27, 2018).

FARPA was enacted, in part, in response to MPD's actions during protests near the World Bank and International Monetary Fund in 2000, and during a 2002 World Bank protest—both of which led to mass arrests and millions of dollars in settlements based on civil suits filed against MPD and the District of Columbia.²⁷

SOP 16-01 aligns MPD's response to demonstrations with FARPA and national promising practices detailing the policy and procedures for MPD personnel interacting with demonstrations and other First Amendment gatherings. SOP 16-01 emphasizes tailored and tiered responses that prioritize communication and positive engagement with demonstrators and limits the visibility and necessity of officers in tactical gear that can further intensify tensions.²⁸ It also directs officers to ensure that persons enjoy free and open expression in the District of Columbia with the utmost confidence that their constitutional rights will be respected; and, that officers respond effectively and efficiently to any unlawful conduct that occurs in the context of such First Amendment assemblies.²⁹

Training

The Police Executive Research Forum (PERF) recommends that law enforcement officers be trained regularly on updated strategies and best practices for responding to First Amendment assemblies, to include training in the National Incident Management System (NIMS) and Incident Command System (ICS); crowd management; Mobile Field Force (MFF) operations; authorized use of force; constitutionally protected behaviors; communication and de-escalation; bias awareness; procedural and impartial policing; cultural responsiveness; and, community policing.³⁰

In advance of the Inauguration, MPD officers received some specialized training regarding the response to civil disturbance. MPD conducted a week-long CDU basic training in 2016 that discussed the First Amendment, formations, and other tactics.³¹ MPD also offered CDU members grenadier training, which covered the deployment of less lethal munitions including

²⁷ Hermann, Peter. "D.C. auditor says police not adhering to law governing First Amendment investigations." Washington Post. September 27, 2012. https://www.washingtonpost.com/local/crime/dc-auditor-says-police-not-adhering-to-law-governing-first-amendment-investigations/2012/09/27/4fb81a9e-08e4-11e2-858a-5311df86ab04_story.html?utm_term=.02be950e545b (accessed June 11, 2018).

²⁸ Metropolitan Police Department. "Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations," SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

²⁹ Metropolitan Police Department. "Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations," SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

³⁰ Police Executive Research Forum. 2018. *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned*. Washington, DC: Office of Community Oriented Policing Services. <http://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf> (accessed June 27, 2018).

³¹ Metropolitan Police Department Special Operations Division, Domestic Security Operations Unit. "CDU Basic Training: A Syllabus." Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

OC spray and sting-ball rounds, both of which were used on January 20, 2017.³² While MPD provided training, some officers and observers opined that it was insufficient based on the challenges they faced during some of the demonstrations. One MPD officer, for example, testified that despite being assigned to CDU on occasion, they did not receive specialized training other than watching videos³³ and “personally did not feel prepared for the situation that was in front of us.”³⁴ Officers also reported being assigned to a CDU platoon and area in which they had little prior experience.³⁵

Officers assigned to large demonstrations and protests should have MFF and civil disturbance training. Training should be conducted, whenever possible, with the officers they will be assigned to work with during the event. Additional training should focus on First Amendment protections, the deployment of less lethal munitions, tactical formations, arrest techniques, arrestee processing, and other relevant department policies and procedures. Scenario-based training is encouraged to simulate the high-stress environment of a demonstration.³⁶ In preparation for the 2016 Democratic National Convention (DNC), the Philadelphia Police Department (PPD) trained its officers through a variety of methods including classroom instruction, field exercises, and online trainings.³⁷ These practices reinforced the materials provided during training sessions and helped PPD officers remain positive and professional during their interactions with demonstrators.

³² “CDU Grenadier Certification.” Metropolitan Police Department. August 2016. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

³³ Testimony of Officer Ashley Anderson. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 21, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

³⁴ Testimony of Officer Bryan Adelmeyer. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 29, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

³⁵ Testimony of Officer Ashley Anderson. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 21, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

³⁶ Police Executive Research Forum. 2018. *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned*. Washington, DC: Office of Community Oriented Policing Services. <http://www.policeforum.org/assets/PoliceResponseMassDemonstrations.pdf> (accessed June 27, 2018).

³⁷ Straub, F., H. Aden, R. Monroe, J. Castor, N. Joyce, R. Haas, J. Zeunik, and B. Gorban. *Managing Large-Scale Security Events: A Planning Primer for Local Law Enforcement Agencies*. Publication Pending. Washington, DC: BJA National Training and Technical Assistance Center.

Charlotte-Mecklenburg's Constructive Conversation Team

In 2016, following demonstrations in Charlotte, North Carolina, the Charlotte-Mecklenburg Police Department (CMPD) collaborated with community members to develop Constructive Conversation Team (CCT) training. Combining classroom instruction and scenario-based training, CCT training focuses on enhancing interactions with community members and includes exercises bringing in members of the Charlotte advocacy community to engage in the same behaviors they would during a demonstration. Trainees are required to de-escalate the demonstrators using only communication. CMPD has since used lessons from CCT with success at other demonstrations and officer-involved shooting incidents, prompting the department to require all sworn personnel to complete the training.

Source: Straub, Frank, Jeffrey Brown, Roberto Villaseñor, Jennifer Zeunik, Ben Gorban, Blake Norton, and Eddie Reyes. 2018. *Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations*. <https://www.policefoundation.org/wp-content/uploads/2018/02/Advancing-Charlotte-Final-Report.pdf> (accessed May 23, 2018).

Staffing and Resource Allocation

Nationally, demonstrations have created new challenges for law enforcement as officers attempt to effectively balance the First Amendment rights of the demonstrators with the need to respond quickly and decisively to potentially volatile and violent activities. In New York, Ferguson, North Charleston, Baltimore, Minneapolis, Baton Rouge, Dallas, and Charlotte, demonstrators leveraged social media to share their real-time perceptions and perspectives regarding the actions taken by law enforcement during demonstrations, to arrange meeting locations, and to outmaneuver the police response.³⁸ As demonstrated during the 2016 Republican National Convention (RNC) in Cleveland, and the 2016 DNC in Philadelphia, effectively allocating personnel and resources is critical to providing the opportunity for demonstrators to exercise their First Amendment rights, and balancing the safety and security of the community and the officers assigned to manage the demonstration.

In part, the allocation of law enforcement personnel and other resources during the Inauguration demonstrations challenged MPD's ability to respond to acts of violence including property destruction, assaults on officers, and other acts that threatened public and officer safety.

On Inauguration Day, there were a series of planned and unplanned First Amendment assemblies and demonstrations that required the allocation of a significant number of MPD and mutual aid officers. The National Park Service, for example, received at least 20 requests for permits to

³⁸ Straub, Frank, Jeffrey Brown, Roberto Villaseñor, Jennifer Zeunik, Ben Gorban, Blake Norton, and Eddie Reyes. 2018. *Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations*. <https://www.policefoundation.org/wp-content/uploads/2018/02/Advancing-Charlotte-Final-Report.pdf> (accessed May 23, 2018).

demonstrate around the National Mall and near the parade route.³⁹ MPD also received at least four permit requests for demonstrations throughout DC totaling approximately 9,000 participants and was aware that there would be a number of unpermitted demonstrations as well.⁴⁰ MPD undercover officers attended meetings and conducted open source research on multiple groups that were planning gatherings and demonstrations.⁴¹ One officer who served in an undercover capacity within one of the larger demonstration groups testified that he was instructed to serve, “as an observer to look and listen and try and get information . . . for criminal activities that they were planning for the day of the inauguration.”⁴²

Using the information gathered by undercover officers and other sources, at least three areas of concern were identified by MPD: the route from Meridian Hill to Franklin Park, the route from Union Station to McPherson Square, and the area around 14th Street and Pennsylvania Avenue, NW.⁴³

MPD also relied on its CDU platoons to supplement the cadre of patrol officers, particularly in the districts downtown. According to SOP 16-01, the seven MPD patrol districts, “shall maintain a minimum of 28 CDU platoons” with a minimum staffing of 931 sworn personnel divided across the ranks of seven captains, 28 lieutenants, 112 sergeants, and 784 officers. The platoons are to be organized as follows: “1. One scooter or mountain bike platoon. 2. One car platoon. 3. Remaining platoons shall be denoted as foot platoons and will be provided vans or buses during deployments.”⁴⁴ For the Inauguration, MPD activated 35 CDU platoons throughout DC. Each of the seven patrol districts had five CDU platoons which were designed to facilitate command, control, and communication. Each platoon was broken down into four squads—two line squads, one grenadier squad that was responsible for the deployment of munitions, and one arrest squad—that was commanded by a lieutenant. Each squad consisted of seven officers

³⁹ Schmidt, Kiersten and Sarah Almukhtar. “Where Protests Are Happening on Inauguration Day.” January 19, 2017. The New York Times. <https://www.nytimes.com/interactive/2017/01/17/us/inauguration-protests.html> (accessed June 15, 2018).

