



A Review of the Department of Justice's
Response to Protest Activity and
Civil Unrest in Washington, D.C. in
Late May and Early June 2020



OVERSIGHT AND REVIEW DIVISION

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EXECUTIVE SUMMARY

A Review of the Department of Justice's Response to Protest Activity and Civil Unrest in Washington, D.C. in Late May and Early June 2020

Introduction and Background

The Department of Justice (Department or DOJ) Office of the Inspector General (OIG) undertook this review to examine the Department's and its law enforcement components' roles and responsibilities in responding to protest activity and civil unrest in Washington, D.C., between May 29 and June 6, 2020, following the murder of George Floyd on May 25. The report details the relevant events involving DOJ and its components during this time period, including their assistance to the U.S. Park Police (USPP) and the U.S. Secret Service (USSS) in and around Lafayette Park in connection with USPP and USSS plans to construct a fence on H Street after violence had erupted during protests on May 29; meetings attended by then Attorney General William Barr and other DOJ officials at the White House on June 1; Barr's involvement in the events at Lafayette Park on June 1; and DOJ's deployment of its law enforcement personnel on June 1 and on subsequent days. Thereafter we describe our analysis of these events, including whether Barr affected the timing of the clearing operation at Lafayette Park on June 1.

During the course of our work, we reviewed more than 300,000 documents and interviewed more than 100 witnesses, including senior Department officials, current and former heads of Department law enforcement components, and non-DOJ witnesses. Several former DOJ officials who were involved in the Department's response—including then Attorney General Barr, then Federal Bureau of Investigation (FBI) Deputy Director David Bowdich, Barr's then Chief of Staff, William Levi, and then FBI Washington Field Office (WFO) Assistant Director in Charge (ADIC) Timothy Slater—declined our interview requests.

The OIG lacks authority to compel former DOJ officials to testify.

We also obtained documents and evidence from non-DOJ agencies, which materials assisted our review. Specifically, the Department of Interior Office of Inspector General (DOI OIG), which oversees the USPP and has issued its own report on USPP actions at Lafayette Park during this time period, shared certain of its investigative materials with us at our request, including documents and interview transcripts. Cooperation by the D.C. Metropolitan Police Department (MPD) and the USSS also assisted our review.

Results of the OIG Review

A significant part of our review focused on DOJ's and Attorney General Barr's role in the law enforcement clearing operation that occurred at Lafayette Park on June 1 related to the USPP and USSS plan to install fencing along H Street. As detailed in the previously-issued DOI OIG report, the USPP and USSS were in overall operational command of the law enforcement clearing operation that occurred that day. Our review found that personnel from three DOJ law enforcement components—the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Bureau of Prisons (BOP), and the U.S. Marshals Service (USMS)—were deployed to Lafayette Park on June 1 to assist the USPP and USSS following the violence that occurred on the prior 3 days. We further found that while ATF, BOP, and USMS personnel assisted in the operation at Lafayette Park that occurred on June 1, they did so under the direction of the USPP and USSS unified command, with ATF, BOP, and USMS supervisors leading their respective teams. Neither the FBI nor the Drug Enforcement Administration (DEA) had personnel at Lafayette Park on June 1.

With respect to Barr's presence at Lafayette Park on June 1, we found that the decision to clear the area of protesters on the evening of June 1 was made by the USPP and USSS unified command at Lafayette Park and not by Barr, and that Barr did not impact the timing of the clearing operation. Based on time-stamped MPD radio communications, contemporaneous written communications, and witness testimony, we determined that the unified command had already decided to initiate the clearing operation and had begun preparations to do so prior to Barr's arrival. Moreover, witnesses present for a conversation that Barr had with a USPP official (not the USPP incident commander) shortly before the clearing operation began told us that Barr did not order the operation to begin or that the timeline be moved up. Additionally, we determined that, although then President Trump had appointed Barr on June 1 to lead the federal response to the protests, USPP and USSS personnel at Lafayette Park were unaware of that decision. USPP and USSS personnel also told us that because Barr was not in their chain of command—they worked for the Department of the Interior and the Department of Homeland Security, respectively, not DOJ—his presence had no impact on the timing of the operation. Although an MPD Assistant Chief told us that the USPP incident commander stated to him in a telephone call shortly before the clearing operation began that "the Attorney General is here, we got to go now," we did not find that statement alone sufficient to conclude that Barr impacted the timing of the operation given the substantial other documentary and testimonial evidence indicating that Barr did not impact the timing.

We also did not find evidence to support a statement on June 2 to the press by then DOJ Director of Public Affairs Kerri Kupec that Barr had told law enforcement officials on June 1 to "[g]et it done." Witnesses told us they did not hear Barr make such a statement, and we therefore concluded that Kupec's statement gave the inaccurate impression Barr had personally ordered the operation and led to significant public confusion regarding DOJ's role in it. Because Barr and Kupec declined to be interviewed by us, we were unable to determine whether Barr approved of Kupec's statement prior to its release.

Additionally, we reviewed the Department's overall response to the unrest in Washington, D.C. during the end of May and beginning of June, and share the serious concerns expressed to us by law enforcement personnel. We found the Department's efforts at times

to be chaotic and disorganized, and that Barr, in an attempt to demonstrate that law enforcement could handle the civil unrest without active-duty military intervention, pressed DOJ law enforcement components to deploy personnel without sufficient attention to whether those personnel were properly trained or equipped for their mission. In several instances, DOJ law enforcement personnel were deployed with limited guidance to situations for which they were not trained or equipped. For example, at 5:00 p.m. on June 1, Barr's Chief of Staff sent an email telling the BOP to deploy personnel to the White House immediately, but BOP staff received no guidance as to their mission or rules of engagement. One BOP supervisor stated that he did not have his personnel bring shields with them because they were unaware that they were going to be assisting with crowd control. It was not until after they arrived at Lafayette Park that they learned of their role, less than an hour before the clearing operation began. In addition, we found that the FBI's deployments of its personnel elsewhere on the streets of Washington, D.C. on the evening of June 1 and to the area north of Lafayette Park on June 3—the latter of which was part of an FBI-coordinated operation to form a security perimeter north of Lafayette Park encompassing St. John's Church at Barr's direction—lacked adequate planning, failed to provide sufficient guidance to personnel regarding their mission and legal authorities, and, by sending armed agents to respond to civil unrest for which they lacked the proper training or equipment, created safety and security risks for the agents and the public.

We also found that BOP deployed personnel without vests or jackets clearly identifying them as BOP law enforcement personnel. We determined that the lack of such identifying markings was due to the fact that BOP does not traditionally deploy personnel in a public-facing role outside the prison setting.

We were troubled by the Department leadership's decision-making that required DOJ law enforcement agents and elite tactical units to perform missions for which they lacked the proper equipment and training. Multiple witnesses also told us that leadership did not timely and effectively communicate these deployment decisions to subordinates and non-DOJ agencies involved in the response. While we recognize that the civil unrest following George Floyd's murder was a highly unusual situation that presented significant challenges the Department does not typically face, ensuring the safety of its personnel and the public

should remain its utmost priority. In the midst of a crisis, during pressure-filled moments when leadership must make hard decisions with little time to fully assess collateral and unintended consequences, the time-tested law enforcement practices and procedures that were collectively developed, after careful and calm

deliberation, can and should be the first and most trusted resource for Department leadership.

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CHAPTER ONE: INTRODUCTION

I. Background and Summary of Findings

In this report, the Department of Justice (Department or DOJ) Office of the Inspector General (OIG) reviews the Department's response and the roles and responsibilities of its law enforcement components in responding to protest activity and civil unrest in Washington, D.C. between May 29 and June 6, 2020.¹ The OIG announced that our review would include examining training and instruction provided to Department law enforcement personnel involved in responding to civil unrest; compliance with applicable identification requirements, rules of engagement, and legal authorities; and adherence to Department policies regarding the use of less lethal munitions, chemical agents, and other uses of force.² We also stated that we would coordinate our review with the review of U.S. Park Police (USPP) actions conducted by the Department of the Interior Office of Inspector General (DOI OIG).³

On Monday, May 25, 2020, George Floyd was killed while in the custody of four Minneapolis Police Department officers. A video of Floyd's death was posted to social media, and protests began in Minneapolis, Minnesota, on May 26. In the following days, Minneapolis and the surrounding area also experienced fires, looting, vandalism, and property damage. The Governor of Minnesota activated the National Guard. Protest activity occurred in other cities. While many such protests were peaceful, rioting and violence arose in some cities.

¹ This report addresses only the Department's response to protests and unrest in Washington, D.C., including the involvement of Department personnel in the clearing of Lafayette Park and H Street on June 1, 2020. At the same time the OIG initiated this review, we also stated that we would review the Department's role in responding to protests in Portland, Oregon. However, upon the Department's public announcement at about the same time of a criminal investigation into events in Portland, consistent with the OIG's practice when there is an ongoing criminal investigation, the OIG paused its review pending the outcome of the criminal investigation. The OIG will report its findings regarding the events in Portland at an appropriate time and to the extent permissible under applicable law.

² The National Defense Authorization Act of 2021, now codified at 10 U.S.C. § 723(a) and which was enacted after the events covered by this review, amended federal law to require military and federal law enforcement personnel responding to a "civil disturbance" to visibly display their names or other unique identifiers and the names of their employing agencies. This requirement excludes personnel who do not wear a uniform or other distinguishing clothing or equipment or who are engaged in undercover operations in the regular performance of their official duties. *See* 10 U.S.C. § 723(b). Given these changes to federal law, our review discusses the lack of insignia only briefly.

³ The DOI OIG has issued its report. *See* U.S. Department of the Interior, Office of Inspector General, [Review of U.S. Park Police Actions at Lafayette Park](https://www.oversight.gov/sites/default/files/oig-reports/DOI/SpecialReviewUSPPActionsAtLafayetteParkPublic.pdf) (June 2021), <https://www.oversight.gov/sites/default/files/oig-reports/DOI/SpecialReviewUSPPActionsAtLafayetteParkPublic.pdf> (accessed June 8, 2024).

Beginning on Friday, May 29, large crowds began gathering in Lafayette Park in Washington, D.C., a 7-acre park that is located between the north side of the White House grounds and H Street, NW. On that same date, non-Department law enforcement officers from the D.C. Metropolitan Police Department (MPD), the U.S. Secret Service (USSS), and the USPP, who were attempting to clear the Lafayette Park area and maintain a barrier using bike racks, engaged the crowd. The USSS is an agency within the U.S. Department of Homeland Security (DHS), while the USPP is an agency within the U.S. Department of the Interior.⁴ Following concerns about a potential security breach at the White House Complex, the USSS upgraded the threat level around the White House and took actions to enhance its security posture. That evening, then Attorney General William Barr ordered agents from three different DOJ law enforcement components—the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Bureau of Prisons (BOP), and the U.S. Marshals Service (USMS)—to assist officers from DHS Federal Protective Service in protecting the Department’s Robert F. Kennedy (RFK) headquarters building in Washington, D.C.

As described in a report issued by the DOI OIG, beginning on May 30, the USSS and the USPP established and maintained unified operational command for the Lafayette Park area.⁵ According to the report, due to the security concerns and escalating levels of violent activity near the White House on May 29 and the early morning of May 30, the USSS and the USPP decided on May 30 to create a more secure perimeter and began the process of procuring anti-scale fencing. Additionally, law enforcement officers installed two rows of metal bike racks spaced approximately 15 yards apart at the northern boundary of Lafayette Park to create a barrier along H Street in an effort to prevent crowds from entering the park and to create a buffer between law enforcement and protesters.

Protests continued in Washington, D.C. on Saturday, May 30, and Sunday, May 31. Although protesters gathered at various locations, the area surrounding the White House remained a primary focus. Law enforcement witnesses said the protests were generally peaceful during the day, but activity in the area of the park became increasingly violent in the evenings and especially after dark, with some of those present throwing water bottles

⁴ Because neither the USSS nor the USPP are housed within DOJ, the DOJ OIG does not have jurisdiction over either entity or their personnel.

⁵ A “unified command” is a command structure recognized in DHS’s National Incident Management System (NIMS). *See* U.S. Department of Homeland Security/FEMA, National Incident Management System at 4–5 (3d ed. Oct. 2017). NIMS and its command and control Incident Command System (ICS) component provide a comprehensive, national approach to incident management that seeks to improve organization, coordination, and cooperation for all levels of government, the private sector, and other organizations. *Id.* According to DHS,

When no one jurisdiction, agency or organization has primary authority and/or the resources to manage an incident on its own, Unified Command may be established. In Unified Command, there is no one “commander.” Instead, the Unified Command manages the incident by jointly approved objectives.... Unified Command does not affect individual agency authority, responsibility, or accountability. *Id.* at 22–23.

