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**Government of the District of Columbia**



**Metropolitan Police Department**

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

***Examining the January 6 Attack  
on the U.S. Capitol***

United States Senate  
Homeland Security & Governmental  
Affairs Committee  
Rules and Administration Committee

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Virtual Briefing  
Washington, D.C.

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Good morning, Chairman Peters and Chairwoman Klobuchar, Ranking Members Portman and Blunt, and members of the Committees. 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 residents, and all Americans – find answers to questions about the 6<sup>th</sup>. 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 more information is gathered.

I would like to begin by highlighting a few key facts to ensure the Committees and the audience understand the very different roles of Mayor Muriel Bowser and the District of Columbia, including MPD, and those of Congressional and federal authorities. First, MPD is prohibited from entering the Capitol or its Grounds to patrol, make arrests, or serve warrants without the consent or request of the Capitol Police Board. (2 U.S. Code § 1961) Second, unlike any other jurisdiction in the country, the President of the United States, not the Mayor of the District of Columbia, controls the DC National Guard (DCNG). Any request submitted by the Mayor to mobilize the DCNG must be approved by the President and the scope of the request must be limited to supporting the District's local jurisdiction and authority, which excludes federal entities and property. Due to this limited activation scope, when Mayor Bowser requested the DCNG on December 31, 2020, the Guard was anticipated to be primarily utilized for traffic control and other local assistance. As a result of that limited scope of mission, I requested that DCNG members be unarmed. A request for the Guard assistance at the US Capitol or its associated grounds would have to be made by the US Capitol Police with the consent of the US Department of Defense (DOD).

Third, since Mayor Bowser declared a public health emergency in March 2020, the District of Columbia has not issued permits for any large gatherings. Although the District and MPD take pride in facilitating the exercise of First Amendment rights by all groups, regardless of their beliefs, none of the public gatherings on January 5-6 were issued permits by the District of Columbia. Indeed, MPD is a recognized leader in protecting and supporting peaceful assemblies. On the morning of January 6<sup>th</sup>, 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 violence, especially after dark as smaller groups of protestors gathered with malicious intent on city streets. In the aftermath of the December 12<sup>th</sup> protests, MPD met with our federal partners to escalate planning for January 5<sup>th</sup> and 6<sup>th</sup>. To be clear, available intelligence pointed to a large presence of some of the same groups that had contributed to violence in the city after demonstrations in November and December. The District did not have intelligence pointing to a coordinated assault on the Capitol.

In preparation for the anticipated demonstrations and the possibility of violence on city streets, the Department was fully deployed on 12-hour shifts the week of January 4<sup>th</sup>, with days-off and leave canceled. 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.

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 of American citizens 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 to address the growing violent mob at the Capitol. 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 the arrival of MPD officers at 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 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 MPD 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 7<sup>th</sup>. 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. 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

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.

Five people lost their lives on January 6<sup>th</sup>. We 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. Their fellow officers at MPD and elsewhere are proud of the unheralded bravery of MPD officers in the face of this unprovoked and vicious attack.

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 6<sup>th</sup> 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 lives 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 6<sup>th</sup>.