⁴⁰ Homeland Security Bureau. “2017 Command Staff Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁴¹ Testimony of Officer Bryan Adelmeyer. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 28, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

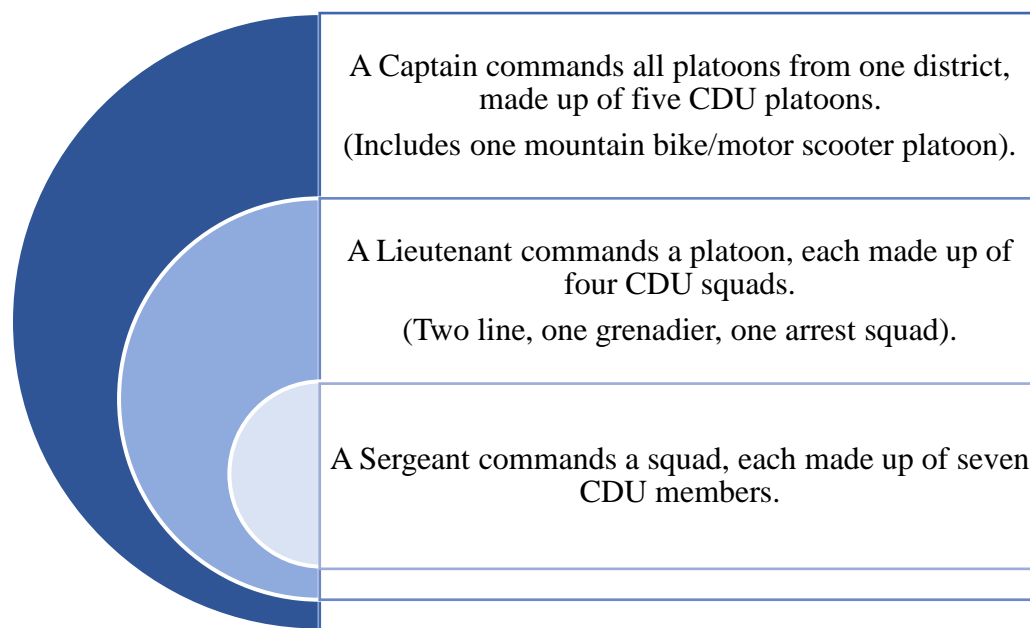
⁴² Testimony of Officer Bryan Adelmeyer. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 28, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

⁴³ Homeland Security Bureau. “2017 Command Staff Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁴⁴ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

commanded by a sergeant.⁴⁵ Additionally, “High Volume Processing [was] operational from 0800 Hours on Tuesday, January 17th until 0730 Hours on Monday, January 23rd, 2017.”⁴⁶ MPD supported its deployment of approximately 3,800 sworn officers with approximately 3,200 mutual aid officers.⁴⁷

Figure 1: CDU Platoon Structure



Despite the large number of law enforcement personnel assigned to the event, demonstrators in some locations were able to outmaneuver and overwhelm police personnel. Multiple MPD officers testified that some of the demonstration groups and sites, including those identified as areas of concern were not adequately staffed.⁴⁸ Even with CDU squads on bicycles and in vehicles, MPD officers were quickly overwhelmed and unable to effect arrests of individuals that caused property damage as evidenced during the PF assessment team’s review of BWC and other video footage. An MPD officer, who was in plainclothes as he walked with the group of demonstrators from Logan Circle through downtown, observed multiple instances of property

⁴⁵ Homeland Security Bureau. “2017 Command Staff Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁴⁶ Homeland Security Bureau. “2017 Command Staff Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁴⁷ Homeland Security Bureau. “2017 Command Staff Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁴⁸ Testimony of Officer Ashley Anderson. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 20, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

destruction, but noted that it would have been a safety concern for him to attempt to arrest the individuals committing these acts, so he provided descriptions of the activities and the persons responsible over his radio.⁴⁹ Another officer—whose CDU mountain bike squad observed multiple instances of property being destroyed by demonstrators—testified that there were too few officers to effectively prevent or quickly respond to individuals who engaged in property damage and other illegal activities.⁵⁰ Regarding the ratio of demonstrators to officers, one MPD officer opined, “One, there were too many of them. Two, I mean, there weren’t enough of us.”⁵¹

Challenges in the allocation of personnel and resources required some MPD officers to work significant overtime hours. All full-duty sworn MPD officers were instructed to “go to a twelve hour schedule effective with the day work shift on Wednesday, January 18th and concluding at the end of the evening shift on Sunday, January 22nd, 2017 at 0300 hours.”⁵² In some cases though, supervisors failed to schedule relief coverage and delays in the processing and transportation of arrestees caused officers to remain on duty well beyond 12 hours. One of the CDU officers indicated that she likely worked between 17 and 19 hours.⁵³ Additionally, multiple BWCs recorded conversations of officers discussing how long they had been on shift; their inability to take any breaks to eat, sleep, or shower during or in between shifts; and, that it did not make sense for them to go home because they would have to be back for their next shift in a matter of hours.⁵⁴

⁴⁹ Testimony of Investigator Robert Ranck. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). December 12, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

⁵⁰ Testimony of Officer Ashley Anderson. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 20, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

⁵¹ Testimony of Officer Michael Howden. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). December 5, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

⁵² Homeland Security Bureau. “2017 Command Staff Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁵³ Testimony of Officer Ashley Anderson. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 20, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

⁵⁴ See multiple videos including “20170121-PRISONER TRANSPORT-501 NEW YORK AVE NE-CCB” and “20170121-Rioting-12th and L Street NW.” Metropolitan Police Department Body-Worn Camera video. January 21, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program. January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

Use of Force

While there are no specific guidelines identified in the body of SOP 16-01 regarding the use of force during demonstrations, the policy of MPD is to, “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.”⁵⁵ Appendix E of the SOP serves as a use of force guideline for CDU and other officers who respond during major demonstrations. The appendix identifies six levels of force—described below—that may be utilized by on-scene commanders and officials in accordance with the SOP: constructive, physical, Oleoresin Capsicum (OC), mechanical, chemical, and deadly.

Level of Force	Definition
Constructive	Uniformed police presence with no physical contact between police and demonstrators. Officers in CDU protective gear may be deployed when there is a danger of violence.
Physical	Involves hands-on touching or pushing maneuvers, but no deployment of weapons or other tools. May also include line and wedge formations that move a crowd, and arrests.
Oleoresin Capsicum (OC)	Uses of OC spray deployed from personal or large-scale canisters.
Mechanical	Level I includes the use of tools or weapons including riot batons, ASPs, and riot shields. Level II includes the use of less lethal projectiles including still ball munitions and extended impact weapons.
Chemical	Involves the use of tools or weapons that disperse chemical irritants.
Deadly	Involves any use of force likely to cause death or serious physical injury.

Additionally, as identified in the “Outside Agency Use of Force Briefing” for First Amendment assemblies and mass demonstrations, MPD defined “force” as, “the employment of physical presence, contact, or weapons in order to disperse or contain a crowd, effect arrests, or protect

⁵⁵ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

lives and property.”⁵⁶ MPD policy also prioritizes voluntary compliance—particularly through de-escalation—in every encounter to diminish the reliance on force.

Despite these policies, as explained in more detail below, a large amount of less lethal munitions were improperly deployed and multiple police lines were formed at certain points during the MPD response to demonstrations on Inauguration Day, calling into question the role that supervisors played at the squad level and at higher levels of leadership. Without the ability to interview MPD personnel the PF assessment team was unable to investigate these supervisory issues further and benefit from the insights of MPD personnel.

Less Lethal Munitions

Law enforcement officers should only deploy less lethal devices in response to escalating violence or disorder during civil demonstrations. Departments must balance the need for the deployment of such munitions against the risk/threat posed by the actions of the demonstrators and only after alternative means of crowd management have been considered and/or employed. Additionally, consideration should be given to the perceptions and implications of using them against demonstrators.⁵⁷ According to a PERF report on managing mass demonstrations:

*“Use [of less lethal devices] must be balanced against the threat faced by frontline officers, as well as the goals officers are attempting to accomplish (e.g., contain, make arrests, quell disorder). The option should be used only until the desired effect is achieved. Use should be frequently reassessed to ensure continued need for deployment.”*⁵⁸

According to SOP-16-01, the use of large-scale 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.”⁵⁹ The overwhelming majority of demonstrators were peaceful and MPD officers were professional in their interactions. Some MPD officers acknowledged using multiple levels of force during their response to at least one of the Inauguration demonstrations. Discussing the incident response with colleagues, one officer’s BWC recorded a discussion in which officers said, “We hit them with the sting balls,

⁵⁶ “Outside Agency Use of Force Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁵⁷ Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department’s Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed August 30, 2017).

⁵⁸ *Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches*. 2014. (Washington, DC: Police Executive Research Forum). http://www.policeforum.org/assets/docs/Critical_Issues_Series/police%20management%20of%20mass%20demonstrations%20-%20identifying%20issues%20and%20successful%20approaches%202006.pdf (accessed June 1, 2017).

⁵⁹ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdonline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

we hit them with the 40 mils, we hit them with all that, everything in our arsenal.”⁶⁰ Another officer’s BWC recorded a group of officers discussing deploying pepper balls, sting grenades, and OC spray. Additionally, MPD’s “2017 Inaugural Munitions Loadout and Loadin” spreadsheets documented the fact that personnel assigned to multiple CDU Platoons (23, 32, 42, 44, 51, 54, 61, 62, 63, 64, 74, SV); Domestic Security Operations (DSO) Platoons (1, 2, and 3); and, Traffic deployed OC, and used mechanical and chemical force.⁶¹

In their response to Inauguration Day demonstrations, MPD officers were issued and used MK46 and MK9 OC canisters, sting ball grenades, 40 mm stingers, 40 mm foam batons, and 40 mm exact impact munitions.⁶² These less lethal devices were at times used inappropriately, such as when sting ball grenades were thrown overhand instead of in the underhand motion taught in training.⁶³ Less lethal munitions, specifically chemical agents, were seen to be deployed into groups of people that posed no immediate threat to those who were observing the demonstrations.

At least one person present during the demonstration in the area of Franklin Square Park advised that they were sprayed with OC from a large canister even though they presented no threat to the public or the officers who engaged in the use of force.⁶⁴ Another individual advised that MPD officers refrained from using force to control demonstrators engaged in property damage when it would have been appropriate and justified, and instead targeted persons peacefully voicing their First Amendment rights. This person further observed that they had observed similar behavior on the part of MPD during other demonstrations in the District.⁶⁵ The inappropriate and extensive use of less lethal munitions suggests the need for increased supervision of officers during mass demonstrations as well as additional training regarding the appropriate circumstances and methods for deploying these tools.