DOJ’s law enforcement components follow NIMS/ICS procedures.

and bricks, attempting to break through bike rack barrier fences, and setting fires. Many law enforcement officers sustained serious injuries while defending Lafayette Park and the White House grounds. On May 31, both a public bathroom in Lafayette Park and the parish hall in an annex to St. John's Church—a national historic landmark referred to as the "Church of the Presidents"—were set on fire.

Although then Attorney General Barr and his staff were involved in identifying and mobilizing law enforcement resources to "surge" in Washington, D.C. and other cities, Department law enforcement personnel had limited actual involvement in responding to the activities in Lafayette Park and the area surrounding the White House grounds on May 30 and 31. On May 31, Department law enforcement personnel assisted the USSS, the USPP, and the MPD in discrete ways, such as manning traffic intersections, securing national monuments, and acting as quick reaction forces in support of law enforcement who were directly engaged with protesters.

DOJ staff told the OIG, and emails reflect, that the activities near the White House on the night of May 31 and early morning of June 1, particularly violence in the park and the fire at the St. John's Church annex, alarmed Barr and then President Donald Trump and led to an increased role by the Department in responding to the protests. On the morning of June 1, Barr directed Department law enforcement components to mobilize a large number of law enforcement personnel in order to deploy "max strength" on the streets of Washington, D.C., and staff from the Office of the Deputy Attorney General (ODAG) worked with component leadership to deploy hundreds of law enforcement personnel from DOJ law enforcement components in Washington, D.C. that afternoon and evening. Department officials on June 1 also considered, but did not recommend that President Trump move forward with, additional options for increasing federal control over the response to protests in Washington, D.C., including invoking the Insurrection Act or placing the MPD under the control of the President. The Department did decide to use a provision of the D.C. Code that allowed the U.S. Marshals for D.C. to request additional D.C. National Guard (DCNG) troops.

Also on the morning of Monday, June 1, Barr and his then Chief of Staff, William Levi, attended meetings at the White House, including a meeting in the Oval Office with President Trump and other senior officials, and participated in a video teleconference with the nation's governors. According to Barr's congressional testimony, the meeting participants discussed plans to move the perimeter and build a fence near Lafayette Park and H Street. According to Barr's congressional testimony, President Trump discussed the possibility of invoking the Insurrection Act and deploying active-duty soldiers in Washington, D.C., but Barr and other officials counseled against it, arguing that law enforcement should lead the response. Barr also testified that President Trump asked him to coordinate federal civilian agencies in their response to the protests, told him to tell Chairman of the Joint Chiefs of Staff General Mark Milley what he needed, and instructed General Milley to "provide support to the Attorney General."

As described in the DOI OIG report, during the morning and early afternoon of June 1, the USPP and the USSS developed a plan to clear Lafayette Park and H Street to enable the installation of anti-scale fencing. According to the DOI OIG report, the USPP planned to begin the clearing operation as soon as the fencing contractor's supplies arrived and there were sufficient law enforcement personnel to secure the area, though no specific time was set. Between approximately 2:00 p.m. and 3:00 p.m., ATF deployed five Special Response Team (SRT) agents and the USMS deployed a contingent of Special Operations Group (SOG) personnel to Lafayette Park to assist USPP Special Weapons and Tactics (SWAT), and a team of Deputy U.S. Marshals deployed to the park to serve as a quick reaction force to back up SOG. Between 3:00 p.m. and 5:00 p.m., USSS and USPP personnel at Lafayette Park learned that President Trump was considering visiting Lafayette Park to observe the damage from the previous night's violence, though there was no specific time set for when that visit might occur.

At 2:00 p.m. on June 1, Department leadership organized and held a meeting in the FBI Strategic Information and Operations Center (SIOC) at FBI Headquarters, attendees of which included Barr and other senior Department officials as well as leadership from the DCNG, the Department of Defense (DOD), the USSS, and the MPD. Attendees told us they discussed numerous issues at this meeting, including plans to maintain security throughout Washington, D.C., as well as the plan of the USPP and the USSS to establish a secure perimeter around the White House.

Following that meeting, Barr and other senior officials went to the FBI Washington Field Office (WFO), where they continued to discuss plans for deploying resources and handling protests in Washington, D.C. At 5:00 p.m., Barr's Chief of Staff sent a 1-sentence email to a BOP official directing him to send BOP personnel to the White House "ASAP." The email contained no guidance regarding the BOP's mission or assignment. The BOP official responded that 50 BOP Special Operations Response Team (SORT) personnel were deploying, and at approximately 5:40 p.m. those personnel arrived at the edge of the White House grounds and were escorted into Lafayette Park by a USPP officer. We found that BOP personnel received minimal guidance on their rules of engagement once they arrived at Lafayette Park.

According to the DOI OIG report, at approximately 5:30 p.m., a USPP Major who was the USPP incident commander at Lafayette Park briefed a final operational plan for the clearing operation. The USPP Major also instructed USPP and other law enforcement personnel to begin to prepare for deployment onto H Street, and radio recordings and documents that we reviewed indicated that the USPP informed multiple other law enforcement agencies that the operation would begin shortly.

Shortly before 6:00 p.m., Barr and his staff departed FBI WFO and traveled to Lafayette Park, arriving there at approximately 6:08 p.m. Once Barr arrived at Lafayette Park, he had a conversation with a USPP Captain between 6:10 p.m. and 6:11 p.m. According to multiple witnesses, Barr expressed surprise to the USPP Captain that the

protesters had not been moved yet and inquired about the USPP's timeline. The USPP Captain told Barr that he was not safe where he was standing due to the risk of being struck by a thrown object. According to the USPP Captain, Barr also asked whether the protesters would still be there when the President came out but did not say anything to the effect of "let's get this done" or "you need to get this show on the road" or order the USPP to move up their timeline. Two other witnesses present for the conversation confirmed that they did not hear Barr give such an order. However, on June 2, a senior DOJ official—whom we identified as Kerri Kupec, then DOJ Director of Public Affairs—was quoted as saying that Barr had told law enforcement officials at Lafayette Park, "Get it done."

At approximately 6:12 p.m., an MPD Assistant Chief called the USPP Major. During their call, the MPD Assistant Chief requested that the USPP wait until the 7:00 p.m. citywide curfew before beginning the clearing operation. According to the MPD Assistant Chief, the USPP Major responded, "The Attorney General is here, we got to go now." The USPP Major, who declined to speak with us, told the DOI OIG that he was simply providing the MPD Assistant Chief information about the current situation at the park and that Barr's presence had no impact on the timing of the operation. Further, the MPD Assistant Chief told the DOI OIG that he could not say the Attorney General's presence was the reason the USPP began its operation when it did, nor did he have information suggesting that the Attorney General ordered the USPP to clear the park.

As described in the DOI OIG report, starting at 6:23 p.m., the USPP Major gave three warnings to the crowd instructing them that Lafayette Park and H Street were closed and that they were ordered to depart the area immediately. At 6:28 p.m., USPP and other law enforcement personnel deployed onto H Street and cleared the street, and the operation was completed by 6:50 p.m. BOP SORT, USMS SOG, and ATF SRT personnel assisted the USPP in the clearing operation. BOP SORT personnel helped hold the bicycle rack perimeter along the north side of Lafayette Park. Thirteen BOP personnel reported firing a total of approximately 72 pepper balls towards members of the crowd whom BOP personnel said were assaulting law enforcement or other civilians or were refusing to vacate the area as the USPP approached them; one BOP SORT member deployed a flash stun grenade. USMS SOG members deployed onto H Street in support of USPP SWAT, and several SOG members briefly detained a civilian who approached USPP horse mounted patrol officers. ATF SRT agents also deployed onto H Street in support of USPP Civil Disturbance Units, but they did not engage directly with the crowd and did not deploy munitions or use force.

At approximately 6:43 p.m., while the USPP's clearing operation was in progress, President Trump began a speech in the Rose Garden. At approximately 7:01 p.m., President Trump, accompanied by Barr, departed the White House and walked into Lafayette Park. President Trump proceeded to walk to St. John's Church, where he posed for photographs with several officials, including Barr.

Later that evening, at approximately 7:30 p.m., FBI leadership deployed approximately 500 WFO Special Agents to patrol designated areas within the Washington, D.C. downtown area to prevent the destruction of federal property. Multiple FBI witnesses stated that these agents received little guidance on their mission and responsibilities before deploying that evening and expressed concerns about their lack of training or equipment for this assignment. These patrols continued through June 5.

Beginning on the evening of June 1, Barr expressed to FBI officials his dissatisfaction with the location of the expanded perimeter on H Street. Although from the beginning the USPP intended to maintain the security perimeter with anti-scale fencing at H Street, Barr believed that law enforcement had agreed to move the line of officers forming the security perimeter to, and to maintain them at, I Street, in part to better protect St. John's Church. Although the Department began preparations to establish a second perimeter at I Street on June 2, after then USPP Acting Chief of Police Gregory Monahan suggested that the Department delay any clearing operation, Department officials agreed to wait until the morning of June 3 to initiate the operation. Instead, at approximately midnight on June 2, the FBI deployed eight WFO Special Agents in plain clothes to protect St. John's Church. An FBI Hostage Rescue Team unit also deployed to serve as a quick reaction force in support of the WFO Special Agents.

On June 3, at the direction of the Attorney General, the Department initiated an operation—using BOP, FBI, DHS, and DCNG personnel, but with no deployment by USSS or USPP personnel—to establish a new security perimeter at I Street that would encompass St. John's Church. Beginning at approximately 5:30 a.m., 200 BOP officers deployed to form shield lines at 4 intersections north of Lafayette Park. Later in the day, an additional 260 BOP officers joined the operation, along with approximately 50 FBI WFO agents, 18 WFO SWAT agents, 180 DHS personnel and 580 DCNG members. Neither the FBI WFO Special Agents nor the WFO SWAT officers engaged in crowd control; the FBI personnel served as an arrest team for any potential assault on the BOP officers deployed to maintain the perimeter. Once on scene, senior FBI personnel identified significant safety concerns for both the deployed law enforcement personnel and the public gathered to protest in the area. For example, due to the anti-scale fence installed at H Street, the deployed agents had no ability to retreat in the event a shield line was overrun. At approximately 1:00 a.m. on June 4, the FBI officials released the deployed personnel and returned to WFO. No arrests were made.

On June 2 and June 3, multiple reporters stated that they had encountered law enforcement personnel in Washington, D.C. who did not have any identifying markings indicating what agency they were with; these reporters subsequently stated that these were BOP employees, which was confirmed by the Department. At a press conference on June 4, then BOP Director Michael Carvajal acknowledged that the BOP should have done a better job of making sure that their personnel had identifying markings and explained that the lack of such markings was attributable to the fact that BOP personnel normally operate

within institutions. Carvajal told us that this was an “oversight,” and that as soon as BOP leadership became aware of the issue, they corrected it by obtaining and issuing uniform patches.

A significant part of our review focused on the Department’s and Attorney General Barr’s role in the clearing operation at Lafayette Park on June 1. As detailed in the DOI OIG report, this was not a Department-led operation, as the USPP and the USSS were in overall operational command of the response to protests at Lafayette Park. While ATF, BOP, and USMS personnel assisted in the operation, we found that they did so under the direction of the USPP’s and the USSS’s unified command, with ATF, BOP, and USMS supervisors leading their respective teams.

With respect to Barr’s presence at Lafayette Park, we found that he did not order law enforcement to clear the area of protesters, nor did he impact the timing of the clearing operation. The USPP and USSS unified command had already decided to initiate the operation to clear the park and had begun preparations to do so prior to Barr’s arrival, and the witnesses who were present for Barr’s conversation with the USPP Captain deny that Barr gave an order to begin the operation or move up the timeline. Although President Trump had appointed Barr to lead the federal response to the protests, the USPP and USSS personnel at Lafayette Park stated that they were not aware of that when Barr was at the park. They also stated that they did not view Barr as being in their chain of command and that Barr’s presence had no impact on their timing. Although the MPD Assistant Chief told us that the USPP Major stated “the Attorney General is here, we got to go now” when they spoke on the phone, we did not find that statement alone sufficient to conclude that Barr impacted the timing of the operation given the other evidence indicating that Barr did not impact the timing. We also found that Kupec’s statement to the press gave the inaccurate impression that Barr had personally ordered the clearing operation and led to significant public confusion regarding the Department’s role in the operation.

