



# Metropolitan Police Department

## HOMELAND SECURITY BUREAU

### SPECIAL OPERATIONS DIVISION



#### MEMORANDUM

**TO:** Chief of Police *Pamela D. Smith*  
Executive Office of Chief of Police

**THRU:** Executive Assistance Chief of Police *Jeffery Carroll*  
Executive Office of Chief of Police

**THRU:** Assistant Chief of Police *Robert M. [unclear]*  
Homeland Security Bureau

**FROM:** Commander *[Signature]*  
Special Operations Division

**DATE:** September 17, 2024

**SUBJECT:** Authorization and Utilization of Civil Disturbance Unit Protective Equipment on Tuesday, September 10, 2024

On Tuesday, September 10, 2024, at approximately 1930 hours, a First Amendment demonstration (in reference to the Seventh District Officer-Involved-Shooting that occurred on Sunday, September 1, 2024) began in front of the Seventh District Station at 2455 Alabama Avenue, SE. Prior to the demonstration, bicycle rack, threaded with police line tape, was used to create a police line and buffer between the front of the station and the participants. Initially, the group was comprised of approximately 100 individuals and there was no violence or destruction of property. . The demonstration marched to the McDonald's at 2529 Marion Barry Avenue, SE. After a short time at the McDonald's, a group of approximately 75 individuals returned to the front of the Seventh District Station.

At approximately 2200 hours, in front of the station, several individuals climbed over the bicycle rack and crossed the police line. Officers exited the front of the station to address the crossing of the police line when participants began to throw items at the officers. These items included unopened plastic water bottles, eggs, rocks, pieces of concrete, and metal and wooden poles. One of the thrown poles struck an officer causing a laceration to his wrist and swelling to his arm and leg.

At approximately 2206 hours, on-scene Incident Commander Jason Bagshaw observed five or more persons who, by tumultuous and violent conduct and the threat thereof, were creating grave danger of damage and injury to property and persons and declared the event was no longer a First Amendment assembly, but was now a riot. As the projectiles being thrown by the participants posed an imminent danger of bodily injury or significant damage to property, Lieutenant Caitlin Childs used a Long-Range Acoustical Device to broadcast four

warnings to the crowd that their actions were illegal and to disperse. Despite the repeated warnings and being given a reasonable and adequate time to disperse and the availability of clear and safe dispersal routes, the group did not disperse.

The warnings were captured on body-worn camera. Officers at the rear of the crowd heard the order to disperse and verbally confirmed that the warnings were audible.

After the declaration of a riot and the first warning, Commander Bagshaw authorized approximately 64 members to don rapid response gear to assist with stopping the violence. The authorization to don rapid response gear was based upon Commander Bagshaw's conclusions that:

1. There was an impending risk to law enforcement officers of significant bodily injury;
2. The deployment was not being used to disperse a First Amendment assembly and was consistent with the District's policy on First Amendment assemblies;
3. The deployment of officers in rapid response gear was reasonable, given the totality of the circumstances; and
4. All other options had been exhausted or did not reasonably lend themselves to the circumstances.

No less-lethal projectiles were deployed during the riot. Four members deployed OC spray against five individuals who either refused to move despite orders to do so or who actively assaulted members.

There were no injuries reported by the participants in the riot and CDU members were able to stop the violence and make seven arrests on charges of throwing stones or missiles; assault on a police officer; theft; intimidating, impeding, interfering, retaliating against a government official; and defacing private property.

As demonstrated above, MPD's deployment of officers in rapid response gear complies with the requirements of D.C. Code § 5-331.16. The deployment of OC spray by members will be investigated by the Internal Affairs Division to determine whether the deployment was lawful and within MPD policy.