Police Lines

Both SOP 16-01 and FARPA §5-331.08 also prohibit the use of police lines unless they are necessary for the protection of demonstrators or if the decision has been made to effect arrests. Specifically, FARPA §5-331.08—which is included as an appendix to SOP 16-01—states, “No emergency area or zone will be established by using a police line to encircle, or substantially

⁶⁰ “AXON Body 2 Video 2017-01-21 1511.” Metropolitan Police Department Body-Worn Camera video. January 21, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program. January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁶¹ “2017 Inaugural Munitions Loadout and Loadin.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁶² “2017 Inaugural Munitions Loadout and Loadin.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁶³ Internal Affairs Division. “Final Investigative Report Concerning Use of Force by Members of the MPD Civil Disturbance Units (CDU) and the Special Operations Division (SOD) Domestic Security Operations Unit (DSO), IS# 17-000248, IAB#17-027.” May 25, 2017. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

⁶⁴ Police Foundation assessment team interview with independent legal observer. June 12, 2018.

⁶⁵ Police Foundation assessment team interview with DC-based civil liberties attorney. June 4, 2018.

encircle, a demonstration, rally, parade, march, picket line, or other similar assembly (or subpart thereof) . . . 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 . . . and the police have the ability to identify those individuals and have decided to arrest them.”⁶⁶

It is apparent, however, that on at least one occasion, MPD officers formed police lines that did not adhere to their SOP and FARPA. Multiple MPD officers who responded to the intersection of L Street NW and 12th Street NW testified that they were instructed to form a line with the intent of preventing the forward progress of the group of approximately 200 demonstrators—some of whom were responsible for damaging property along their route. The officers indicated that they were instructed to get ahead of the crowd and spread across the intersection in front of the group of demonstrators, while a second line of officers trailed the group to prevent anyone involved from leaving.⁶⁷ One MPD detective also explained that a large number of the demonstrators in this group were dressed in all black, moved collectively except for when some would move away from the group to cause damage and then quickly move back into the group, and that the group was moving so quickly that, “there was no way that they could, even if they were able to, identify those individuals to move in and apprehend them.”⁶⁸ At that point, despite the inability to identify the individuals responsible for the property damage, MPD leadership determined that based on the totality of the circumstances a crime had been committed and the whole group would be arrested.⁶⁹

Dispersal Warnings/Communication

On Inauguration Day, there were multiple occasions during which dispersal warnings were not given prior to the deployment of OC spray by MPD officers. The OPC report documents an incident at 12th and L Streets NW where, “An unidentified officer extended his OC spray

⁶⁶ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

⁶⁷ Testimony of Officer Ashley Anderson. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). December 5, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018. See also, Testimony of Officer Omar Forrester. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 27, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

⁶⁸ Testimony of Detective Gregory Pemberton. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). December 5, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

⁶⁹ Testimony of Detective Gregory Pemberton. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). December 12, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

dispenser and discharged it into the crowd without issuing a warning or command.”⁷⁰ Additionally, multiple independent legal observers interviewed by the PF assessment team who were in the area at the time of the incident indicated that they did not hear any dispersal warnings prior to OC spray being deployed.⁷¹ Later in the day, OPC monitors observed a similar incident in which an MPD officer deployed a large canister of OC spray despite the fact that there, “did not appear to be any provocation for this action, nor a warning or command before it happened.”⁷²

According to the testimony of an MPD commander, dispersal warnings were not issued prior to the mass arrest of demonstrators on Inauguration Day. The commander indicated that no dispersal orders were given because the group was not a “static crowd” and was moving so quickly that there was no opportunity to tell them where to disperse.⁷³ He also noted that there was no way that dispersal warnings would have been heard by the entire group, even if an amplification device was used, because of the noise and the evolution of the group of demonstrators.⁷⁴

However, SOP 16-01 suggests that dispersal warnings should be used as a first means of verbally persuading a crowd to disband of its own accord by providing available exit routes and a reasonable amount of time to do so. The SOP also requires that at least one dispersal warning—and absent exigent circumstances a total of three—should be provided and broadcast through an amplification device so that they can be heard by the entire group and must be documented by either audio-visual recording or written and retained as part of any arrest files. Additionally, as detailed in Section IX “Crowd Dispersal and the Issuance of Warnings,” G, (2), orders to disperse a First Amendment assembly are prohibited, “unless a significant number of the participants fail to adhere to reasonable restrictions or a significant number of the participants are

⁷⁰ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

⁷¹ Police Foundation assessment team interview with DC-based civil liberties attorney. June 4, 2018. Police Foundation assessment team interview with legal observer. June 12, 2018.

⁷² Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

⁷³ Testimony of Commander Keith DeVile. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 30, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

⁷⁴ Testimony of Commander Keith DeVile. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 30, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

engaging in, or are about to engage in, unlawful disorderly conduct or violence towards persons or property.”⁷⁵

Mass Arrest and Arrestee Processing

MPD emphasizes policing First Amendment assemblies and mass demonstrations in a manner that prioritizes non-arrest methods of crowd management to maintain order and the use of arrests—particularly mass arrests—as a last resort. While SOP 16-01 does state that, “Depending on the scenario and degree of disruption, high volume arrests may be considered” and that they “shall be based on probable cause that can be applied to all arrests,” it indicates that all arrests must be: based on probable cause, made in an organized manner, fully documented, and expeditiously processed. In furtherance of this philosophy, the SOP indicates that if a recommendation to effect mass arrests is made, the incident commander must verify that probable cause exists for the arrest of each demonstrator, and that each arrest is proper and lawful prior to it occurring. The SOP also restricts officers from effecting arrests because the group does not possess a permit, unless dispersal orders have been clearly communicated and demonstrators have been provided a reasonable opportunity to abide.⁷⁶

Except for some demonstrators, large groups exercised their First Amendment rights peacefully. Thousands of demonstrators marched through the streets, shouted, and carried signs without incident. While many of these groups did not obtain permits, MPD officers monitored the demonstrators, facilitated their marches, and managed crowd control as the groups exercised their First Amendment rights.⁷⁷ Even when some of the demonstrators in the unpermitted groups acted inappropriately or said offensive things, MPD officers acted in a manner consistent with SOP 16-01 and allowed the group to continue.

However, according to OPC, “it appears that certain provisions of the Act and Standard Operation Procedures for arrests at first amendment assemblies may not have been followed,” on Inauguration Day.⁷⁸ MPD officers observed individual demonstrators who left the larger group and destroyed property by overturning waste bins, breaking building and car windows, and

⁷⁵ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

⁷⁶ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

⁷⁷ “20170120-RIOTING-12 ST NW AND L ST K ST NW” and “20170120-FIRST AMENDMENT ASSEMBLY-12TH AND L ST. NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com files provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁷⁸ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board. <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

lighting newsstands on fire and/or otherwise destroying them.⁷⁹ Those persons causing the destruction were virtually indistinguishable from others when they returned to the main crowd, dressed in similar all black attire. The MPD incident commander acknowledged that in response to some of the property destruction, MPD encircled and arrested approximately 200 demonstrators on L Street NW between 12th and 13th Streets NW.⁸⁰ While there is no debate that a mass arrest occurred at this location, OPC monitors questioned the ability to make a probable cause determination for each demonstrator that was arrested and suggested that, “it seems that proximity to the area where property damage occurred was a primary factor, based on OPC monitor observations that many arrested seemingly did not meet the description of the majority of those who appeared to engage in property destruction.”⁸¹

Of the 237 individuals who were charged in connection with Inauguration Day demonstrations, the overwhelming majority have resulted in acquittals and/or dismissed charges. The first six individuals who went to trial were found not guilty on all charges in December 2017. Following that trial, prosecutors dropped cases against 129 individuals adding to the 20 who had their cases dropped in early reviews.⁸² In June 2018, a DC Superior Court judge ordered seven cases be dismissed, which was followed by prosecutors dismissing three additional cases.⁸³ On July 6, 2018, federal prosecutors dismissed rioting charges against the remaining 39 individuals that were awaiting trial.⁸⁴

The mass arrest also quickly overwhelmed those responsible for booking, transporting, and processing. When an individual was arrested, an officer would complete the necessary search,

⁷⁹ “20170120 - RIOT ACT FELONY - 1200 L ST NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁸⁰ Laughland, Oliver, Sabrina Siddiqui, and Lauren Gambino. “Inauguration protests: more than 200 demonstrators arrested in Washington.” The Guardian. January 20, 2017. <https://www.theguardian.com/world/2017/jan/20/inauguration-protesters-police-washington-dc> (accessed June 12, 2018).

⁸¹ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board. <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

⁸² Alexander, Keith L. “Prosecutors dismiss three additional cases in Inauguration Day riots.” The Washington Post. June 2, 2018. https://www.washingtonpost.com/local/public-safety/prosecutors-dismiss-three-additional-cases-in-inauguration-day-riots/2018/06/02/c54b4e6a-6681-11e8-a768-ed043e33f1dc_story.html?noredirect=on&utm_term=.53af19780833 (accessed June 27, 2018).

⁸³ Alexander, Keith L. “Prosecutors dismiss three additional cases in Inauguration Day riots.” The Washington Post. June 2, 2018. https://www.washingtonpost.com/local/public-safety/prosecutors-dismiss-three-additional-cases-in-inauguration-day-riots/2018/06/02/c54b4e6a-6681-11e8-a768-ed043e33f1dc_story.html?noredirect=on&utm_term=.53af19780833 (accessed June 27, 2018).