We also reviewed the Department’s overall response to the unrest in Washington, D.C. during the end of May and beginning of June, and share the serious concerns expressed to us by law enforcement personnel. We found that the Department’s command and control over its personnel was at times chaotic and disorganized, resulting in several instances in which Department personnel were deployed with limited guidance to situations for which they were not trained or equipped. For example, after Barr’s Chief of Staff sent an email on the afternoon of June 1 to a BOP official stating that the BOP should send its personnel to the White House “ASAP,” BOP staff received no guidance as to their mission or rules of engagement until after they arrived at Lafayette Park, less than an hour before the clearing operation began and approximately 10 minutes after the USPP incident commander at Lafayette Park briefed a final operational plan for that operation. One BOP supervisor stated that he did not have his personnel bring shields with them because he was unaware that they were going to be assisting with crowd control. We also

found that the FBI's deployments of its personnel elsewhere on the streets of Washington, D.C. on the evening of June 1 and to the area north of Lafayette Park on June 3 lacked adequate planning; failed to provide sufficient guidance to personnel regarding their mission and legal authorities; and, by sending armed agents to respond to civil unrest for which they lacked the proper training or equipment, created safety and security risks for the agents and the public.

Finally, we found that the BOP deployed personnel without clear identifying markings. We found that the lack of such markings was due to the fact that the BOP does not traditionally deploy personnel in a public-facing role outside the prison setting.

II. Methodology

During the course of this review, the OIG interviewed more than 100 witnesses, several on more than one occasion. These interviews included FBI Director Christopher Wray; other heads of Department law enforcement components, including then ATF Acting Director Regina Lombardo, then BOP Director Michael Carvajal, and then USMS Director Donald Washington; then FBI Associate Deputy Director and current Deputy Director Paul Abbate; members of the then Attorney General's and Deputy Attorney General's staffs; attorneys within the Office of Legal Counsel; agents and supervisors from Department component agencies deployed in late May and early June 2020; and U.S. Attorneys and U.S. Attorney's Office (USAO) staff involved in responding to the protests.

Nonetheless, due to the decision of several former officials, who were involved in the Department's response, to decline our requests for an interview, significant information gaps persist that limit our ability to determine conclusively what happened on June 1, and also on June 2 and June 3 when the Department planned and initiated an operation to create a second perimeter at I Street. Among the officials who declined to speak with us were former Attorney General Barr; his Chief of Staff Levi; former Counselor to the Attorney General and Director of Public Affairs Kerri Kupec; former FBI Deputy Director David Bowdich; former FBI Washington Field Office (WFO) Assistant Director in Charge (ADIC) Timothy Slater; and the former FBI Assistant Director of the Critical Incident Response Group (CIRG). The OIG lacks authority to compel former Department officials to testify.

The OIG also interviewed numerous non-DOJ witnesses regarding their interactions with the Department on matters falling within the scope of this review, including D.C. Mayor Muriel Bowser, then USSS Director James Murray, then White House Deputy Chief of Staff for Operations Anthony Ornato, then MPD Chief of Police Peter Newsham, then Deputy Chief of the USPP, the USPP Captain who served as USPP's operations commander at Lafayette Park, the then Assistant Chief of the MPD's Homeland Security Bureau, and other current and former employees of other U.S. government agencies and the MPD. Several non-DOJ employees declined our request for an interview: then USPP Acting Chief

of Police Gregory Monahan, the USPP Major who served as the USPP's incident commander at Lafayette Park on June 1, and then White House Counsel Pat Cipollone. The OIG does not have authority to subpoena for testimony third parties who may have relevant information about a Department program or operation. Because the activities of non-DOJ agencies were not within the scope of this review, with limited exceptions we did not seek to obtain records from them. We instead relied on records that were shared with the Department contemporaneously during the events under review. At our request, the DOI OIG shared certain of its investigative materials with us, including documents and interview transcripts. We also sought and obtained several documents directly from the USPP; USSS video and radio transmissions; MPD video and radio transmissions; and Arlington County Police Department radio transmissions, all of which were recorded on June 1.⁶

We also reviewed more than 300,000 documents related to the use of Department personnel to respond to the protests in late May and early June 2020. These documents included text messages from Department-issued cell phones; documents and emails concerning the role of Department law enforcement agents and BOP officers in responding to the protests; notes and records maintained by Department personnel; contemporaneous emails and situation reports summarizing the available intelligence; and call detail records showing contacts on June 1, 2020. Despite the relatively brief time period covered in this report, the document review presented significant challenges in view of the number of Department component agencies and personnel involved in the response, as well as the existence of critical documents in agencies outside our jurisdiction.

Although approximately 90 Department law enforcement personnel assisted in varying capacities in the events of June 1, they did so under the unified command of the USPP and the USSS and did not devise, develop, or determine the timing of the execution of the USPP-directed operational plan to clear Lafayette Park and H Street. ATF, BOP, and USMS supervisors at Lafayette Park led teams that participated in the clearing operation and provided direction to them, within the parameters of the USPP-directed operational plan. As a result, while our report details the actions of Barr, other DOJ officials, and DOJ law enforcement on June 1, the best evidence concerning the USPP's overall handling of civil unrest at Lafayette Park in the days before June 1, as well as the USPP's planning and execution of the clearing of the park and H Street and installation of the anti-scale fence on June 1, resides with that agency and is described in the DOI OIG report.⁷

⁶ For certain materials that the DOI OIG did not develop itself, the DOI OIG requested that we seek them directly from the USPP. DHS OIG did not conduct a review of events at Lafayette Park.

⁷ As part of the standard practice in our reviews, we provided a draft copy of this report to the Department and to the Department's law enforcement components to conduct a factual accuracy review and to advise us whether they believed any law enforcement information would be inappropriate to release publicly, such as information designated as "law enforcement sensitive" (sensitivity review). We also provided a draft copy of this report to the DOI OIG, the USSS, the MPD, DHS, and DOD for factual accuracy and sensitivity

(Cont'd.)

III. Analytical Framework

Given the limitations on our testimonial information from key witnesses, and in recognition of the OIG's role, our review devotes significant attention to identifying what considerations were behind the Department's participation in the activities in and around the White House, including whether Department leadership intended to facilitate then President Trump's walk to St. John's Church, and whether these considerations influenced the USPP's timing or execution of its plan to clear protesters from H Street, NW, in front of Lafayette Park, on June 1. As with previous reviews, we looked for direct evidence of what considerations played a role by obtaining witness testimony, as well as through our review of contemporaneous statements in emails, memoranda, or other documents linking these considerations to the decision to clear H Street and the plan to walk to St. John's Church. Our review also assesses the Department's and its law enforcement components' planning and implementation of its response to the civil unrest in Washington, D.C. in the days leading up to and following June 1, including the Department's effort to establish a security perimeter north of Lafayette Park around St. John's Church on June 3. In particular, our review examines the adequacy of the training, instruction, and equipment provided to deployed DOJ law enforcement personnel; the coordination between and among DOJ and non-DOJ agencies in preparation for and in the course of deployments; and Department officials' adherence to applicable legal requirements, policies, and procedures in directing and managing these deployments.

In recognition of the dynamic environment in which decisions were made, we did not substitute our judgment, criticize particular decisions, or infer that specific decisions were the result of political considerations simply because they were not the best or most optimal decision under the circumstances. We conducted our review with an appreciation of the fact that Department officials involved in the response to the civil unrest made decisions under rapidly evolving conditions, often under unique pressures and with imperfect information. We took this approach because our role as OIG is not to second-guess valid discretionary judgments made by agency officials, and this approach is consistent with the OIG's handling of such questions in past reviews. We also did not review specific use of force incidents, including the use of force as part of the clearing operation itself, for compliance with Department and component use of force policies.

IV. Structure of the Report

This report is divided into six chapters. Following the introductory chapter, Chapter Two summarizes the relevant authority allowing the federal government to intervene in the

reviews. Also consistent with our standard practice, we contacted certain individuals who were interviewed as part of the review and whose conduct is addressed in this report, and certain other witnesses, to provide them an opportunity to review the portions of the report that pertain to their testimony to the OIG and to provide written comments to the OIG concerning the portions they reviewed.

response to civil unrest to protect federal property, personnel, and functions, as well as other legal authorities and background information about the structure of the law enforcement response surrounding the White House. In Chapter Three, we provide background information about the origins of the protests in Washington, D.C. on May 29 and the Department's involvement in the response on May 30 and 31, 2020.

In Chapter Four, we provide a detailed description of the events of June 1, including the meetings at the White House on the morning of June 1, the SIOC meeting that afternoon, meetings at FBI WFO, the arrival of Attorney General Barr at Lafayette Park shortly after 6:00 p.m., and the clearing of the park.

In Chapter Five, we detail the further deployment of DOJ law enforcement resources through June 6 and describe Barr's and other Department officials' roles in those deployments.

In Chapter Six, we provide our analysis of the Department's role in responding to civil unrest in Washington, D.C. between May 29 and June 6, 2020.

CHAPTER TWO: APPLICABLE LAWS AND POLICIES

In this chapter, we discuss the applicable constitutional and statutory provisions and Department policies that governed the Department's response to civil unrest, as well as several relevant Washington, D.C.-specific statutory provisions that Department attorneys explored during this time period. As we describe later in the report, in the aftermath of George Floyd's death the Department's Office of Legal Counsel (OLC) advised Department leadership on the authorities and legal framework supporting the government's emergency response in Washington, D.C. This included the scope of the President's constitutional and statutory authorities to protect federal interests in times of unrest, and the Insurrection Act. OLC also provided guidance on several issues related to Washington, D.C.'s unique federal status, including authorities relating to activating the D.C. National Guard (DCNG), the ability of federal law enforcement to enforce D.C. laws, the President's emergency authority to use the D.C. Metropolitan Police Department (MPD) for federal purposes, and other emergency powers. We discuss these authorities below.

I. Framework for the National Response to Civil Unrest

In this section, we describe the constitutional and statutory authorities and policies governing the use of federal personnel to respond to civil unrest, focusing on the President's inherent authority under Article II, Section 3 of the U.S. Constitution to protect federal property, personnel, and interests. Given the locus of the protests in Lafayette Park and other areas surrounding the White House, as well as the amount of federal property in Washington, D.C., Department witnesses told the OIG that the President's inherent constitutional authority under Article II, Section 3 was the basis for the Attorney General's authority to deploy federal assets, including Department law enforcement personnel, and was key in understanding the scope of the Department's response in May and June 2020.⁸

Although not invoked by the government in May and June 2020, we also briefly discuss the Insurrection Act to provide background and context for discussions that took place within the Department and with the White House. This chapter furnishes historical examples in which the Department has deployed law enforcement personnel to help quell civil unrest, either based on the President's authority to protect federal property, persons, and functions or under the authority granted by relevant federal statutes. Related to this issue, we also explain the functioning of the DCNG and describe a provision of D.C. law,

⁸ In litigation arising out of the events at Lafayette Park on June 1, D.C. courts have recognized the significant safety and security considerations implicated by protests in Lafayette Park and the area surrounding the White House. See *Buchanan v. Barr*, 71 F.4th 1003, 1009 (D.C. Cir. 2023) (affirming district court's decision to dismiss plaintiffs' *Bivens* claim because the national security interest in the safety and security of the President, and the area surrounding the White House, weighed strongly against recognizing such a remedy); *Black Lives Matter D.C. v. Trump*, 544 F. Supp. 3d 15, 32 (D.D.C. 2021) (referring to the White House area as "a unique situs" for considerations of presidential and national security).

which had it been invoked, would have permitted emergency federal authority over the MPD.

A. Inherent Constitutional Authority to Protect Federal Property, Personnel, and Functions

Article II, Section 3 of the U.S. Constitution states that the President “shall take care that the laws be faithfully executed.” In an 1890 Supreme Court case called *In re Neagle*, the Court interpreted this language as the source of inherent authority to take acts necessary to protect the operations of the federal government, even where no statute provides express authority to do so.⁹ While the precise boundaries of the President’s executive power under the Constitution’s Take Care Clause are outside the scope of our review, witnesses told the OIG that the *Neagle* decision serves as the basis for the President’s authority to take actions to protect federal personnel, property, and interests, even where no statute explicitly authorizes him to do so. Steven Engel, the then Assistant Attorney General in OLC, stated, “[A]ny federal agency, including [the OIG], could defend Lafayette Park right now, under a Supreme Court case called *In re Neagle*...which says that federal officers have the inherent authority to defend federal property.” The Principal Deputy Assistant Attorney General in OLC at the time of the protests similarly stated, “It starts with *Neagle*... *Neagle*, as understood in practice over time, [says] that we, as the federal government, have to have the ability to protect our people and our property and our ability to do our job from things that would prevent us from carrying out our duties.”

