
Government of the District of Columbia



Metropolitan Police Department

Testimony of
Robert J. Contee, III
Acting Chief of Police

*Capitol Complex Security Failures
on January 6, 2021*

United States House of Representatives
Committee on Appropriations
Honorable Rosa L. DeLauro, Chairwoman
Honorable Kay Granger, Ranking Member

January 26, 2021

U.S. House of Representatives
Virtual Briefing
Washington, D.C.

Good morning, Chairwoman DeLauro, Ranking Member Granger, and members of the Committee. I am Robert J. Contee, III, the Acting Chief of Police of the Metropolitan Police Department of the District of Columbia, the primary police force in the District of Columbia. I appreciate this opportunity to brief you on the events of January 6, 2021, a dark day for our country. It is critically important that we – members of Congress, District leaders and policy makers, D.C. residents, and all Americans – find answers to questions about the 6th. I will relate to you the facts as we know them at this time, based on the point of view of MPD and the government of the District of Columbia. As with any event with multiple agencies, thousands of people, and almost as many cameras as people, there will inevitably be several perspectives and possibly inconsistencies that will need to be aligned as we gather more information. That process has been understandably delayed by the massive security operations around the 59th Presidential Inauguration, but certainly will be a focus for all involved agencies in the months to come.

Mayor Muriel Bowser and the Metropolitan Police Department take pride in protecting all groups, regardless of their beliefs, who come to the nation’s capital to exercise their First Amendment rights “peaceably to assemble, and to petition the Government for a redress of grievances.”¹ The Metropolitan Police Department is a recognized leader in protecting and supporting these peaceful assemblies. On the morning of January 6th, MPD was prepared to support our federal partners with a First Amendment assembly that was held primarily on federal land, while continuing to patrol and respond to calls for service throughout city neighborhoods. Based on our experience with prior demonstrations in the District after the election, we recognized that there was a possibility of pockets of violence, especially after dark as smaller groups of protestors gathered with malicious intent on city streets. In the aftermath of the December 12th protests, MPD met with our federal partners to escalate planning for January 6th.

In preparation for the anticipated demonstrations, the Department was fully deployed on 12-hour shifts prior to January 6th, with no officers on day-off or leave. Our federal partners each had their primary areas of responsibility: the U.S. Secret Service (USSS) was focused on the security of former President Donald Trump and the White House area, U.S. Park Police (USPP) was focused on the Ellipse and the National Mall, and the U.S. Capitol Police (USCP) had responsibility for the Capitol, including both the building and grounds. At Mayor Bowser’s request, and in advance of the scheduled demonstrations, mutual aid was requested from several area police departments to be on standby in the District, and more than 300 members of the D.C. National Guard were deployed on District streets providing traffic control and other services to allow MPD to support the First Amendment assembly and continue to provide services to our neighborhoods. Other law enforcement partners such as the Metropolitan Transit Police and non-law enforcement agencies such as the District’s Homeland Security and Emergency Management Agency and the Fire and Emergency Medical Services Department, were also supporting our efforts.

¹ First Amendment to the United States Constitution

However, these resources were barely enough to counter an event that had never happened in the history of the United States: a mob of thousands launching a violent assault on the U.S. Capitol – the seat of our government – in an attempt to halt the counting of the electoral ballots, an essential step in the peaceful transfer of power in our nation. The mob’s sustained assault on the Capitol precipitated an equally unprecedented response, with then Chief of the Capitol Police Steve Sund issuing an urgent request for MPD to come defend the Capitol. Needless to say, when we received the call for help, MPD responded immediately with several Civil Disturbance Unit Platoons and proceeded to aid Capitol Police in defending the Capitol. What follows is a brief outline of MPD’s role in these events.

At about 12:45 p.m., the first of two pipe bombs were found, the first one at the Republican National Committee headquarters. The second pipe bomb was found about 30 minutes later, at the Democratic National Committee headquarters. MPD responded to the scenes for the pipe bombs to assist the Capitol Police. At 12:58 p.m., Chief Sund asked for MPD’s assistance. Officers were immediately authorized to deploy to the west front of the Capitol and arrived within minutes. Additional officers were on standby at Third Street SW and Maryland Avenue SW.

Our members arrived at a chaotic scene. The violent mob overran protective measures at the Capitol in an attempted insurrection, prior to MPD officers arrival to the west front. By 1:50 p.m., MPD had declared the assembly to be a riot. Upon arrival, the MPD platoons immediately began working to achieve our objectives:

- 1) Stop rioters from entering the Capitol building and remove those that were already inside,
- 2) Secure a perimeter, so that the Capitol could be cleared for lawmakers,
- 3) Enable Congress to resume their sessions to demonstrate to our country and the world that our democracy was still intact, and
- 4) Lastly, only once the third objective had been accomplished, begin making arrests of anyone violating the law.