⁸⁴ Alexander, Keith L. “Federal prosecutors abruptly dismiss all 39 remaining Inauguration Day rioting cases.” The Washington Post. July 7, 2018. https://www.washingtonpost.com/local/public-safety/federal-prosecutors-abruptly-dismiss-all-remaining-inauguration-day-rioting-cases/2018/07/06/d7055ffe-7ee8-11e8-bb6b-c1cb691f1402_story.html?noredirect=on&utm_term=.f74d5e9def8e (accessed July 9, 2018).

placing any personal items into a bag with a label, and collected contact information.⁸⁵ The officer would remain with the arrestee—sometimes for long periods—in line until they were able to book the individual and place them in a transport vehicle.⁸⁶ Arrestees were placed in transport vehicles by gender to be processed at a station when the vehicle was full.⁸⁷ When a transport vehicle arrived at a station, arrestees were taken off the vehicle one person at a time and placed in a queue to be processed.⁸⁸ Arrestees were asked to remove their shoes, and again, they were searched before being placed in holding cells for booking.⁸⁹

While the process was thorough, the number of arrestees relative to the stations available led to delays in processing.⁹⁰ Sometimes when a transport vehicle arrived at a station, they were directed to another district because the district station they were at was already at capacity or otherwise could not take a particular group.⁹¹ For example, one van of arrestees was directed to multiple MPD holding facilities because the first one was full and the second was housing females, which precluded male arrestees from being processed there. Additionally, removing arrestees one at a time could be slow, and in one case, a transgender arrestee was left alone in a vehicle for an extended period of time while officers tried to determine if they were in the appropriate processing location.⁹² Additionally, there seemed to be confusion regarding how

⁸⁵ “20170120-PRISONER TRANSPORT-1200 L ST NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁸⁶ “20170120-PRISONER TRANSPORT- 1200 L STREET NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁸⁷ “20170120- Prisoner Transport 1200 L St NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁸⁸ “20170120 PRISONER PROCESSING 501 NEW YORK AVE NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁸⁹ “20170120-1D PRISONER PROCESSING-101 M STREET SW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁹⁰ “20170120-PRISONER TRANSPORT-1200 L ST NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁹¹ “20170120-PRISONER Transport-1200 L STREET NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁹² “170120-1200 L St Nw- First Amendment assembly.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

long arrestees would be detained in facilities before they would be able to go before a judge for arraignment.⁹³

During interviews, the PF assessment team heard of instances in which individuals were prevented from using toilet facilities either while detained in the kettles or during arrest processing, were restrained in a painful manner, and experienced long delays in being processed.⁹⁴ Some MPD BWC footage also captures arrestees discussing these issues.⁹⁵ Had MPD properly planned for and staffed the booking, transporting, and processing of arrestees some of these issues may have been alleviated or eliminated.

Equipment

Providing officers with appropriate equipment and preparing them to use it effectively and under the correct circumstances can support public and officer safety.

Personal Protective Equipment

While prioritizing officer safety, law enforcement agencies must consider the balance between the need for protection and the image presented by a line officers clad in personal protective equipment (PPE).⁹⁶ In recent events, police officers dressed in PPE contributed to the escalation of tension and were portrayed in the media as being heavy-handed and/or militaristic.⁹⁷

For the Inauguration, each CDU officer was issued protective gear, including helmets and shields. During the demonstrations in the area of 12th and L Streets, NW, some demonstrators threw rocks, bricks, water bottles, and other objects at police officers. As one officer noted, “I saw one guy got hit in the shield and it cracked it.” A second officer similarly noted, “another

⁹³ “20170120 PRISONER PROCESSING 501 NEW YORK AVE NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁹⁴ Police Foundation assessment team interview with DC-based civil liberties attorney. June 4, 2018.

⁹⁵ “AXON Body 2 Video 2017-01-20 2218.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁹⁶ Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department’s Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed August 30, 2017).

⁹⁷ Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department’s Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed August 30, 2017).

guy got hit in the helmet . . . That helmet saved his life.”⁹⁸ By the end of the day, seven officers reported injuries: four officers struck by projectiles in the head or knee, two officers sustaining ankle or wrist injuries while apprehending suspects, and one officer with a severe reaction to the OC spray that was deployed.⁹⁹

Based on a review of available materials, the PF assessment team believes that MPD deployed personnel protective equipment in a manner consistent with the department’s policies and procedures.

Body-Worn Cameras

A growing number of police departments across the country have implemented BWCs into their operations. The Bureau of Justice Assistance’s *Body-Worn Camera Toolkit* explains that BWCs “are only one of the tools available to law enforcement for improving community trust, transparency, and accountability,” but they offer several benefits for law enforcement agencies.¹⁰⁰ BWCs are particularly important assets during demonstrations as they provide an opportunity to record verbal and physical exchanges between demonstrators and the police—protecting all parties from false accusations as exemplified during the 2016 Republican National Convention (RNC) in Cleveland, Ohio.¹⁰¹ At the RNC, the Cleveland Division of Police issued BWCs to approximately 1,100 patrol personnel with crowd management and/or arrest responsibilities to ensure officer accountability and transparency, making the 2016 RNC the first national convention during which officers were equipped with BWCs.¹⁰²

MPD launched the first phase of its BWC program in 2014.¹⁰³ In December 2016, MPD completed deployment of approximately 2,800 BWCs to officers and sergeants in public contact positions in all of its police districts and other specialized units, making it the largest deployment

⁹⁸ “20170120-FIRST AMENDMENT-1200 L ST NW.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program. January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

⁹⁹ Internal Affairs Division. “Final Investigative Report Concerning Use of Force by Members of the MPD Civil Disturbance Units (CDU) and the Special Operations Division (SOD) Domestic Security Operations Unit (DSO), IS# 17-000248, IAB#17-027.” May 25, 2017. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

¹⁰⁰ *Body-Worn Camera Toolkit: Body-Worn Camera Frequently Asked Questions*. 2015. United States Department of Justice. Washington, DC: Bureau of Justice Assistance. https://www.bja.gov/bwc/pdfs/BWC_FAQs.pdf (accessed June 26, 2018).

¹⁰¹ *Command, Control, and Coordination: A Quick-Look Analysis of the Cleveland Division of Police Operations during the 2016 Republican National Convention*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance.

¹⁰² *Command, Control, and Coordination: A Quick-Look Analysis of the Cleveland Division of Police Operations during the 2016 Republican National Convention*. Pending Publication. United States Department of Justice. Washington, DC: Bureau of Justice Assistance.

¹⁰³ *A Report on MPD’s Use of Body-Worn Cameras*. October 2015. Metropolitan Police Department. https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/BWC_Report_2015October_0.pdf (accessed June 15, 2018).

of BWCs in the country, and MPD's first full deployment of BWCs during such a large event.¹⁰⁴ When responding to First Amendment assemblies, MPD members were directed to activate their BWCs in accordance with the department's general order on the Body Worn Camera Program, but not "for the purpose of identifying and recording the presence of individual participants who are not engaged in unlawful conduct."¹⁰⁵ As evidenced by the extensive amount of video and audio footage provided to the PF assessment team, MPD officers appear to have been in compliance with the department's policies and procedures regarding the use of BWCs.

Public Address Systems

When responding to the First Amendment assemblies, CDU lieutenants were expected to have a public address (PA) system such as the radio on their patrol cars or an operational bullhorn.¹⁰⁶ Despite this expectation, not every platoon had access to a PA system or leveraged the systems they did have. While many officers gave verbal commands and warnings, the lack of amplification and repetition of the dispersal warning, in accordance with policy, resulted in a level of unnecessary chaos when the decision was made to affect a mass arrest.

¹⁰⁴ *A Report on MPD's Use of Body-Worn Cameras*. May 2017. Metropolitan Police Department. https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/Body-Worn%20Camera%20Report_May%202017.pdf (accessed June 27, 2018).

¹⁰⁵ Metropolitan Police Department. "Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations," SOP-16-01. December 13, 2016. https://go.mpdonline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

¹⁰⁶ Homeland Security Bureau. "2017 Command Staff Briefing." Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

Findings and Recommendations

Finding 1. Overall, MPD officers acted in a professional manner and effectively balanced the public safety of Inauguration attendees, residents, and employees with the First Amendment rights of demonstrators. The overwhelming majority of MPD officers facilitated numerous marches and demonstrations throughout the city, including some where rolling street closures were needed to ensure the safety of demonstrators; prioritized being professional in their approach and their attire; and, were generally respectful in their public interactions.

Finding 2. In a limited number of instances, MPD failed to stop the actions of disorderly and violent demonstrators—including property destruction and physical assaults of officers—in a timely manner. Multiple MPD officers observed individual demonstrators in the group that marched from Logan Circle through downtown DC before ultimately being controlled and stopped near Franklin Square Park commit acts of violence.¹⁰⁷ An MPD commander also explained, “I watched them breaking up parts of the sidewalk in the brick roadways, throwing those at us, throwing those at the officers. I did see at least one shove an officer on a mountain bike.”¹⁰⁸ Despite these observations, MPD made no attempt to identify and arrest those responsible or otherwise disperse the group.

*Recommendation 2.1. MPD should develop response protocols that quickly deploy officers to prevent property damage and other activities that threaten public safety, to include bicycle squads, mounted units, the deployment of chemical munitions and other practices consistent with promising practices.*¹⁰⁹

Finding 3. A large number of arrests in the area of 12th and L Streets NW were made to end property damage and activities that directly threatened public safety. Although “it is the policy of MPD to avoid making arrests of substantial numbers of persons . . . when arrest

¹⁰⁷ Testimony of Officer Ashley Anderson. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 21, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018. See also, Testimony of Commander Keith DeVille. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 30, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

¹⁰⁸ Testimony of Commander Keith DeVille. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 30, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

¹⁰⁹ Straub, Frank, Rodney Monroe, Robert Haas, Jennifer Zeunik, and Ben Gorban. *The Cleveland Division of Police Protection of the 2016 Republican National Convention: A Quick-Look Analysis of the Public Safety Best Practices and Lessons Learned*. 2018. Washington, DC: Bureau of Justice Assistance. See also: Straub, Frank, Jeffrey Brown, Roberto Villaseñor, Jennifer Zeunik, Ben Gorban, Blake Norton, and Eddie Reyes. 2018. *Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations*. <https://www.policefoundation.org/wp-content/uploads/2018/02/Advancing-Charlotte-Final-Report.pdf> (accessed May 23, 2018).

avoidance is reasonably possible in the interests of safety and security,”¹¹⁰ MPD effected the mass arrest of more than 200 demonstrators to safeguard public and private property as well as public safety. Additionally, MPD’s actions to prevent the group from advancing further likely prevented the destruction of additional property. While arrests are appropriate of persons engaged in property damage and/or who posed a threat to public safety, many of those arrested posed no immediate threat to public safety or had engaged in property damage.