The federal government has relied on the President’s inherent authority under *Neagle* as the justification for deploying federal military and law enforcement personnel to respond to potential civil unrest. In 1967, before a large anti-war demonstration known as the March on the Pentagon, the then Attorney General and Deputy Attorney General assembled a task force of active-duty military personnel, National Guard troops, federal Deputy Marshals, and police to protect the Pentagon. According to one historical perspective of the protest, federal government officials initially considered using the Insurrection Act, among other authorities, as the legal basis for deploying the military to respond to the protests. Ultimately, however, officials decided to rely on the President’s inherent authority because any violence was potential or projected, not actual, and the proclamation required by the Insurrection Act thus would be too difficult to frame.¹⁰

Staff from OLC emphasized to us that longstanding OLC opinions support a broad reading of the President’s authority to use federal resources to protect federal functioning

⁹ *In re Neagle*, 135 U.S. 1, 63–64, 67–68 (1890).

¹⁰ See PAUL SCHEIPS, [THE ROLE OF FEDERAL MILITARY FORCES IN DOMESTIC DISORDERS, 1945-1992](#), at 239–42, 260–62 (2005); USMS, [U.S. Marshals and the Pentagon Riot of October 21, 1967](https://www.usmarshals.gov/who-we-are/about-us/history/historical-reading-room/us-marshals-and-pentagon-riot-of-october-21-1967), <https://www.usmarshals.gov/who-we-are/about-us/history/historical-reading-room/us-marshals-and-pentagon-riot-of-october-21-1967> (accessed July 26, 2024); see also Memorandum from Office of Legal Counsel, *Re: Use of Federal Troops to Protect Government Property and Functions at the Pentagon Against Anti-War Demonstrators* (Oct. 4, 1967).

and federal property, personnel, and interests.¹¹ OLC opinions have relied on the Constitution's Take Care Clause and *Neagle* to support a broad reading of Presidential authority to direct law enforcement, in addition to federal troops.¹² Using similar reasoning based on *Neagle*, in June 2018, OLC advised the USMS that it could assist the Department of Homeland Security (DHS) to prevent protesters from blocking access to the Immigration and Customs Enforcement (ICE) building in Portland, Oregon. Citing *Neagle*, OLC reasoned that USMS personnel have the authority to make arrests for federal felonies, and thus to take necessary and reasonable steps to prevent the commission of felonies before they take place.

While the President's inherent authority is broad, it is not limitless. The exercise of inherent executive authority requires a federal interest, such as the protection of federal personnel carrying out their duties, federal property, or federally-owned goods traveling in interstate commerce.¹³

We note that the Federal Legal Authorities for Emergency Response Briefing Book (Attorney General Emergency Manual), prepared and maintained by OLC, provides an overview of the federal government's disaster and emergency response structure. The

¹¹ In particular, they referenced a 1971 OLC opinion that concluded the President had authority to deploy federal troops to prevent protesters from disrupting traffic and blocking federal employees on their way to work, despite a restriction on using military personnel for civilian law enforcement. *See Authority to Use Troops to Prevent Interference With Federal Employees by Mayday Demonstrations and Consequent Impairment of Government Functions*, 1 Op. O.L.C. Supp. 343, 343–44 (Apr. 29, 1971) (Memorandum by Assistant Attorney General William Rehnquist). Absent some exception, such as the Insurrection Act or the executive authority exercised under *Neagle*, the Posse Comitatus Act (PCA) bars federal troops from exercising a direct role in civilian law enforcement except when expressly authorized by the Constitution or act of Congress. *See* 18 U.S.C. § 1385. National Guard troops face Posse Comitatus restrictions when they are called into federal active duty by the President (i.e., Title 10 status), but not where they operate in militia status under the control of the state's governor (i.e., Title 32 status). *See* 10 U.S.C. §§ 331–333. Although not within the scope of this review, Department of Defense (DOD) regulations include an exception to the PCA that covers actions “taken under the inherent right of the U.S. Government...to ensure the preservation of public order and to carry out governmental operations within its territorial limits, or otherwise in accordance with applicable law, by force, if necessary.” DOD Cooperation with Civilian Law Enforcement Officials, DoD Dir. 5525.5 (Encl. 4) § E4.1.2.3 (1989) (*quoted in* Congressional Research Service, *Use of Federal Troops for Disaster Assistance*, Aug. 14, 2006).

¹² *See* Memorandum from Richard Shiffrin, Deputy Assistant Attorney General, Office of Legal Counsel, *Authority of FBI Agents, Serving as Special Deputy United States Marshals, to Pursue Non-Federal Fugitives* (Feb. 21, 1995); *see also* Memorandum from William Barr, Assistant Attorney General, Office of Legal Counsel, *Authority of the Federal Bureau of Investigation to Override International Law in Extraterritorial Law Enforcement Activities* (Jun. 21, 1989).

¹³ *See Neagle*, 135 U.S. at 65 (President could place guards on public territory to protect federally owned timber); *see also Miccosukee Tribe of Indians of Fla. v. United States*, No. 00-3453, 2000 WL 35623105 at *9 (S.D. Fla. Dec. 15, 2000) (concluding that USMS personnel may not act as state process servers or enforcers because “any broad, inherent power [held by the Marshals under *Neagle*] is for ‘the general enforcement, maintenance and administration of federal authority’”) (quoting *United States v. Krapf*, 285 F.2d 647, 649 (3d Cir. 1960)).

Manual states that the initial responsibility for managing domestic incidents—including civil disturbances—generally falls on state and local authorities, with the federal government (1) providing assistance when state and local resources are overwhelmed, or (2) taking the lead when a domestic incident primarily involves federal interests. The Manual sets forth statutory authorities that federal law enforcement may rely on to provide such assistance.¹⁴

B. The Insurrection Act

The Insurrection Act functions as a statutory exception to restrictions on the use of federal military personnel to conduct law enforcement activities. It allows the President to authorize the use of military forces, including the National Guard, in certain limited circumstances:

- Where there is an insurrection in any state against its government, in response to a request for assistance from the state legislature, or governor if the state legislature is unable to convene;
- Where there is an unlawful obstruction, combination, assemblage, or rebellion against the authority of the United States that makes it impracticable to enforce federal law in any state by the ordinary course of judicial proceedings; and
- To suppress an insurrection, domestic violence, unlawful combination or conspiracy if it (a) hinders the execution of state and federal law protecting constitutional rights and the state is unable, fails, or refuses to protect those rights, whereby the state is considered to have denied equal protection

¹⁴ See Attorney General Emergency Manual at 1. These statutes include the Emergency Federal Law Enforcement Assistance (EFLEA) program and the Stafford Act, both of which typically require the governor of a state or chief executive of a territory to request federal assistance. See Attorney General Manual at 25–27, 48–54; see also 34 U.S.C. §§ 50101–50103, 42 U.S.C. §§ 5122 and 5170(a). As the EFLEA program and the Stafford Act were not relied on by the Department in its response to civil unrest in Washington, D.C., our review does not examine these other authorities. Although the federal government’s framework for responding to civil disturbances where federal property, personnel, and functions are not at issue is outside the scope of this review, this division of responsibility recognizes that state governments traditionally have the authority to make and enforce laws to benefit the health, safety, and general welfare of their citizens, known as police powers. See *Bond v. United States*, 572 U.S. 844, 854, 866 (2014) (“The States have broad authority to enact legislation for the public good—what we have often called a ‘police power.’... The Federal Government, by contrast, has no such authority and ‘can exercise only the powers granted to it[.]’”); see also *Use of Marshals, Troops, and Other Federal Personnel for Law Enforcement in Mississippi*, 1 Op. O.L.C. Supp. 493 (1964) (“Under the Constitution, the states have exclusive jurisdiction over most aspects of law enforcement.... In part because of this traditional allocation of responsibilities, and in part because of the historic policy against the development of a federal police force, the federal government is ill equipped—in terms both of laws and of personnel—to perform ordinary police functions.”).

under the constitution; or (b) opposes or obstructs the execution of federal law or impedes the course of justice under those laws.¹⁵

While the first prong requires a request for assistance from state officials, the latter two allow the President to act unilaterally to restore order and permit enforcement of federal law.¹⁶ Before deploying military forces, the President is required to issue a proclamation immediately ordering “insurgents to disperse and retire peaceably to their abodes within a limited time.”¹⁷

Pursuant to a longstanding interpretation by the Executive Branch, any particular application to authorize the use of the military for law enforcement purposes requires the presence of an actual obstruction of the execution of federal law or a breakdown in the ability of state authorities to protect federal rights.¹⁸ As a result, Presidents have “on numerous occasions” refused requests to use armed forces to suppress unrest and have approved such requests only when “convinced that civil disorder has progressed beyond the capacity of [s]tate and local authorities to control.”¹⁹ In making this decision, the President “usually [has been] guided by the advice of the Attorney General who has dispatched observers to the scene of the disorder and with whom he remains in continual contact.”²⁰

The Insurrection Act has been invoked following state requests to quell civil unrest in several instances over the past six decades, including the following:

- In May 1992, at the request of the governor of California, President George H.W. Bush (and then Attorney General Barr) deployed federal military and law enforcement personnel to Los Angeles to restore civil order in the

¹⁵ See 10 U.S.C. §§ 251–253.

¹⁶ See *id.*

¹⁷ 10 U.S.C. § 254.

¹⁸ See Attorney General Emergency Manual at 42 (*citing* Memorandum for the Files from Steven Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, [Re: October 23, 2001 OLC Opinion Addressing the Domestic Use of Military Force to Combat Terrorist Activities](#) at 2 (Oct. 6, 2008) (The Insurrection Act does not provide “general authority for the President to deploy the military domestically to prevent and deter future terrorist attacks.”), <https://www.justice.gov/sites/default/files/olc/legacy/2009/08/24/memoolcopiniondomesticusemilitaryforce10062008.pdf> (accessed July 25, 2024)).

¹⁹ Attorney General Emergency Manual at 42 (*quoting* U.S. Department of Justice, *The Use of Military Force Under Federal Law to Deal with Civil Disorders and Domestic Violence* at 5–6 (July 1980)).

²⁰ *Id.*

aftermath of the state court jury's verdict regarding the assault of Rodney King.²¹

- In September 1989, President Bush deployed federal military personnel to the U.S. Virgin Islands to assist local police in suppressing violence after Hurricane Hugo.²²
- In April 1968, following various requests for federal assistance, President Lyndon Johnson deployed National Guard and military personnel to Washington, D.C.; Chicago, Illinois; and Baltimore, Maryland to help restore civil order following the assassination of Dr. Martin Luther King, Jr.²³
- In July 1967, at the request of the Michigan governor, President Johnson deployed military personnel to Detroit to help local authorities subdue a riot.²⁴

²¹ See Executive Order 12804 of May 1, 1992, [Providing for the Restoration of Law and Order in the City and County of Los Angeles, and Other Districts of California](https://archives.federalregister.gov/issue_slice/1992/5/5/19353-19362.pdf), 57 Fed. Reg. 87,19361 (May 5, 1992), https://archives.federalregister.gov/issue_slice/1992/5/5/19353-19362.pdf (accessed June 10, 2024); Proclamation 6427 of May 1, 1992, [Law and Order in the City and County of Los Angeles, and Other Districts of California](https://archives.federalregister.gov/issue_slice/1992/5/5/19353-19362.pdf), 57 Fed. Reg. 87,19359 (May 5, 1992), https://archives.federalregister.gov/issue_slice/1992/5/5/19353-19362.pdf (accessed June 10, 2024).

²² See Executive Order 12690 of September 20, 1989, [Providing for the Restoration of Law and Order in the Virgin Islands](https://archives.federalregister.gov/issue_slice/1989/9/22/39148-39153.pdf), 54 Fed. Reg. 183,39153 (Sept. 22, 1989); Proclamation 6023 of September 20, 1989, 54 Fed. Reg. 183,39151 (Sept. 22, 1989), https://archives.federalregister.gov/issue_slice/1989/9/22/39148-39153.pdf (accessed June 10, 2024). It is unclear whether the governor of the U.S. Virgin Islands requested federal assistance. Public sources report that the governor did so, but the Proclamation and Executive Order do not include any reference to such a request. Moreover, although the Executive Order only references "members of the Armed Forces of the United States," USMS personnel also were deployed to the U.S. Virgin Islands in 1989. See Michael Rouland and Christian Fearer, [Calling Forth the Military: A Brief History of the Insurrection Act](https://ndupress.ndu.edu/Media/News/News-Article-View/Article/2421411/calling-forth-the-military-a-brief-history-of-the-insurrection-act/), JOINT FORCE QUARTERLY 99 (Nov. 19, 2020), <https://ndupress.ndu.edu/Media/News/News-Article-View/Article/2421411/calling-forth-the-military-a-brief-history-of-the-insurrection-act/> (accessed June 8, 2024).