At 2:22 p.m., a call was convened with, among others, myself, leadership of the Capitol Police, the D.C. National Guard, and the Department of the Army. I was stunned at the tepid response from Department of the Army, which was reluctant to send the D.C. National Guard to the Capitol. While I certainly understand the importance of both planning and public perception – the factors cited by the staff on the call – these issues become secondary when you are watching your employees, vastly outnumbered by a mob, being physically assaulted. I was able to quickly deploy my force and issue directives to them while they were in the field, and I was honestly shocked that the National Guard could not – or would not – do the same. On the call, in an effort to seek clarification, I asked the Capitol Police Chief if he were in fact requesting the assistance of the National Guard and then asked the U.S. Army representatives on the call if they were refusing to deploy the Guard to assist. The Army staff responded that they were not refusing to send them, but wanted to know the plan and did not like the optics of boots on the ground at the Capitol.

In the meantime, by 2:30 p.m. the District had requested additional officers from as far away as New Jersey and issued notice of an emergency citywide curfew beginning at 6 p.m. Just before 3 p.m., the District issued a citywide Wireless Emergency Alert declaring a curfew in effect from 6 p.m. until 7 a.m. on January 7th. The alert can be heard going off on the cell phones of insurgents in some of the videos taken on the Capitol grounds. From that point, it took another three and a half hours until all rioters were removed from the Capitol. Ninety minutes later, at 8 p.m., Congress was able to resume its critical work and fulfill its constitutional duty.

Shortly after MPD officers arrived on the scene, I was able to stand on the west front of the Capitol to get a broad view of the riot as many of MPD's brave officers made their way to the front line. Our police officers were under attack, the Capitol – hallowed ground for our country – was under attack, and the constitutional electoral process – the very foundation of our democracy – was under attack. MPD's police officers were engaged in a literal battle for hours. Many were forced into hand-to-hand combat to prevent more rioters from gaining entry into the Capitol. This was *not* a peaceful protest; this was not a crowd trying to express their first amendment rights – rights which we are proud to protect regardless of belief. At the end of the day, this was an assault on our democracy, and MPD officers held the line.

Those seven hours, between the urgent call for help from the Capitol Police to MPD and the resumption of work by both houses of Congress, will be indelibly etched on the memories of every law enforcement officer who was on the scene, as it is undoubtedly in the minds of the elected officials, congressional staff, and other Capitol employees who were forced to seek safety behind locked doors. The costs for this insurrection – both human and monetary – will be steep. The immediate fiscal impact is still being calculated. The costs for this insurrection – both human and monetary – will be steep. The immediate fiscal impact is still being calculated. During the height of the incident, approximately 850 MPD members were at the Capitol, and by the day's end, an additional estimate of 250 had been in the area to directly support the response and aftermath. MPD's estimate for the week of the insurrection is approximately \$8.8 million. The Mayor's Budget Office will send more information next week about total District costs. Looking forward, resources from MPD, Capitol Police, the Federal Bureau of Investigation, and the Office of the U.S. Attorney for the District of Columbia will be engaged for years in the investigation and prosecution of the insurgents, which, in the face of finite resources, will present opportunity costs for investigation and prosecution of other crimes.

Five people lost their lives on January 6th – Capitol Police Officer Brian Sicknick and four others. And tragically, two officers who were at the Capitol on January 6th, one each from the Capitol Police and MPD, took their own lives in the aftermath of that battle. We honor the service and sacrifices of Officers Brian Sicknick, Howard Liebengood, and Jeffery Smith, and offer condolences to all the grieving families. Sixty-five MPD members sustained injuries documented in injury reports. Many more sustained injuries from the assault – scratches, bruises, eyes burning

from bear mace – that they did not even bother to report. People around the country and the world were shocked and moved by the video of MPD Officer Michael Fanone being beaten by a crowd of insurgents, including one wielding an American flag, and of Officer Daniel Hodges in agony as he was crushed between a door and a riot shield. Their fellow officers at MPD and elsewhere are proud of their bravery in the face of this unprovoked and vicious attack. That bravery was matched that day by countless other unheralded MPD officers.

Other harm from this traumatic day will be widely felt but possibly unacknowledged. Law enforcement training neither anticipates nor prepares for hours of hand-to-hand combat. Even brief physical fights are physically and emotionally draining. MPD is working to support the emotional well-being of our officers who experienced this. The officers who were deployed elsewhere on the 6th share in the trauma of their colleagues, many frustrated that they could not rush in to stand on the line with them. And like everyone in the Capitol that day, we all have families and friends who watched the violence unfolding and worried about the safety of their loved ones.

In closing, I appreciate the opportunity to highlight the heroism of MPD officers who put their bodies on the line to protect the Capitol, Congress, and our democracy. But to ensure the continued safety of the District and its residents, the federal enclave, MPD officers, and others, we must be frank in looking at several critical issues. This assault on the Capitol has exposed weaknesses in the security of the most secure city in the country. The federal police forces in DC will be reexamining their security protocols given the risks of both foreign and domestic terrorism. As the Chief of the District's municipal police force, I must think about our preparations not only for possible attacks, but the daily impact of the changing operations of our federal partners. As they harden targets in the federal enclave, other buildings in the city under MPD jurisdiction may become more likely targets.

Thank you again for the opportunity to brief you today. I will be happy to answer questions today and moving forward as we try to come to terms with January 6th.