Recommendation 3.1. MPD should take immediate and appropriate action in response to criminal acts to protect all persons (demonstrators, observers, members of the public, law enforcement personnel) and property.

Finding 4. MPD SOP 16-01 (Handling First Amendment Assemblies and Mass Demonstrations) is consistent with promising practices surrounding police response to First Amendment assemblies and mass demonstrations. SOP 16-01 was developed to afford MPD command staff and officers the maximum amount of operational flexibility within the requirements of the National Incident Management System (NIMS). The overall philosophy of the SOP emphasizes moderation, flexibility, and control based on sound judgement and proper command and supervision. Likewise, the SOP aligns with national promising practice by establishing the importance of positive communication and engagement with demonstrators and suggesting a tiered law enforcement response based on the actions of the crowd. It also restricts using police lines, using unnecessary force, and affecting mass arrests as means to disperse peaceful crowds exercising First Amendment rights.

*Recommendation 4.1. MPD should continue to review and incorporate national promising practices and lessons learned in future training and preparations for large-scale events. Lessons learned should include examples of positive interactions and processes—including, for example, the Constructive Conversations Team model implemented by the Charlotte-Mecklenburg Police Department—as well as identify potential areas for improvement.*¹¹¹

Finding 5. Some CDU platoons did not have adequate training on crowd management strategies and mobile field force (MFF) operations and were quickly outnumbered and overwhelmed by large groups of demonstrators. One MPD officer testified that despite being assigned to CDU on occasion, they did not receive specialized training other than watching videos and “personally did not feel prepared for the situation that was in front of us.”¹¹² In

¹¹⁰ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdonline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

¹¹¹ Straub, Frank, Jeffrey Brown, Roberto Villasenor, Jennifer Zeunik, Ben Gorban, Blake Norton, and Eddie Reyes. 2018. *Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations*. <https://www.policefoundation.org/wp-content/uploads/2018/02/Advancing-Charlotte-Final-Report.pdf> (accessed May 23, 2018).

¹¹² Testimony of Officer Bryan Adelmeyer. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 20-21, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

preparation for the 2016 Democratic National Convention (DNC), the Philadelphia Police Department (PPD) trained officers through a variety of methods including classroom instruction, field exercises, and online trainings. This practice and reinforcement of knowledge helped PPD officers remain positive and professional toward aggressive demonstrators.

Recommendation 5.1. Curricula to train CDU platoons on crowd management strategies and tactics should be developed and/or revised based on current promising practices, policy and procedure recommendations, and lessons learned from after-action reviews of similar large-scale security events.

Recommendation 5.2. Specialized law enforcement units brought in to assist MPD should regularly train together to ensure familiarity with one another's tactics and should leverage smaller demonstrations that occur regularly throughout the city to provide experience. Washington DC has numerous events annually—including sporting events, parades, marches, demonstrations, concerts, and fairs—that afford MPD opportunities to practice logistics, field-test plans, communications, crowd control, and other strategies and tactics. MPD should leverage these opportunities to prepare for future large-scale events.

Finding 6. In some areas, CDU officers were unfamiliar with the streets and lacked the equipment to communicate with crowds. These challenges made it difficult for officers to get ahead of the marchers and potentially prevent some of the destruction of property.

CDU platoons from all seven MPD districts were stationed throughout the downtown area, some in areas outside of their normal patrol areas.¹¹³ The lack of familiarity with street names and numbers, directions, and cut-through alleys prevented CDU platoons from getting in front of and controlling the movement of demonstrators that destroyed public and private property and posed a risk to public safety.

Recommendation 6.1. MPD should ensure that CDU platoons assigned to large scale events are familiar with the area in which the event will take place and have at least one member from the district where the event is scheduled to take place assigned to CDU platoons, or the platoons should report to a supervisor with direct knowledge of the area.

Finding 7. While MPD officers gathered intelligence on significant demonstrations and gatherings as well as possibly disruptive groups prior to Inauguration Day, it was not leveraged to strategically deploy resources. MPD officers attended meetings and conducted open source research on multiple groups that were planning gatherings and demonstrations prior to January 20, 2017.¹¹⁴ Some of those ‘planned’ demonstrations and corresponding sites were not

¹¹³ Testimony of Officer Michael Howden. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). December 5, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

¹¹⁴ Testimony of Officer Bryan Adelmeyer. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2

adequately staffed to prevent or quickly respond to individuals who engaged in property destruction and other illegal activities. Although accurately predicting demonstrator turnout and behavior is challenging, effectively deploying resources might have prevented some property destruction along the demonstration route.

Recommendation 7.1. MPD should improve coordination between intelligence and special event resource planning. The timely and accurate gathering, analysis, and dissemination of intelligence regarding persons participating in demonstrations, specifically threats to public safety must be a high priority. Resources, both personnel and equipment, must be deployed in a manner to reduce the threat to public safety and all personnel assigned to large-scale events should be trained in the tactics and strategies used by persons committed to property damage and/or violence.

Recommendation 7.2. Recognizing that the dynamics of demonstrations can change quickly, MPD should continue to review its mobilization plans for personnel and resources to align with national policing promising practices that recommend having teams that are agile and available to respond to unanticipated movements and acts of violence during mass demonstrations and gatherings.

Finding 8. Some MPD officers expressed frustration with disorganized work schedules. Extended hours and challenges associated with relief staffing prevented some officers from taking adequate breaks for food and rest during and in-between shifts. The physical and mental health of officers is critical—particularly in sustained high stress environments such as being on the front-line of demonstrations where officers are likely to be challenged and verbally assaulted by some demonstrators. Additionally, some MPD officers were required to work significant numbers of overtime hours because of arrestee processing challenges.¹¹⁵ Others had their shifts extended because supervisors failed to schedule relief coverage. These circumstances made it a challenge for some officers to access or take time to eat, sleep, and shower.¹¹⁶

Recommendation 8.1. While extended hours and shift changes may be unavoidable, MPD should prepare a support plan for officers who may be held over during shifts. Plans should include meals, even if officers are unable to leave their posts to eat. Support should also include resources for giving officers opportunities to rest in between shifts.

Recommendation 8.2. If circumstances do not allow for officers to take time to rest during or between shifts, consideration should be given to rotating assignments during shifts to provide ‘breaks’ in intensity. Special attention should be paid to ensuring that officers and CDU platoons who may be subjected to verbal abuse, threats, and risks to

1256). November 21, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

¹¹⁵ Metropolitan Police Department. “20170121-Prisoner Transport-501 New York Ave NE-CCB” Body-Worn Camera video. January 21, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team January 19, 2018. Reviewed by Police Foundation assessment team January – May 2018.

¹¹⁶ Metropolitan Police Department. “20170121-Rioting-12th and L Street NW.” Body-Worn Camera video. January 21, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team January 19, 2018. Reviewed by Police Foundation assessment team January – May 2018.

*their physical safety from some individuals within larger demonstration groups are rotated when needed.*¹¹⁷

Finding 9. While the overwhelming majority of MPD officers adhered to SOP 16-01, on multiple occasions the policy was not followed by line officers and supervisors. Interviews conducted by the PF assessment team with multiple independent legal observers and OPC monitors discussed instances when MPD officers formed lines to prevent the movement of groups of demonstrators, failed to issue dispersal warnings, and unnecessarily deployed OC spray.¹¹⁸ These statements were also documented in the OPC report summarizing its findings and recommendations from Inauguration Day. An MPD commander verified that he did not issue any dispersal orders to this group, nor did he ensure that officers under his command did so. He also admitted authorizing the formation of police lines to control the movement of a large group of demonstrators, some of whom were responsible for property destruction and causing officer injuries.¹¹⁹

Recommendation 9.1. SOP 16-01 should be reviewed and revised to provide more clear direction on appropriate uses of the identified levels force—including examples of when and how to determine which level should be deployed under different circumstances—and requiring at least one dispersal warning prior to the deployment of any use of force above constructive force, which is uniformed police presence with no physical contact between police and demonstrators.

Recommendation 9.2. All MPD personnel should be trained in the policies, procedures, and practices, as well as the legal issues, that govern the department's response to activities during demonstrations that endanger public safety.

Finding 10. As the day progressed, some MPD officers took unnecessary actions against demonstrators who posed no immediate or direct threat to law enforcement, themselves, or other demonstrators. The OPC report documents an incident at 12th and L Streets NW where, “An unidentified officer extended his OC spray dispenser and discharged it into the crowd without issuing a warning or command.”¹²⁰ This incident was corroborated by multiple legal observers interviewed by the PF assessment team.¹²¹

¹¹⁷ Straub, Frank, Hassan Aden, Jeffrey Brown, Ben Gorban, Rodney Monroe, and Jennifer Zeunik. 2017. *Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*. Washington, DC: Office of Community Oriented Policing Services. <https://www.policefoundation.org/publication/maintaining-first-amendment-rights-and-public-safety-in-north-minneapolis/> (accessed May 23, 2018).

¹¹⁸ Police Foundation assessment team focus groups with District of Columbia Office of Police Complaints personnel. November 8, 2017. Police Foundation assessment team interview with DC-based civil liberties attorney. June 4, 2018. Police Foundation assessment team interview with legal observer. June 12, 2018.