²³ See Executive Order 11403, [Providing for the Restoration of Law and Order in the Washington Metropolitan Area](https://archives.federalregister.gov/issue_slice/1968/4/9/5501-5505.pdf), 33 Fed. Reg. 69,5501 (April 9, 1968); Executive Order 11404, [Providing for the Restoration of Law and Order in the State of Illinois](https://archives.federalregister.gov/issue_slice/1968/4/9/5501-5505.pdf), 33 Fed. Reg. 69,5503 (April 9, 1968); Executive Order 11405, [Providing for the Restoration of Law and Order in the State of Maryland](https://archives.federalregister.gov/issue_slice/1968/4/9/5501-5505.pdf), 33 Fed. Reg. 69,5505 (April 9, 1968), https://archives.federalregister.gov/issue_slice/1968/4/9/5501-5505.pdf (accessed June 10, 2024); see also Proclamation 3840, [Law and Order in the Washington Metropolitan Area](https://www.govinfo.gov/content/pkg/FR-1968-04-09/pdf/FR-1968-04-09.pdf), 33 Fed. Reg. 69,5495 (April 9, 1968); Proclamation 3841, [Law and Order in the State of Illinois](https://www.govinfo.gov/content/pkg/FR-1968-04-09/pdf/FR-1968-04-09.pdf), 33 Fed. Reg. 69,5497 (April 9, 1968); Proclamation 3842, [Law and Order in the State of Maryland](https://www.govinfo.gov/content/pkg/FR-1968-04-09/pdf/FR-1968-04-09.pdf), 33 Fed. Reg. 69,5499 (April 9, 1968), <https://www.govinfo.gov/content/pkg/FR-1968-04-09/pdf/FR-1968-04-09.pdf> (accessed June 10, 2024).

²⁴ See Executive Order 11364, [Providing for the Restoration of Law and Order in the State of Michigan](https://archives.federalregister.gov/issue_slice/1967/7/26/10905-10909.pdf), 32 Fed. Reg. 143,10907 (July 26, 1967); Proclamation 3795, [Law and Order in the State of Michigan](https://archives.federalregister.gov/issue_slice/1967/7/26/10905-10909.pdf), 32 Fed. Reg. 143,10905 (July 26, 1967), https://archives.federalregister.gov/issue_slice/1967/7/26/10905-10909.pdf (accessed June 10, 2024).

Presidents also unilaterally invoked the Insurrection Act at various times between 1957 and 1968 to prevent obstruction and enforce federal law in relation to protecting civil rights.²⁵

The Attorney General Emergency Manual states that, although the Insurrection Act primarily has been used to deploy military forces during civil unrest, it also authorizes the use of federal non-military personnel for the same purpose.²⁶ Specifically, OLC interprets language in the Act stating that “[t]he President, by using the militia or the armed forces, or both, *or by any other means*, shall take such measures as he considers necessary to suppress...any insurrection, domestic violence, unlawful combination, or conspiracy” as permitting the deployment of other federal personnel.²⁷ As an example, OLC cited President John F. Kennedy’s use of this provision to send federal Marshals to Alabama in 1961, when the Freedom Riders were threatened with violence.²⁸ According to OLC, when the President uses the Insurrection Act to deploy non-military personnel, a proclamation is not required.²⁹

As described above, the President typically is guided by the advice of the Attorney General, based on reports from observers sent to the scene of civil unrest, in determining whether and when to invoke the Insurrection Act. In recognition of this, the Attorney General’s Guidelines for Domestic FBI Operations (AGG-DOM) authorize the FBI to collect and provide information to assist the President in deciding whether to invoke the Insurrection Act. At the direction of the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division, the FBI “shall” collect information relating to actual or threatened civil disorders to assist the President in determining whether use of the armed forces or militia is required and how a decision to commit troops should be implemented. The information to be collected includes:

- The size of the actual or threatened disorder, both in number of people involved or affected and in geographic area;
- The potential for violence;
- The potential for expansion of the disorder in light of community conditions and underlying causes of the disorder;
- The relationship of the actual or threatened disorder to the enforcement of federal law or court orders and the likelihood that state or local authorities will assist in enforcing those laws or orders; and

²⁵ See Rouland and Fearer, *supra*.

²⁶ See Attorney General Emergency Manual at 45.

²⁷ See *id.* (citing 10 U.S.C. § 253 (emphasis in original)).

²⁸ See *id.*

²⁹ See *id.* (citing 10 U.S.C. § 254 (requiring a proclamation when “the President considers it necessary to use the militia or the armed forces under this chapter”)).

- The extent of state or local resources available to handle the disorder.³⁰

When asked to collect and provide such information, the FBI opens a civil disorder investigation, which is authorized for 30 days but may be renewed.³¹ The FBI Domestic Investigations and Operations Guide (DIOG) specifies the investigative methods that the FBI may use during a civil disorder investigation:

- Accessing public information;
- Accessing records or information in FBI or DOJ databases, excluding certain specified sensitive records such as those pertaining to human source or Foreign Intelligence Surveillance Act (FISA) collection;
- Accessing other federal, state, local, or tribal, or foreign governmental agency records;
- Accessing online services and resources that are publicly available or are available to the FBI through subscription or purchase;
- Conducting interviews or requesting information from the public or from private entities, provided that FBI employees identify themselves and accurately disclose the purpose of the interview; and
- Reviewing information voluntarily provided by governmental or private entities.³²

In addition to these methods, the DIOG states, “Any other methods may be used only if authorized by the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division.”³³

II. Framework for Responding to Civil Unrest in Washington, D.C.

This section addresses several specific D.C. Code provisions that were relevant to the federal government’s response to civil unrest in Washington, D.C.

A. Role of the National Guard

As previously described, National Guard troops may face restrictions when they are called upon by the President to respond domestically in support of a civilian law enforcement mission (i.e., Title 10 status). However, they are not subject to such

³⁰ AGG-DOM § III(B)(2)(a); *see also* FBI Domestic Investigations and Operations Guide (DIOG) § 12.3.2.2.1.1 (Mar. 31, 2020).

³¹ *See id.*

³² DIOG §§ 12.3.2.2.1.1(1)-(6).

³³ DIOG § 12.3.2.2.1.1(7).

restrictions when they are activated under Title 32 by a state governor and serve in militia status, and thus they may participate in law enforcement activities.

Slightly different rules apply to the DCNG. Rather than the D.C. Mayor, as the executive of the jurisdiction, the President serves as the commander in chief of the DCNG.³⁴ Pursuant to a 1969 Executive Order and memorandum, the Secretary of the Army and Commanding General of the DCNG exercise operational control over its Army and Air Force components.³⁵ If there is “a tumult, riot, mob, or a body of men acting together by force with attempt to commit a felony or to offer violence to persons or property, or by force or violence to break and resist the laws,” or “when such tumult, riot, or mob is threatened,” certain officials (including the U.S. Marshal for D.C. and the D.C. Mayor) can request help from the President, who may “order out so much and such portion of the militia as he may deem necessary to suppress the same.”³⁶

OLC has concluded that the DCNG may be activated under Title 32 and used in militia status in the same manner as state National Guard units, such that the restrictions on using troops for law enforcement activity do not apply.³⁷ In a 1989 opinion, OLC stated, “This Office has consistently taken the position that ‘the President...stands in a relation to the D.C. National Guard that is similar to the relation obtaining between the Governors of the several States and their respective State National Guard units.’”³⁸ As a result, DCNG troops may be utilized for direct law enforcement activities that would be impermissible for state National Guard troops during a Title 10 activation.

B. Federal Law Enforcement’s Authority to Enforce D.C. Law

In general, federal law does not grant federal law enforcement agencies authority to enforce state or local law. However, Washington, D.C. has a provision authorizing federal investigative agents to make arrests for violations of D.C. law. The D.C. Code authorizes a “law enforcement officer” to arrest without a warrant any individual whom he “has probable cause to believe has committed...an offense in his presence.”³⁹ The statute defines a “law enforcement officer” to include “an investigative officer or agent of the

³⁴ See D.C. Code § 49-409.

³⁵ See Executive Order 11485, [Supervision and Control of the National Guard of the District of Columbia](https://www.federalregister.gov/issue_slice/1969/10/3/15407-15411), 34 Fed. Reg. 190,15411 (Oct. 3, 1969), https://archives.federalregister.gov/issue_slice/1969/10/3/15407-15411.pdf (accessed June 10, 2024).

³⁶ D.C. Code § 49-103.

³⁷ See, e.g., Memorandum from Douglas Kmiec, Assistant Attorney General, Office of Legal Counsel, [Use of the National Guard to Support Drug Interdiction Efforts in the District of Columbia](https://www.justice.gov/file/24191/download) (Apr. 4, 1989) (discussing previous OLC memoranda concerning the use of DCNG troops during protests), <https://www.justice.gov/file/24191/download> (accessed June 8, 2024).

³⁸ *Id.*

³⁹ D.C. Code § 23-581(a)(1)(B).

United States.”⁴⁰ OLC has noted that the D.C. Circuit had previously affirmed a district court’s ruling that a U.S. Deputy Marshal constituted a “law enforcement officer” under § 23-501(2) and was authorized by § 23-581(a)(1)(B) to make a misdemeanor arrest.⁴¹

C. Federal Emergency Authority Over the MPD

Section 740 of the District of Columbia Self Government and Governmental Reorganization Act of 1973 (Home Rule Act) permits the federal government to use the MPD for “federal purposes” under certain emergency circumstances.⁴² It states in relevant part,

Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions of an emergency nature exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.⁴³

Under this provision, there is an initial 48-hour limit to such emergency federal authority, unless the President provides written notification to Congress before the expiration of the 48-hour period stating the reason for his action and the period of time during which the need for the MPD’s services is likely to continue. The provision also limits the emergency federal authority to 30 days, unless Congress enacts a resolution extending the period. Congress also may terminate the emergency federal authority at any time by enacting a resolution into law.⁴⁴ As described in more detail in Chapter Four, on June 1, 2020, President Trump considered invoking Section 740 of the D.C. Code to assume federal control of the MPD to deal with protests in Washington, D.C.

This emergency provision was enacted in 1973 as part of the Home Rule Act, which granted limited self-government to Washington, D.C.⁴⁵ The Home Rule Act authorized creation of a municipal government, including an elected Mayor and a 13-member City Council, and vested in these officials the right to appoint and confirm the Chief of Police. However, the Home Rule Act also gave Congress continued authority over local affairs,

⁴⁰ *Id.* § 23-501(2).

⁴¹ See *Lucas v. United States*, 590 F.2d 356 (D.C. Cir. 1979) (unpublished decision), *affg Lucas v. United States*, 443 F. Supp. 539 (D.D.C. 1977).

⁴² D.C. Code § 1-207.40.

⁴³ *Id.* § 1-207.40(a).

⁴⁴ *Id.* § 1-207.40(b).

⁴⁵ See, [D.C. Code § 1-201.01](https://dccouncil.gov/wp-content/uploads/2018/11/Home-Rule-Act-2018-for-printing-9-13-182.pdf) *et seq.* (Dec. 24, 1973), <https://dccouncil.gov/wp-content/uploads/2018/11/Home-Rule-Act-2018-for-printing-9-13-182.pdf> (accessed June 10, 2024).

including the right to review and approve legislation and the annual operating budget.⁴⁶ During debate about the Home Rule Act, members of Congress considered various proposals that similarly would ensure federal control over the MPD, fearing that a lack of federal control would render the federal government unable to defend itself. In support of their view, members cited the Philadelphia Mutiny of 1783, during which angry Revolutionary War soldiers attacked the Continental Congress in Philadelphia to protest their lack of pay, as well as more recent violence and unrest during the 1968 riots.⁴⁷ To address concerns about local control of police during civil unrest, and at the request of the White House, Congress added an amendment allowing the President to exert emergency control of the MPD.⁴⁸

No court has interpreted or applied Section 740, and no President has invoked it. In recent years, proponents of statehood have pursued efforts to remove the President's "latent power" to assume emergency control of the MPD. Most recently, in a floor speech introducing the District of Columbia Police Home Rule Act, which would repeal Section 740, D.C. Delegate Eleanor Holmes Norton described the emergency power as "totally unnecessary" and "an affront to MPD."⁴⁹

⁴⁶ *See id.* at § 1-204.22.

⁴⁷ *See* 119 Cong. Rec. 33,370, 33,372, 33,380 (1973). For more information about the Philadelphia Mutiny of 1783, see generally Kenneth Bowling, *New Light on the Philadelphia Mutiny of 1783: Federal-State Confrontation at the Close of the War for Independence*, 101 *Pennsylvania Magazine of History and Biography* 419 (1977).