¹¹⁹ Testimony of Commander Keith DeVille. Superior Court of the District of Columbia Criminal Division. *United States of America v. Michelle Macchio* (2017 CF2 1183), *Jennifer Armento* (2017 CF2 1193), *Christina Simmons* (2017 CF2 1210), *Alexei Wood* (2017 CF2 1221), *Oliver Harris* (2017 CF2 1254), and *Brittne Lawson* (2017 CF2 1256). November 30, 2017. Provided to the Police Foundation assessment team electronically by OPC on February 26, 2018. Reviewed by Police Foundation assessment team February – June 2018.

¹²⁰ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of*

Recommendation 10.1. Supervisors, particularly those at the squad level, should receive additional training regarding the circumstances under which less lethal munitions can and should be deployed and monitor the actions of officers under their supervision.

Recommendation 10.2. Supervisors, particularly those at the squad level, should closely monitor officers to ensure they are moved from positions in which they have direct contact with demonstrators, especially in instances when there are high levels of tension, to reduce stress and prevent unnecessary and inappropriate uses of forces.

Finding 11. Some CDU platoons did not utilize the public address (PA) systems to aid in crowd dispersal. According to Section IX (G) of MPD SOP 16-01, “[t]he issuance of [dispersal] warnings shall be of such amplification (i.e., through the use of an amplification device) and repetition that they are reasonably calculated to be heard by the entire assemblage,” and, “[a]t least one warning shall be issued and, absent exigent circumstances, a total of three warnings shall be issued.”¹²² While not every platoon had access to PA systems, some of those that did have opportunities, to use vehicle PA systems for example, failed to do so. Issuing dispersal orders may have naturally reduced the size of the gathering and eased tensions.

*Recommendation 11.1. To best comply with SOP 16-01, every CDU platoon should be issued at least one PA device that can be utilized to broadcast directions, dispersal orders, and other messages and warnings to large groups.*¹²³

Recommendation 11.2. MPD should provide annual training and updates to all members regarding its policies and procedures regarding mass gatherings and demonstrations. MPD should clarify the requirements for and the conveyance of instructions/orders to crowds during critical incidents within training, and policy and procedures updates.

Finding 12. Arrestee processing was uncoordinated and inefficient, resulting in some arrestees being held for hours and transported to multiple district stations before they were processed. MPD did not have a plan in place to efficiently process and transport arrestees during the mass arrest, resulting in a number of officers having to remain with the arrestees for hours before they were transported to multiple district stations for processing.¹²⁴

Columbia, and Interim Chief of Police Peter Newsham. February 27, 2017. Washington, DC: Police Complaints Board.

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inauguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

¹²¹ Police Foundation assessment team interview with DC-based civil liberties attorney. June 4, 2018. Police Foundation assessment team interview with legal observer. June 12, 2018.

¹²² Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

¹²³ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

¹²⁴ Metropolitan Police Department. “20170121-Prisoner Transport-501 New York Ave NE-CCB” Body-Worn Camera video. January 21, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team January 19, 2018. Reviewed by Police Foundation assessment team January – May 2018.

Recommendation 12.1. MPD should develop an effective arrestee processing strategy that maximizes efficiencies by distributing prisoner processing platoons throughout the city, particularly in areas where mass demonstrations are likely to become violent.

During the 2016 Republican National Convention (RNC), the Cleveland Police Division (CPD) and the Cleveland Division of Corrections developed a plan where processing vans were stationed throughout the RNC area.¹²⁵ Upon arrest, an individual would be brought to the nearest van, booked, and issued a wristband that included all their pertinent information, so that the arresting officer could return to their assignment in the field. As soon as a van was filled, a CPD officer would transport them to a predetermined detention center.

¹²⁵ Straub, F., R. Monroe, R. Haas, J. Zeunik, and B. Gorban. *The Cleveland Division of Police Protection of the 2016 Republican National Convention: A Quick-Look Analysis of the Public Safety Best Practices and Lessons Learned*. Publication Pending. Washington, DC: BJA National Training and Technical Assistance Center.

Conclusion

The Metropolitan Police Department (MPD) facilitates hundreds of marches and demonstrations throughout the District of Columbia each year. In doing so, MPD affords these individuals the opportunity to exercise their First Amendment rights and effectively balances their activities with the public's safety.

On January 20, 2017—Inauguration Day—MPD and the law enforcement agencies that assisted them in providing security and public safety performed in a professional manner consistent with the department's policies and procedures as well as national promising practices. For example, when a group of demonstrators marched onto Interstate 395, MPD stopped traffic and closed the highway while peacefully escorting the group to the nearest ramp and back onto District streets. However, as some of the Inauguration demonstrations progressed and some became violent, MPD resources were overwhelmed, MPD failed to stop property damage and other threats to public safety, and some MPD officers engaged in crowd management tactics that departed from their standard operating procedures and national best practices.

As some groups and individuals continue to identify ways to leverage social media and anonymity to commit criminal acts within the context of First Amendment assemblies, MPD, and law enforcement agencies across the nation, must continue to develop and implement strategies and tactics that protect persons exercising their First Amendment rights, respond to criminal acts, and ensure the public's safety.

The findings and recommendations made in this review are consistent with and expand upon the findings of the District of Columbia Office of Police Complaints.¹²⁶

¹²⁶ However, it is important to note that the MPD counsel did not allow Police Foundation's assessment team to interview or benefit from the insights of the Chief of the Metropolitan Police Department, members of the command staff, supervisors, or officers assigned to the Inauguration Day events and demonstrations.

Appendix A: Timeline of Events – January 20, 2017

The Police Foundation (PF) assessment team created the following timeline of the events of January 20, 2017, based on information and documents provided by the District of Columbia Office of Police Complaints (OPC), the Metropolitan Police Department (MPD), news media accounts, and other sources.¹²⁷ Unless otherwise noted, timestamps were taken from the MPD Internal Affairs Division’s final investigative report related to the use of force by Civil Disturbance Unit (CDU) and Domestic Security Operations (DSO) personnel. All timestamps are approximate and notable events without timestamps are placed in approximate areas throughout the timeline. All times are Eastern Daylight Time.

3:00 a.m.	Street closures began in Washington, DC. ¹²⁸
4:00 a.m.	The Metro opened. ¹²⁹
6:00 a.m.	Security gates to enter the public and ticket holder entry areas opened. ¹³⁰
7:00 a.m.	A large group of demonstrators arrived and began to block a pedestrian entry point at 10 th and E Streets, NW. ¹³¹ A sergeant ordered demonstrators to back up and, following noncompliance, authorized deployment of oleoresin capsicum (OC) spray and hand controls. ¹³² Officers formed a police line to hold demonstrators back and maintain passage for individuals with tickets.
7:19 a.m.	A group of demonstrators blocked passage by an entry gate on the 1200 block of L Street, NW. Officers removed the demonstrators to maintain passage for ticketed individuals. Demonstrators later return to attempt to block the checkpoint.
7:21 a.m.	A group of demonstrators blocked an entry point at 6 th Street and Indiana Avenue, NW, near MPD Headquarters.

¹²⁷ A full detailed methodology of the documents and materials reviewed, interviews conducted, and research conducted can be found in Appendix B.

¹²⁸ Steckelberg, Aaron. “Mapping the inauguration and parade.” The Washington Post. January 18, 2017. <https://www.washingtonpost.com/graphics/local/2017-inauguration-map/> (accessed June 27, 2018).

¹²⁹ Steckelberg, Aaron. “Mapping the inauguration and parade.” The Washington Post. January 18, 2017. <https://www.washingtonpost.com/graphics/local/2017-inauguration-map/> (accessed June 27, 2018).

¹³⁰ Steckelberg, Aaron. “Mapping the inauguration and parade.” The Washington Post. January 18, 2017. <https://www.washingtonpost.com/graphics/local/2017-inauguration-map/> (accessed June 27, 2018).

¹³¹ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

¹³² “Commander’s Mass Demonstration Event Log.” Metropolitan Police Department. January 20, 2017. Provided to the Police Foundation assessment team electronically by OPC on October 25, 2017. Reviewed by Police Foundation assessment team October 2017 – June 2018.

8:30 a.m.	A group of demonstrators, largely associated with Black Lives Matter and Showing Up for Racial Justice, blocked an entry point near John Marshall Park at C and 4 th Streets, NW. The entry point was ultimately closed. ¹³³
	A group of demonstrators reportedly associated with Standing Rock chained themselves together in front of a security checkpoint at 13 th and F Streets, NW. ¹³⁴
9:27 a.m.	Officers removed demonstrators that were chained to a security fence on the 1200 block of L Street, NW.
10:30 a.m.	A group of hundreds of demonstrators—reportedly associated with Disrupt J20—gathered at Logan Circle and began walking toward the Inaugural Parade route. ¹³⁵ Multiple CDUs and DSOs were deployed to monitor their actions.
	Some demonstrators, walking toward the Inaugural Parade route, began destroying property and assaulting officers in their path. Property damage escalated as the march continued. ¹³⁶
	An MPD Commander declared that the First Amendment assembly had become a riot and authorized the use of OC spray and hand thrown sting balls.
	Officers used OC spray and hand thrown sting balls towards demonstrators. Demonstrators broke into smaller groups and ran in different directions. CDU platoons moved with direction to stop and arrest those responsible for the criminal activity.
10:49 a.m.	Officers at 12 th and L Streets, NW, formed two police lines across L Street to block a large group of demonstrators from advancing.
	A large group of demonstrators was caught between the police lines, which surrounded the group and prevented them from leaving. ¹³⁷ Officers used verbal

¹³³ Rhodan, Maya. “Protesters to President Trump: The Resistance Begins Now.” Time. January 20, 2017. <http://time.com/4640946/donald-trump-inauguration-protesters/> (accessed June 27, 2018).

¹³⁴ Stein, Perry. “These are the security checkpoints that protesters have blocked at inauguration.” The Washington Post. January 20, 2017. https://www.washingtonpost.com/news/local/wp/2017/01/20/these-are-the-security-checkpoints-that-protesters-have-blocked-at-inauguration/?utm_term=.2be9e9dbf190 (accessed June 8, 2018).

¹³⁵ Duggan, Paul. “Were Inauguration Day protestors rioting or lawfully demonstrating? That’s the question for jurors.” The Washington Post. November 25, 2017. https://www.washingtonpost.com/local/public-safety/were-inauguration-day-protestors-rioting-or-lawfully-demonstrating-thats-the-question-for-jurors/2017/11/25/9b3e49dc-cecf-11e7-a1a3-0d1e45a6de3d_story.html?utm_term=.ecbe28826bcd (accessed June 27, 2018).

¹³⁶ Leon, Kristyn. “New video shows rioters smashing windows, destroying vehicles during Inauguration Day protests.” Fox 5 DC. January 20, 2017. <http://www.fox5dc.com/news/local-news/new-video-shows-rioters-smashing-windows-destroying-vehicles-during-inauguration-day-protests> (accessed June 8, 2018).

¹³⁷ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

	commands, hand controls, and OC spray to move the group and begin arrest processing. Mass arrest teams were called in to begin the arrest process.
	A large group of the demonstrators rushed officers at a point in the line that was not reinforced. Demonstrators broke through the line and officers dispersed OC spray and used hand controls to push them back. ¹³⁸
	Police continued arrest procedures. 237 demonstrators would ultimately be arrested at 1200 L Street, NW.
11:30 a.m.	President Trump’s swearing-in ceremony commenced on the West Front of the U.S. Capitol. ¹³⁹
1:49 p.m.	Officers had formed multiple police lines in the area, including across the 1000 block of 12 th Street, NW.
	Another group of demonstrators, on the other side of the street from the demonstrators being processed for arrest at 12 th and L Streets, NW, began to throw objects at the police line. ¹⁴⁰ OPC monitors reported that they did not observe objects thrown prior to the deployment of OC spray. ¹⁴¹
	The police line across the 1000 block of 12 th Street, NW, moved south, using physical force and some sting ball grenades to force the demonstrators away from the prisoner processing area at 12 th and L Streets, NW. Some demonstrators continue to throw objects at the officers. ¹⁴² At least one officer, hit in the head with a rock, was injured in the 1200 block of L Street, NW.
	The police line halted when the officers reached K Street, NW. ¹⁴³

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inauguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

¹³⁸ “ESU UC Footage.” Metropolitan Police Department Body-Worn Camera video. January 20, 2017. Access to dcshare.evidence.com file provided to Police Foundation assessment team by Metropolitan Police Department Body Worn Camera Program. January 19, 2018. Reviewed by Police Foundation assessment team January – June 2018.

¹³⁹ Fandos, Nicholas. “Your Guide to Inauguration Day 2017.” The New York Times. January 19, 2017.

<https://www.nytimes.com/2017/01/19/us/politics/inauguration-day-guide.html> (accessed June 26, 2018).

¹⁴⁰ “Commander’s Mass Demonstration Event Log.” Metropolitan Police Department. January 20, 2017. Provided to the Police Foundation assessment team electronically by OPC on October 25, 2017. Reviewed by Police Foundation assessment team October 2017 – June 2018.

¹⁴¹ “Commander’s Mass Demonstration Event Log.” Metropolitan Police Department. January 20, 2017. Provided to the Police Foundation assessment team electronically by OPC on October 25, 2017. Reviewed by Police Foundation assessment team October 2017 – June 2018.

¹⁴² “Commander’s Mass Demonstration Event Log.” Metropolitan Police Department. January 20, 2017. Provided to the Police Foundation assessment team electronically by OPC on October 25, 2017. Reviewed by Police Foundation assessment team October 2017 – June 2018.

¹⁴³ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

2:24 p.m.	Officers formed a police line across 13 th and K Streets, NW, monitoring demonstrators.
3:00 p.m.	President Trump's Inaugural parade began, starting at the Capitol building and ending at the White House. ¹⁴⁴
4:21 p.m.	A limousine was seen on fire in the middle of the 1300 block of K Street, NW. ¹⁴⁵ Officers moved west on K Street to move civilians away from the vehicle and allow the District of Columbia Fire and Emergency Medical Services Department (DCFEMS) to extinguish the limousine fire as well as a garbage can fire further down the block. Some demonstrators continued to throw objects at officers and police lines used physical force and OC spray to push demonstrators back to the intersection at 13 th and K Streets, NW.
	Reacting to objects thrown by some demonstrators, officers discharged OC spray into the crowd around Franklin Square Park, to some seemingly without apparent warning or immediate provocation. ¹⁴⁶
5:10 p.m.	Franklin Square was reportedly calm for most of the rest of the afternoon. ¹⁴⁷
6:40 p.m.	Some demonstrators set a fire near 14 th and K Street NW. ¹⁴⁸
6:50 p.m.	A police line monitoring demonstrators on the 1400 block of K Street, NW, cleared the intersection to allow vehicular traffic to pass. ¹⁴⁹
7:00 p.m.	Official inaugural balls began. ¹⁵⁰

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

¹⁴⁴ Steckelberg, Aaron. "Mapping the inauguration and parade." The Washington Post. January 18, 2017.

<https://www.washingtonpost.com/graphics/local/2017-inauguration-map/> (accessed June 27, 2018).

¹⁴⁵ Barnes, Daniel. "217 Arrested, Limo Torched Amid Inauguration Day Protests." NBC Washington. December 21, 2017. <https://www.nbcwashington.com/news/local/Crowds-Begin-to-Gather-for-the-Inauguration-of-Donald-Trump-411301755.html> (accessed June 8, 2018).

¹⁴⁶ Office of Police Complaints. *OPC Monitoring of the Inauguration January 20, 2017: Report and Recommendations of the Police Complaints Board to Mayor Muriel Bowser, the Council of the District of Columbia, and Interim Chief of Police Peter Newsham*. February 27, 2017. Washington, DC: Police Complaints Board.

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf> (accessed May 29, 2018).

¹⁴⁷ Olmos, Dori and Arielle Buchmann. "Vandalism, fires, & dozens of arrests in DC inauguration protests." 13 News Now. January 20, 2017. <https://www.13newsnow.com/article/news/local/vandalism-fires-dozens-of-arrests-in-dc-inauguration-protests/65-388634528> (accessed June 8, 2018).

¹⁴⁸ Olmos, Dori and Arielle Buchmann. "Vandalism, fires, & dozens of arrests in DC inauguration protests." 13 News Now. January 20, 2017. <https://www.13newsnow.com/article/news/local/vandalism-fires-dozens-of-arrests-in-dc-inauguration-protests/65-388634528> (accessed June 8, 2018).

¹⁴⁹ Olmos, Dori and Arielle Buchmann. "Vandalism, fires, & dozens of arrests in DC inauguration protests." 13 News Now. January 20, 2017. <https://www.13newsnow.com/article/news/local/vandalism-fires-dozens-of-arrests-in-dc-inauguration-protests/65-388634528> (accessed June 8, 2018).

7:30 p.m.	Officers continued to monitor a group of peaceful demonstrators at 14 th and K Streets, NW. Many of the demonstrators in the Franklin Square area during the day have dispersed. ¹⁵¹
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¹⁵⁰ Fandos, Nicholas. “Your Guide to Inauguration Day 2017.” The New York Times. January 19, 2017. <https://www.nytimes.com/2017/01/19/us/politics/inauguration-day-guide.html> (accessed June 26, 2018).

¹⁵¹ Olmos, Dori and Arielle Buchmann. “Vandalism, fires, & dozens of arrests in DC inauguration protests.” 13 News Now. January 20, 2017. <https://www.13newsnow.com/article/news/local/vandalism-fires-dozens-of-arrests-in-dc-inauguration-protests/65-388634528> (accessed June 8, 2018).

Appendix B: About the Agencies

District of Columbia Office of Police Complaints

The District of Columbia Office of Police Complaints (OPC) is a government agency that investigates complaints of police misconduct filed by the public against Metropolitan Police Department (MPD) and DC Housing Authority Police Department (DCHAPD) officers. Separate from both MPD and DCHAPD, OPC is overseen by a five-member Police Complaints Board (PCB), is staffed by civilians, and has the authority to receive complaints against officers involving harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination, and failure to identify.¹⁵² Opened to the public in January 2001, OPC's mission is to "increase community trust in the District of Columbia police forces by providing a fair, thorough, and independent system of civilian oversight of law enforcement."¹⁵³

In fiscal year 2017, OPC received 773 complaints—an increase of 77 percent over the previous year—and opened 478 new investigations. Investigators conducted more than 680 complaint-related interviews, including 431 community members and 250 officer interviews, and 14 complaints were referred to the complaint examination process, all of which received related decisions that sustained at least one allegation of misconduct.¹⁵⁴

Authorized to monitor and evaluate MPD's handling of and response to First Amendment assemblies, OPC staff monitored events on Inauguration Day, January 20, 2017. Based on staff observations and news coverage, the PCB issued a report outlining concerns with certain MPD actions on Inauguration Day and recommending that an independent consultant be appointed to review MPD's actions, including planning, procedures, and activities employed by MPD.¹⁵⁵

Metropolitan Police Department

Washington, DC has a population of approximately 693,972.¹⁵⁶ With approximately 3,753 sworn officers and 599 civilian staff members, MPD serves as the primary law enforcement agency for the District of Columbia.¹⁵⁷ Organized into seven patrol districts, these members cover DC's

¹⁵² "Executive Director's Letter." Office of Police Complaints. <https://policecomplaints.dc.gov/node/160922> (accessed June 15, 2018).

¹⁵³ "About Office of Police Complaints." Office of Police Complaints. <https://policecomplaints.dc.gov/page/about-office-police-complaints> (accessed June 15, 2018).