⁴⁸ *See* H.R. Rep. No. 93-703, at 82 (1973) (Conf. Rep.); 119 Cong. Rec. 33,353-54, 33,387 (Oct. 9, 1973).

⁴⁹ [167 Cong. Rec. E85](https://www.congress.gov/117/crec/2021/02/01/167/18/CREC-2021-02-01-pt1-PgE85-2.pdf) (daily ed. Feb. 1, 2021) (statement of Del. Norton), <https://www.congress.gov/117/crec/2021/02/01/167/18/CREC-2021-02-01-pt1-PgE85-2.pdf> (accessed June 10, 2024).

CHAPTER THREE: THE MURDER OF GEORGE FLOYD, THE RESULTING PROTESTS, AND CIVIL UNREST IN WASHINGTON, D.C. PRIOR TO JUNE 1

In this chapter, we describe the origins of protests following the death of George Floyd, a 46-year-old African American man killed by police in Minneapolis, Minnesota. We briefly discuss the civil unrest that led to the deployment of National Guard troops in Minneapolis and concerns that similar unrest would spread to other cities. We also describe the beginnings of protests and civil unrest in Washington, D.C., on May 29, 2020, focusing on violence that took place during protests near the White House. We then describe events that took place on May 30 and 31, which caused concerns about violence and looting in the area surrounding the White House, led the D.C. Metropolitan Police Department (MPD) and federal agencies to take steps to control and prevent violence, and prompted involvement by Department leadership and law enforcement personnel.

I. Origins of the Protests and Civil Unrest

On Monday, May 25, 2020, four Minneapolis Police Department officers arrested George Floyd for an alleged non-violent offense. Bystander cell phones and police body worn cameras recorded the arrest and the videos became public. During the arrest, officers handcuffed and physically restrained Floyd. As Floyd struggled, officers held Floyd on the ground, handcuffed and in the prone position for approximately 10 minutes. One of the officers, Derek Chauvin, placed his knee on Floyd's neck, back, and shoulder area for the entire time period, keeping it there even as Floyd stated that he could not breathe and became unresponsive. Paramedics subsequently arrived on the scene, assessed Floyd, and transported him to the hospital, where he was pronounced dead. The videos contradicted an official police statement attributing Floyd's death to a "medical incident" during the arrest. On May 26, the Minneapolis Police Chief fired the four officers involved in the arrest and contacted Minnesota Bureau of Criminal Apprehension and the FBI to launch an investigation.

Protests began in Minneapolis, Minnesota on Tuesday, May 26 and escalated over the following days. A smaller group of protesters began vandalizing police property, and police officers fired tear gas and rubber bullets to push them back. The violence increased in Minneapolis on Wednesday, May 27 and Thursday, May 28. Among other acts, protesters damaged the Minneapolis Police Department's Third Precinct headquarters, set fire to one business, and looted another. According to an FBI briefing, there were numerous fires and reports of cut gas lines and explosive materials at the Third Precinct building. On Thursday, May 28, the Minnesota Governor signed an executive order activating National Guard troops.

On Friday, May 29, Chauvin was arrested and charged with third degree murder and second degree manslaughter.⁵⁰ Minnesota state and local leaders enacted curfews to restore peace and discourage violence, but violent protesters nonetheless looted, set fires to businesses, and fired shots at police officers. That day, the Department began to prepare for the possibility that it would be necessary to invoke the Insurrection Act in Minneapolis. In the early morning hours of May 30, the Minnesota Governor activated additional National Guard troops. An email sent to Department officials by Erica MacDonald, then the U.S. Attorney for the District of Minnesota, on the morning of May 30 noted that the Minnesota Commissioner of Public Safety had requested assistance from “any and all federal law enforcement officers who can help,” and stated, “[Minnesota] is tapped out and in crisis.”

Minneapolis, Minnesota subsequently reported a significant decrease in violence after increasing the presence of law enforcement officers, including a limited number of federal law enforcement officers, and deploying National Guard troops. According to a May 31 FBI operational report,

The marked decrease was likely a result of a significant increase in [law enforcement] and military presence throughout the Twin Cities area...leading to a marked increase in the number of uniformed personnel on the streets.

These events suggest that despite actors’ intent to continue to conduct violence, their aspirations were likely mitigated by increased law enforcement presence. It is highly likely a continuation of a strong [law enforcement] presence will continue to mitigate and prevent an escalation in violence.

As described in more detail below, witnesses told the OIG that the events in Minneapolis, Minnesota and other cities influenced the Department’s reaction to protests in Washington, D.C., both in terms of their concerns about escalating violence and the decision to deploy federal law enforcement and to seek National Guard assistance. An attorney on detail to the Office of the Deputy Attorney General (ODAG), Associate Deputy Attorney General (ADAG) 1, told the OIG that what happened in Minnesota, Minnesota was a “big concern” because “something like 30 blocks were burned within the first couple of days and...law enforcement wasn’t able to control the city.” ADAG 1 also noted that an incident on May 29 in which a federal contract security officer was killed and another injured in a shooting outside the federal courthouse in Oakland, California raised concerns

⁵⁰ On April 20, 2021, a Hennepin County jury found Chauvin guilty of second degree murder, third degree murder, and second degree manslaughter, and he was later sentenced to 22.5 years in prison. Chauvin subsequently pleaded guilty in federal court to depriving Floyd and another individual of their constitutional rights and was sentenced to serve 21 years in prison. The three other Minneapolis Police Department officers who were involved in Floyd’s arrest were found guilty in federal court of depriving Floyd of his constitutional rights and were sentenced to between 30 and 42 months in prison.

about potential future attacks on federal workers and facilities throughout the country. He said that Minnesota and other states experiencing violence subsequently activated their National Guard units and “that’s one of the things that was really remarkable to everyone...the [National] Guard made a huge difference in a lot of these places.” ADAG 1 said that the experience in Minneapolis, Minnesota led Attorney General Barr to ask his staff to look at areas where a strong National Guard or police presence had allowed law enforcement to control violence and restore order, and to consider whether the Department could use federal law enforcement resources to take pressure off of the local and state police by guarding federal buildings and critical infrastructure.

II. Protests and Civil Unrest at the White House and Lafayette Park May 29–30

In response to George Floyd’s murder, protests began in Washington, D.C. on May 29. The Deputy Chief of the U.S. Secret Service (USSS) Uniformed Division White House Branch told the OIG that the USSS was aware of the protesters on May 29 and was communicating with the MPD and the U.S. Park Police (USPP) throughout the day, but that the protests were initially concentrated in the Dupont Circle and Adams Morgan neighborhoods rather than the White House.

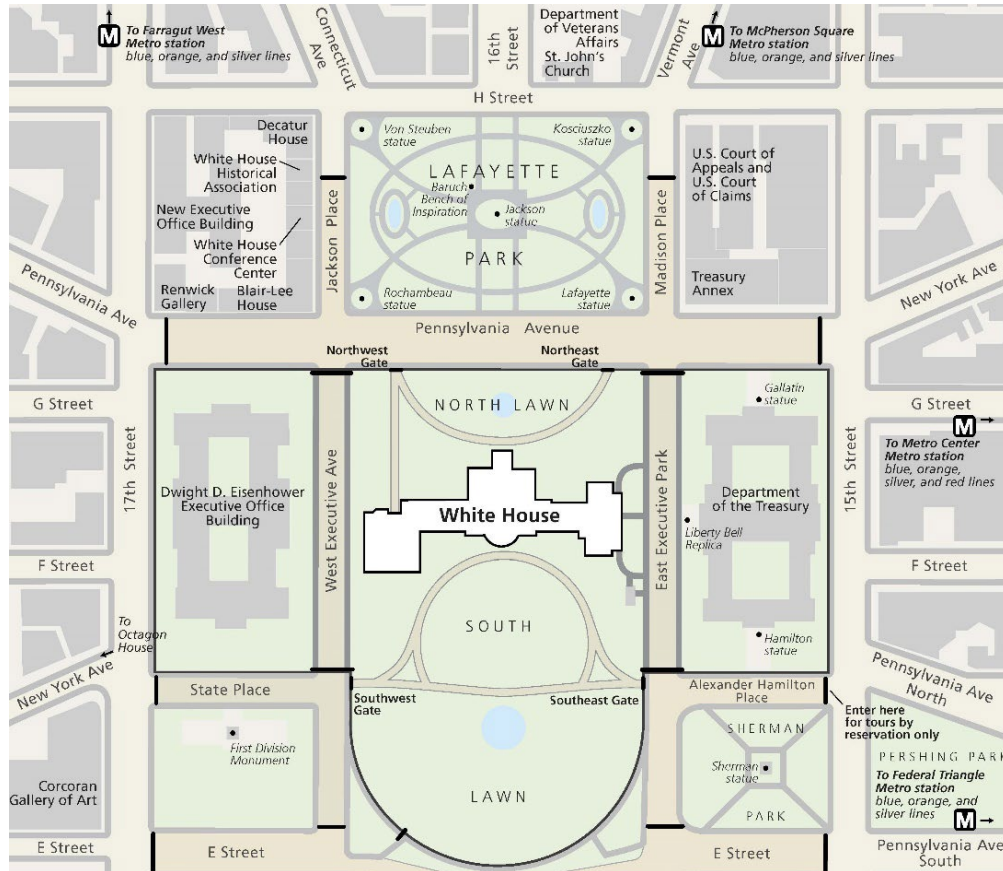
That afternoon, protesters marched from 14th and U Streets, NW toward the White House. In front of the White House protesters began clashing with USSS officers, who attempted to clear the area and maintain a temporary barrier using bike racks. At or around 6:56 p.m., two protesters attempted to breach the Treasury Annex, now known as the Freedman’s Bank Building, which is located a few hundred feet from the White House, across the street from the southeast corner of Lafayette Park.⁵¹ The USSS’s concerns about a potential breach of the White House Complex caused the USSS to upgrade the threat level around the White House Complex and to take actions to enhance its security posture.⁵²

⁵¹ According to records from the U.S. Attorney’s Office for the District of Columbia, the Treasury Annex building was not breached. The USSS Deputy Chief explained that the risk of a breach was heightened at that time because the USSS was in the middle of a project to increase the height of the permanent fence around the White House. She said that there was a construction site covered by plywood boards on the east side of the White House Complex, and that there were “holes” in the fence line that might have allowed protesters to access the north grounds of the White House.

⁵² Under a 1996 Memorandum of Understanding (MOU) between the USSS, the USPP, and the MPD, the “White House Complex” consists of the White House, the Eisenhower Executive Office Building (EEOB), the Treasury Annex, and the grounds of these buildings, including West Executive Avenue between the White House and EEOB. The “White House Zone” is the area surrounding the White House Complex, bordered by H Street on the north, Constitution Avenue on the south, 15th Street on the east, and 17th Street on the west. Lafayette Park, which is directly north of the White House between H Street and Pennsylvania Avenue and is bordered on the east and west by Madison Place and Jackson Place, respectively, is within the White House Zone. See MPD Special Order 96-7, [Revised Jurisdictional Boundaries Affecting the U.S. Secret Service, the U.S.](#)

(Cont’d.)

Figure 3.1: Map of White House Complex and Surrounding Area



Source: National Park Service.

The USSS Deputy Chief said that that most of the Uniformed Division’s personnel were “not really prepared” in civil disturbance techniques, and the USSS called for MPD and USPP assistance that evening. The USSS Deputy Chief said that she spoke to a USPP Major sometime around 11:00 p.m. or midnight on May 29, and he told her that the USPP would provide what assistance they could without affecting their mission.⁵³ Peter Newsham, then

Park Police, and the Metropolitan Police Department, May 20, 1996 (explaining “recent” MOU between the USSS, the USPP, and the MPD concerning the White House Complex) https://go.mpdconline.com/go/SO_96_07.pdf (accessed June 8, 2024). The USSS, the USPP, and the MPD all have jurisdiction over portions of the White House Zone. However, which agency has primary responsibility depends on the specific location within the White House Zone. In general, the USSS is the lead agency within the White House Complex and the USPP is the lead agency in the White House Zone. However, within the White House Zone, the MPD has the primary responsibility for patrol and law enforcement activities on certain streets and sidewalks, including H Street.