¹⁵⁴ Office of Police Complaints. *Government of the District of Columbia Police Complaints Board Office of Police Complaints: Annual Report 2017*. 2018. Washington, DC. https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/OfficeofPoliceComplaints_AR17.pdf (accessed June 5, 2018).

¹⁵⁵ Office of Police Complaints. *Government of the District of Columbia Police Complaints Board Office of Police Complaints: Annual Report 2017*. 2018. Washington, DC. https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/OfficeofPoliceComplaints_AR17.pdf (accessed June 5, 2018).

¹⁵⁶ United States Census Bureau. "QuickFacts: District of Columbia." <https://www.census.gov/quickfacts/fact/table/DC/PST045217> (accessed June 5, 2018).

¹⁵⁷ United States Department of Justice, Federal Bureau of Investigation. *Crime in the United States, 2016*. 2017. <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-26/table-26-state-cuts/table-26-district-of-columbia.xls> (accessed June 7, 2018).

68.34 square miles and serve the city in its mission “to safeguard the District of Columbia and protect its residents and visitors with the highest regard for the sanctity of human life.”¹⁵⁸

MPD has conducted a few organizational changes over the last few years. In April 2017, the organizational chart was revised to reflect seven instead of six bureaus, and was updated again in March 2018 to reflect additions to total eight bureaus.¹⁵⁹ Throughout the major organizational changes, the Homeland Security Bureau was and continues to be responsible for overseeing First Amendment activities and related patrol operations. Figure 2 displays the organization of the Homeland Security Bureau at the time of the 2017 Inauguration.

Within the Homeland Security Bureau, the Special Operations Division provides specialized patrol, tactical, rescue, and security services,¹⁶⁰ and includes the Civil Disturbance Units (CDUs), which are responsible for policing special events.¹⁶¹ CDUs are organized into seven member-squads commanded by one sergeant. Four squads commanded by one lieutenant make up a platoon, with two squads serving as line squads, one squad responsible for the deployment of any munitions, and the last squad responsible for arrests.¹⁶² Multiple platoons from the same patrol district comprise a CDU district, and a captain commands all of the CDU platoons from one district.¹⁶³ Each patrol district had five CDU platoons, with the fourth platoon being the Mountain Bike/Motor Scooter Platoon.¹⁶⁴ The Special Operations Division also includes the Domestic Security Operations Unit (DSO), which was deployed on Inauguration Day.

As the nation’s capital, thousands of individuals gather in the city to exercise their First Amendment right to assemble every year. The Office of the District of Columbia Auditor (ODCA) found that approximately 2,436 marches and demonstrations occurred in DC between 2014 and 2016.¹⁶⁵ MPD regularly deploys patrol officers at such events to ensure public safety.

¹⁵⁸ Metropolitan Police Department. “MPDC: Mission and Value Statement.” <https://mpdc.dc.gov/page/mpdc-mission-and-value-statement> (accessed June 7, 2018).

¹⁵⁹ Metropolitan Police Department. “Organizational Chart.” March 30, 2018. https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Org%20Charts_02202018.pdf (accessed May 24, 2018).

¹⁶⁰ Hussain, Masooma, Amy Wu, and Ed Pound. *Metropolitan Police Monitor Nearly 2,500 Demonstrations in 2014-2016 and Report No First Amendment Inquiries*. July 3, 2017. Washington, DC: Office of District of Columbia Auditor. http://www.dcauditor.org/sites/default/files/MPD%20FINAL%20Report%20Website_7%203%2017.pdf (accessed January 4, 2018).

¹⁶¹ Metropolitan Police Department. “Special Operations Division.” <https://mpdc.dc.gov/page/special-operations-division> (accessed June 27, 2018).

¹⁶² Homeland Security Bureau. “2017 Command Staff Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

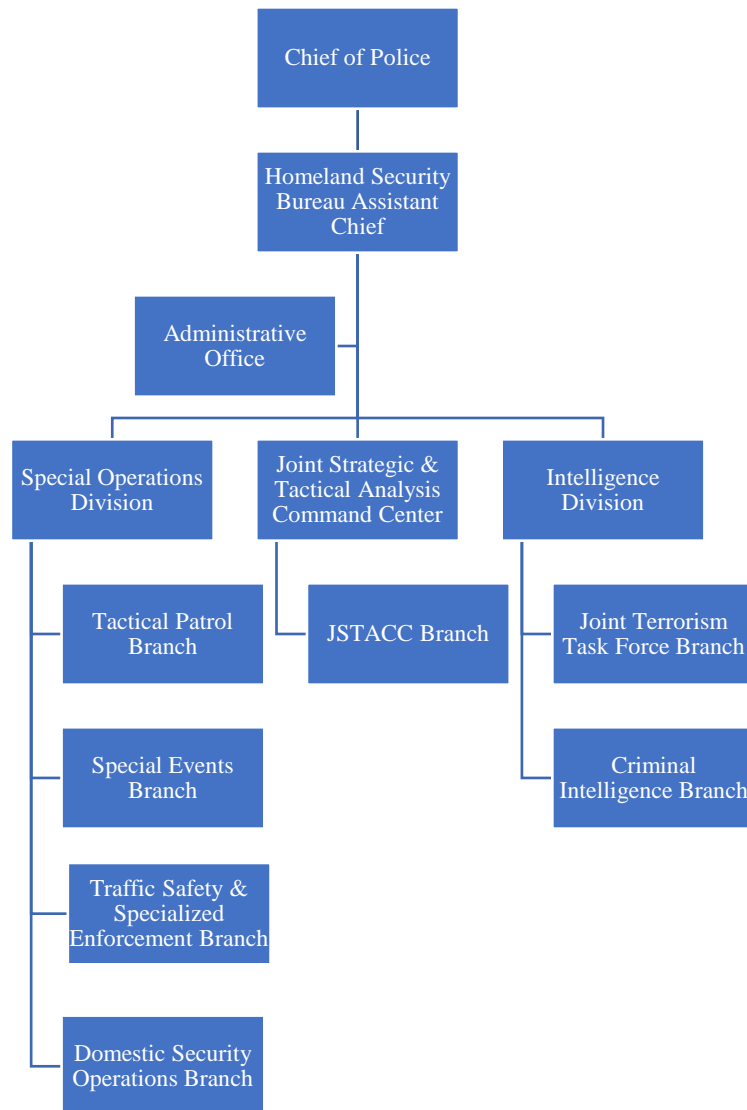
¹⁶³ Metropolitan Police Department. “Standard Operating Procedures: Handling First Amendment Assemblies and Mass Demonstrations,” SOP-16-01. December 13, 2016. https://go.mpdconline.com/GO/SOP_16_01.pdf (accessed May 22, 2018).

¹⁶⁴ Homeland Security Bureau. “2017 Command Staff Briefing.” Metropolitan Police Department. Provided to the Police Foundation assessment team by electronically by OPC on December 12, 2017. Reviewed by Police Foundation assessment team December 2017 – June 2018.

¹⁶⁵ Hussain, Masooma, Amy Wu, and Ed Pound. *Metropolitan Police Monitor Nearly 2,500 Demonstrations in 2014-2016 and Report No First Amendment Inquiries*. July 3, 2017. Washington, DC: Office of District of Columbia Auditor.

As such, MPD officers are especially familiar with ensuring security at large scale events—though not necessarily on the scale of an inauguration.

Figure 2: MPD Homeland Security Bureau Organizational Chart¹⁶⁶



http://www.dcauditor.org/sites/default/files/MPD%20FINAL%20Report%20Website_7%203%2017.pdf (accessed January 4, 2018).

¹⁶⁶ Hussain, Masooma, Amy Wu, and Ed Pound. *Metropolitan Police Monitor Nearly 2,500 Demonstrations in 2014-2016 and Report No First Amendment Inquiries*. July 3, 2017. Washington, DC: Office of District of Columbia Auditor.

http://www.dcauditor.org/sites/default/files/MPD%20FINAL%20Report%20Website_7%203%2017.pdf (accessed January 4, 2018).

About the Police Foundation

Incorporated in 1970, the Police Foundation (PF) is the oldest nationally known, independent, nonprofit, non-partisan, and non-membership driven organization dedicated to improving public safety in America.

Over the PF's history, its leadership has insisted that the organization's work have practical impact on public safety, and that the knowledge gained through empirical investigation be applicable outside the "laboratory," directly informing improvement in public safety strategies. Our organization's ability to connect clients with subject matter expertise, supported by sound data analysis, makes us uniquely positioned to assist public safety departments of all sizes across the United States.

The PF works with state governments, cities, counties, and private foundations to conduct organizational, operational, technological, and administrative analyses; assessments of responses to critical incidents; and studies regarding the extent to which evidence-based approaches are or could be leveraged.

The PF prides itself in many core competencies that provide the foundation for independent reviews, including a history of conducting rigorous research and strong data analysis, an Executive Fellows program that provides access to some of the strongest thought leaders and experienced law enforcement professionals in the field, and leadership with a history of exemplary technical assistance program management.

PF assessments and incident reviews include:¹⁶⁷

- [*Advancing Charlotte: A Police Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to the September 2016 Demonstrations*](#)
- [*Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to the Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct*](#)
- [*Engaging Communities One Step at a Time: Policing's Tradition of Foot Patrol as an Innovative Community Engagement Strategy*](#)
- [*Rescue, Response, and Resilience: A critical incident review of the Orlando public safety response to the attack on the Pulse nightclub*](#)
- [*Final Report: Independent Review of Security Issues at the James T. Vaughn Correctional Center*](#)
- [*Managing the Response to a Mobile Mass Shooting: A Critical Incident Review of the Kalamazoo, Michigan, Public Safety Response to the February 20, 2016, Mass Shooting Incident*](#)

¹⁶⁷ For a full list of PF publications, visit <https://www.policefoundation.org/publications/>.



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