⁵³ The USSS Deputy Chief and the USSS Washington Field Office (WFO) Special Agent in Charge (SAC) told the OIG that that the USSS did not get USPP support until around midnight on May 29. The USSS WFO SAC explained,

(Cont’d.)

the Chief of Police at the MPD, told the OIG that the MPD had assessed that the USSS and the USPP had sufficient resources to deal with unrest in the vicinity of the White House at the time and that the MPD needed to send its assets elsewhere in Washington, D.C., noting that normally federal agencies have responsibility for federal areas and that the MPD has responsibility for the rest of the city. The MPD did furnish various equipment that the USSS lacked, including helmets, munitions, and shields.

Between approximately 8:15 p.m. and 11:30 p.m., protesters left the White House, marched to the U.S. Capitol and other locations around Washington, D.C., and returned to Lafayette Park. At 9:34 p.m., a USSS video camera showed the crowd at Lafayette Park as depicted in Figure 3.2 below.

Figure 3.2: USSS Photo of Protesters in Lafayette Park at Pennsylvania Avenue on May 29, 2020, around 9:34 p.m.



Source: USSS. Product name blurred by the OIG. Individual faces blurred by the OIG for privacy.

There are more Secret Service Uniformed Division officers assigned to the White House Branch than there are U.S. Park Police officers nationwide. It's a very, very small force.

That was the challenge with the night of May 29th, is [that] we...are staffed to do what we are staffed to do, so when there are significant disruptions to our daily staffing plan, it can create a challenge in the first hours or days to ramp up.

And Park Police, because they are so small, simply can't throw the numbers that, say MPD or...Secret Service can bring to bear.

The Special Agent in Charge (SAC) of the USSS Washington Field Office (WFO) told the OIG that he was in contact with the U.S. Attorney's Office for the District of Columbia (USAO-DC) throughout the night on May 29 and that the USSS Protective Intelligence Division set up an "email push" to various USAO-DC personnel updating them as to what was going on in and around the White House Complex. At approximately 9:00 p.m., Michael Sherwin, then the Acting U.S. Attorney for the District of Columbia, separately emailed Newsham and Timothy Slater, then the Assistant Director in Charge (ADIC) of the FBI WFO, to discuss the potential for violence at protests that weekend.

According to contemporaneous reports sent from the USSS Operations Center to the FBI, protesters attempted to remove the bike racks that had been placed along Pennsylvania Avenue as a barrier and threw projectiles at officers, including bricks, rocks, water bottles, and gallons of milk. Protesters also deployed fireworks, used OC (oleoresin capsicum) spray (i.e., pepper spray) on officers, and lit a fire and attempted to throw it on officers. At 2:48 a.m. on May 30, the USSS Operations Center reported, "The protesters have begun throwing alcohol on officers. The protesters numbers remain at approximately 200 participants. The situation remains volatile." At 3:25 a.m., the USPP issued two warnings before deploying "crowd control quantities" of OC spray, and protesters finally dispersed from Lafayette Park. Multiple USSS personnel were treated on site for OC exposure and injuries from projectiles, and an injured agent was taken to the hospital for treatment.

Several reporters documented the protests that night contemporaneously on social media. One reporter posted at 1:23 a.m., stating, "The situation outside the White House ha[s] gotten much more intense. Protesters are stealing barricades. Crowd has been throwing projectiles at USSS officers. Secret Service has been holding the line but occasionally using shield to hit and push back protesters." At 1:34 a.m., the reporter additionally posted, "USSS barricades literally on the ground in Lafayette Park. Protesters pulled them away from officers holding the line outside the White House.... USSS replaced some but sections still now without any barricades and just line of officers." Two hours later, at 3:30 a.m., he reported, "Protesters are now breaking bricks and tossing them at officers at Lafayette Park outside the White House." Another reporter posted at 3:34 a.m., after the dispersal of OC spray, "I have never seen Lafayette Park like this in the eight years I've lived in DC, and I've covered more protests than I [can] count."

During the early afternoon of May 30, protests in Washington, D.C. were generally peaceful. Newsham told the OIG that on both May 30 and May 31 there were some "skirmishes" during the day, but that the violence "ramped up as you got into the evening and then it got really bad as it got dark," with "most of the real violent stuff happen[ing] after dark." Other witnesses similarly stated that protests became increasingly violent in the evenings and especially after dark, describing the differences in the protesters who appeared at different times of day as the "before dinner crowd" and the "after dinner crowd."

At 4:10 p.m., the USSS Operations Center notified the FBI that the White House was on heightened alert status based on “civil disobedience” at 17th and Pennsylvania Ave, NW near Jackson Place. The USSS notification stated that protesters were “throwing objects, jumping on police cars and have breached the security barriers,” and that the USSS was requesting assistance “from any available Park Police and MPD.” At 4:43 p.m., the Principal Assistant U.S. Attorney for the District of Columbia stated in an email to Sherwin that demonstrators had pushed down bike racks, had tried to damage a security camera, and “may have tried to set fire to a police vehicle.” According to an FBI situation report (SITREP) sent that afternoon, by 4:51 p.m., the number of protesters increased to an estimated 500 to 600 people and “multiple USSS marked cars had been damaged to include slashed tires and broken windshields.”

At 6:35 p.m., the USPP notified its law enforcement partners that there were “[n]umerous demonstrations” in Washington, D.C. and around the White House, including “crowds moving between H & 16th Streets, NW, the north side of Lafayette Park, and 17th and Pennsylvania Avenue, NW.” At approximately 6:45 p.m., USPP units in Lafayette Park rescued an MPD officer who had been surrounded by protesters attempting to break the windows of his police cruiser. Around the same time, protesters breached the police line set up on the north side of Lafayette Park. According to a USPP SITREP, at 6:50 p.m., the USPP gave three warnings and removed the remaining protesters from Lafayette Park to re-establish the police line, deploying pepper balls “on agitators within the crowd.” That evening, at 7:40 p.m., a USPP update stated,

As we head into the evening hours, we believe that these demonstrations will once again continue into the early morning hours. We had identified individuals over social media video platforms who have stated that the plan in [sic] to keep the demonstration going until at least 0200 hours. Additionally the individual who we believe organized the groups at the White House last night has asked his group to return to the White House this evening. We expect this “refreshed group” to continue with more forceful protesting tactics into the early morning. Our impression is that the current demonstrators are “less” inclined to resort to violence than the group that is planning on returning this evening.

We are looking for any central leadership among all the groups protesting in DC but have not found a concrete link at this point.

...

One of our major concerns is the rumor that white supremacist groups are planning to attend demonstrations to counter the current [Black Lives Matter] protests. This would have a disastrous impact on the current security posture. We are working to close this intelligence gap.

The USPP and the MPD, through the District's Homeland Security and Emergency Management Agency, requested assistance from the D.C. National Guard (DCNG), and the DCNG deployed 450 guardsmen in response.

Violence continued through the evening and into the early morning hours. A USSS notification sent at 9:35 p.m. stated, "USPP has advised that they have instructed their personnel to don gas masks, and will be deploying hand-thrown CS [tear gas] canisters." At 9:39 p.m., the USSS WFO SAC notified Sherwin and others that CS gas had been deployed on H Street, on the north side of Lafayette Park. A USPP notification sent at 11:36 p.m. stated,

[T]he demonstrations have turned more violent.

Medics have treated 30 USPP officers and DC National Guard personnel....

Additionally, two car fires and two dumpster fires have burned near the White House. Protesters have started a fire at [a hotel] off 16th Street near the White House.

In response to the agitators throwing bottles and bricks, USPP units have deployed [rubber ball rounds] in an attempt to disperse the violent agitators. USPP and USSS units have maintained the north police line in Lafayette Park.

As described in the report issued by the Department of the Interior Office of Inspector General (DOI OIG), beginning on May 30, the USSS and the USPP established and maintained unified operational command of the Lafayette Park area.⁵⁴ The DOI OIG report concluded that the USPP and the USSS began to develop a plan to install anti-scale fencing after the violence that took place on the night of May 29 and the early morning hours of May 30. According to the DOI OIG report, emails showed that USSS procurement officials contacted a contractor on May 30 to discuss delivering supplies to construct anti-scale fencing to Lafayette Park, and that these discussions continued through June 1. As described in more detail below, the DOI OIG report stated that the fencing contractor told the USSS on June 1 that the fence could be installed that day but requested that installation be completed before nightfall and that its crews be protected by a police presence to ensure a safe working environment for its employees.

When asked about the decision to install a fence, the USSS Deputy Chief said that she and the USPP Major realized that having law enforcement officers interacting directly with the protesters was "exacerbating the problem." The USSS Deputy Chief explained that

⁵⁴ See U.S. Department of the Interior, Office of Inspector General, [Review of U.S. Park Police Actions at Lafayette Park](https://www.oversight.gov/sites/default/files/oig-reports/DOI/SpecialReviewUSPPActionsAtLafayetteParkPublic.pdf) (June 2021), <https://www.oversight.gov/sites/default/files/oig-reports/DOI/SpecialReviewUSPPActionsAtLafayetteParkPublic.pdf> (accessed July 26, 2024).

once the fencing was installed, law enforcement would be able to “take a step back” and “let the protesters...have their right to assemble and their right to demonstrate.”

III. Organization of the Department’s Response to Civil Unrest

As violence and civil unrest increased in Washington, D.C. and around the White House Zone, as well as nationwide, Department leadership began to seek ways to assist state and local governments in responding to the protests nationwide, and to coordinate with the MPD and other federal agencies in Washington, D.C. Although the Department largely played a supporting role in responding to civil unrest in Lafayette Park and the area surrounding the White House, it nonetheless was involved in developing and coordinating the overall federal response to the protests. Department leadership established command posts, held planning meetings, and established a framework for responding to protests that focused on sharing intelligence and determining where additional federal resources could be mobilized. The Department also began deploying law enforcement resources, initially to protect Department buildings; these deployments are discussed separately in Section IV below.

A. Department Leadership Roles

An early priority for Department leadership was to organize its staff to assist state and local governments in responding effectively to the civil unrest that was occurring in numerous cities, including Washington, D.C., in reaction to George Floyd’s murder. Then Attorney General Barr assumed overall responsibility for management of the Department’s response. Department staff in various leadership positions told us that Barr was an active and “hands-on” manager and led the Department’s response to the increasing violence in the same fashion. As we explain below, given these tendencies and according to multiple law enforcement personnel we interviewed, Barr at times was directly involved in making tactical decisions that typically are handled by the Department’s law enforcement components, such as decisions about the deployment of agents to particular locations. ODAG staff told us the Department’s number two in command, then Deputy Attorney General Jeffrey Rosen, did not play a substantive role in organizing or implementing the Department’s response, and instead remained focused on continuing to lead the day-to-day operations of the Department.

Barr asked Zachary Terwilliger, then the U.S. Attorney for the Eastern District of Virginia and a former Associate Deputy Attorney General in ODAG, to manage the flow of information and intelligence needed to keep Department leaders apprised of events that were occurring nationally in reaction to Floyd’s death. Barr similarly asked Acting U.S. Attorney for the District of Columbia Sherwin to coordinate the Department’s response in Washington, D.C. In addition to Terwilliger and Sherwin, several attorneys from ODAG and the Office of the Attorney General (OAG) played significant roles in organizing the Department’s response and coordinating with other agencies and departments, including

ADAG 1; Seth DuCharme, the then Principal Associate Deputy Attorney General; and Gregg Sofer, then Counselor to the Attorney General. These individuals told the OIG that they were not given nor did they exercise authority to deploy assets or personnel, and that the authority to make those deployment decisions rested with Barr.

Leadership of the Department's law enforcement components assumed significant responsibilities for the organization and implementation of the Department's response with their respective staffs. These activities included the collection and dissemination of intelligence, preparing staff for deployments, and supervising agents' and officers' activities in the field.

B. JCC, WFO, and SIOC Command Posts

On the morning of May 30, Department leadership began the process of activating and staffing the Justice Command Center (JCC), a secure 24-hour facility that serves as a crisis center for the Department. A Senior Counsel to the Deputy Attorney General told the OIG that it soon became clear that around the clock staffing would be needed to respond to the civil unrest and that he and several of his ODAG colleagues began working 12-hour shifts. The Deputy Attorney General Senior Counsel explained that Department leadership personnel were in three different locations during the protests: the JCC, which was staffed primarily with ODAG personnel; the FBI Strategic Information and Operations Center (SIOC) in the J. Edgar Hoover Building; and the FBI WFO Command and Tactical Operations Center.

Initially, Department leadership worked primarily out of the JCC.⁵⁵ For example, Kerri Kupec, DOJ Director of Public Affairs, tweeted the below picture of a May 30 meeting in the JCC between Barr, Terwilliger, Barr's Chief of Staff William Levi, and then Deputy Director of the FBI David Bowdich. However, this changed on June 1, when Department leadership designated SIOC and WFO as the command posts for the nationwide protest response and the local Washington, D.C. response, respectively.

⁵⁵ Terwilliger and multiple ODAG staff told us that the JCC's communications were outdated, which created complications for staff responding to the unrest. For example, ADAG 1 explained that it was very difficult to share information with the FBI and that "[i]t's just not a place you can really go and sit and...have easy, robust communications across government."

Figure 3.3: (from left to right) Bowdich, Levi, Barr, and Terwilliger in the JCC



Source: DOJ.

C. May 30 Planning Calls and Meetings

At 10:00 a.m. on May 30, Barr held a conference call with Department law enforcement heads and U.S. Attorneys from around the country to discuss the nationwide protests. Notes taken by then USMS Director Donald Washington state that the Department was “[g]ear[ing] up today for [a] more organized approach” and that Terwilliger would take the lead in coordinating the nationwide response to the protests.

Washington told the OIG that he did not specifically remember the conference call, but that Barr would have made most of the statements recorded in his notes. His notes contain statements that the protests were “no longer legitimate,” were “organized and orchestrated by professional agitators,” involved “pre-planning...by criminals,” and that the FBI was not as focused as it should be on identifying the groups of professional agitators. Asked about these notes, Washington said that he interpreted the statement that the protests were “no longer legitimate” to mean that there were people who were using the protests nationwide as a cover to carry out acts of violence against the police, structures, or symbols of the government. Washington stated,

I mean, I can see how someone who would read this and kind of get the wrong view here. The protests themselves, there were still legitimate protesters involved in legitimate protests. But there were a lot of people who were no longer really involved in protesting the death of George Floyd as much as they were aimed at destroying things.

Concerning the statements about the involvement of professional agitators, Washington stated that he did not recall anyone providing intelligence establishing that specific organizations were behind the violence, but that “[t]hey were intended to harm people and/or property. And so, we had that as an indication...of all of that.” He said that law enforcement officers were seeing similar tactics from city to city, such as protesters refusing to provide their names or identification or using the “same types of words” when they were arrested, suggesting some sort of common guidance.

Washington’s notes also include the statements, “We don’t have the resources to police riots”; “Use national guards”; “Focus on fed[ederal] laws”; “What can we provide to protect fed[ederal] resources[?]”; and “Cannot allow D[.]C[.] to degenerate.” Concerning the statement that they “[c]annot allow D[.]C [.]to degenerate,” Washington explained that things “were going from bad to worse” and they “wanted to try to stem that tide,” and that Barr was very concerned about the possibility of an assault on the White House. Other witnesses had limited recollections of what was discussed at that meeting, but what they did recall was generally consistent with Washington’s recollection and notes.

Barr held another call at 12:30 p.m. to coordinate the Department’s response to the nationwide protests. The call was scheduled for approximately 1 hour and included Department law enforcement heads, U.S. Attorneys from around the country, and various OAG, ODAG, and other Department staff. Before this call, at 10:40 a.m. Terwilliger sent an email to several of the call participants outlining potential topics for discussion, including questions about the use of federal law enforcement assets and a note that the National Capital Region (NCR) “is important to [the] A[ttorney] G[eneral] in terms of securing federal buildings.”

During his OIG interview, ADAG 1 described what was discussed on this call. He told the OIG that the “Attorney General’s mandate on day one was to support state and locals, and use federal resources to support them.” ADAG 1 said that what was happening nationwide was also happening in Washington, D.C.—lawful protest activity during the day followed by more violent protest at night—and that Barr was concerned that law enforcement was going to “lose control of [Washington,] D.C.” and that the military might be needed to restore order. ADAG 1 also said that Barr mentioned the possibility that violence was being organized by “groups or central figures” and wanted to see if there was a way to use federal law enforcement and federal charges to neutralize violent organizers and instigators, so that state and local governments could focus on making sure that protests remained peaceful.

D. Structure of the Department's Nationwide Response to Civil Unrest⁵⁶

Following the 12:30 p.m. conference call, Terwilliger and others in OAG and ODAG worked to structure and staff the Department's response to the protests. Over the course of the next 36 hours, the Department developed a framework for responding to the nationwide protests and unrest. Terwilliger sent an email at 11:25 p.m. on May 31 to Levi, Sherwin, and others in OAG and ODAG that attempted to capture and create a record of what the Department had done and was doing. Terwilliger's email lists intelligence flow—including coordination with the U.S. Attorney community—and mobilization of additional federal resources as the primary components of the Department's response to civil unrest. The email also includes a section on the already underway efforts by ODAG and OLC to prepare a potential executive order invoking the Insurrection Act in Minnesota.

Terwilliger's email lists the response in Washington, D.C. separately and notes that Sherwin "has been quarterbacking the coordination and information flow to DOJ leadership." Terwilliger told the OIG that "it became very clear that [Washington,] D.C., because of its strange rules and the...federalization and the U.S. Attorney's Office being both the D[istrict] A[ttorney] and the U.S. Attorney, was going to be its own thing. So, very early on...Mike Sherwin, who was known to the Attorney General and his staff, became the lead for all things [Washington,] D.C." Sherwin's role in coordinating the Department's response to the unrest in Washington, D.C. is discussed in Section III.E below.

Intelligence Flow and Coordination with the U.S. Attorney Community

Terwilliger told the OIG that Barr wanted intelligence on where and when the next outbreaks of violence would occur across the nation. Terwilliger sent an email at 1:35 p.m. on May 30 outlining a potential plan for the FBI, with assistance from the other Department law enforcement agencies, to provide "real time" intelligence to state and local law enforcement and to relay information to Department leadership so that the Attorney General could brief the White House if needed.

Terwilliger also turned to the U.S. Attorneys to provide information about local protest activity. Terwilliger asked all U.S. Attorneys to email regular updates on what was happening in their districts, and he had an assistant at Main Justice compile the updates into a document that could go to various recipients including the Attorney General. Terwilliger's May 31 email states that these situation reports were being provided every 4 hours and "that until FBI is mobilized to provide more rapid and fulsome intelligence, this information has been critical in canvassing the United States."

⁵⁶ Our review is focused on the Department's response to protests and civil unrest in Washington, D.C. However, this took place as part of the Department's response to the nationwide protests that followed George Floyd's murder, and we discuss the framework of the Department's nationwide response here for context.

Terwilliger's May 31 email also states that according to the Attorney General's directive and in consultation with Bowdich, the Department had developed and was implementing a proposal to utilize the Joint Terrorism Task Force (JTTF) structure to facilitate information sharing and to link up federal, state, and local law enforcement with federal prosecutorial resources "to identify and arrest those committing crimes as professional rioters."⁵⁷ Terwilliger told the OIG that Bowdich had suggested using the JTTFs as a model, stating that they could function as a "phone tree" for intelligence sharing since they included most of the relevant law enforcement partners. According to Terwilliger, once they started using the JTTF model, he began receiving FBI intelligence in the form of situation reports.

The FBI's role in collecting information about the potential for violence during the protests and Department leadership's concerns about this information are described below in Section III.F.

Mobilizing Additional Federal Resources

Terwilliger's May 31 email states that ODAG had analyzed the Department's resources that could be deployed to "hot spots" around the country and that Department leadership was coordinating with U.S. Attorneys to determine where additional resources were necessary. As discussed above, ADAG 1 said that Barr's directive in the 12:30 p.m. meeting was to use federal resources to support state and local law enforcement. Following that meeting, ADAG 1 and DuCharme were assigned to identifying potential DOJ resources that could be used in "surges" to potential trouble spots throughout the country. ADAG 1 contacted the ATF, BOP, DEA, FBI, and USMS Chiefs of Staff to ask for information on what resources each had available to support state and local law enforcement. Each agency replied with a summary of its available personnel, including various SWAT and special operations resources.

Terwilliger told the OIG that the use of federal law enforcement assets is limited by their numbers; the vast majority of law enforcement officers are state and local, and most federal law enforcement is not trained to do crowd control. Terwilliger stated:

[T]he only way to secure a city is to work with state and local law enforcement, have a general sense of what is going to happen and then make sure you have...maybe twice as many people as you think you need. And if you think it's really going to get bad...you need the National Guard. And so, what the encouragement was, is get the Governor to call out the National Guard early. You don't have to necessarily deploy them, but have

⁵⁷ Joint Terrorism Task Forces (JTTF) are FBI-led multi-agency partnerships between federal, state, tribal, territorial, and local law enforcement agencies responsible for investigating terrorism and terrorism-related crimes. Regional task forces coordinate their efforts through the interagency National Joint Terrorism Task Force (NJTTF), which makes sure that information and intelligence flows between the regional task forces.

them ready, have them staged as things get out of hand because it's a lot easier to secure city blocks than it is to take them back. And, state and local law enforcement,...they're the ones that are trained and know how to do crowd control and those sorts of issues.

Terwilliger also stated that federal agents could not protect an entire city but could "help in little pockets." Terwilliger said that there were enough federal assets to support a surge in two cities each night and that while Barr's "preference would have been to do more,...based on resources, we've said we can only do two cities. And he said, all right, well, I want to do them." The first two cities identified for surges were Miami, Florida and Washington, D.C., as described below.

As part of the Department's effort to determine what federal resources could be mobilized, the Department also coordinated with the Department of Defense (DOD) and the Department of Homeland Security (DHS). Emails indicate that Barr spoke to then Secretary of Defense Mark Esper the afternoon of May 30 and that Esper provided the name of a DOD staff member who could function as a point of contact for DOJ. Terwilliger's May 31 email states that according to discussions between Barr and then Acting Secretary of Homeland Security Chad Wolf, DHS had offered to provide up to approximately 2,400 law enforcement personnel to assist DOJ in the "whole of government" response to civil unrest.

Preparing Insurrection Act Executive Order for Minnesota

On the afternoon of May 30, the White House Counsel's Office (WHCO) sent OLC attorneys a draft proclamation and executive order to invoke the Insurrection Act in Minnesota for OLC review. WHCO told OLC that no decision had been made as to whether the President would invoke the Insurrection Act. At 5:31 p.m., then OLC Assistant Attorney General Steven Engel emailed several ODAG attorneys, including ADAG 1 and DuCharme, stating,

If the President decides to invoke the Insurrection Act in Minnesota, he will do so based on the recommendation of the Attorney General that the U.S. military is needed to deal with serious conditions of civil disturbance involving acts of violence and lawlessness in and about the cities of Minneapolis and St. Paul, Minnesota, endangering life and property and obstructing execution of the laws, including federal laws. The A[ttorney] G[eneral] in turn make[s] that recommendation based upon intelligence received from the field, presumably the [U.S. Attorney] in Minnesota and the relevant folks at the FBI.

Engel attached a draft memorandum from the Attorney General recommending invoking the Insurrection Act and asked ODAG to take the lead on updating it with "relevant

facts from the field” so that it would “reflect the best assessment of the circumstances on the ground.”

Discussions about the need to address the continuing violence in Minneapolis raised concerns that Washington, D.C. would face a similar crisis. ADAG 1 said that on the 12:30 call, Barr expressed concern about law enforcement losing control in Washington, D.C., as he did not want to be in a situation where the military was needed to assist in restoring order. ADAG 1 said that that was one of Barr’s “big concerns,” as he viewed maintaining control of the city as a “battle for law enforcement,” not the military. According to ADAG 1, “one of the things that was really front of brain...for the Attorney General is...if this really goes upside down...what are the triggering points for the Insurrection Act?... You know, how far would things have to go to get to that point and again, with the idea that the Attorney General stated at the beginning that it wasn’t really his intent to use it, but he felt like it was something that he had to clearly understand and investigate.”

The then Principal Deputy Assistant Attorney General (PDAAG) in OLC, Engel’s Deputy, told us that after inquiries from Barr about use of the military, he interpreted Barr’s focus on maximizing the civilian law enforcement response as a way to prevent resorting to the military. He explained that any Insurrection Act debate “depends on the question of whether civilian law enforcement can handle [the] situation.” The PDAAG told the OIG,

[E]very time the A[ttorney] G[eneral] is trying to maximize federal civilian law enforcement resources that are available, that is a way of saying, we can handle this without using the military. And so, every time the A[ttorney] G[eneral] is saying, we are surging civilian law enforcement resources here, that is a way of saying, we are not yet at the point of needing the military’s assistance.

The PDAAG clarified that Barr did not directly say this to him, but it was the “the whole tenor of all the conversations” OLC had with the Attorney General. He also said that there is a “huge distinction” between requesting the National Guard and calling out active-duty military to restore order, referring to the latter as a “last resort” that would be an “extraordinary event.”

E. D.C. U.S. Attorney’s Office’s Coordination Role

As described above, Barr placed Acting U.S. Attorney Sherwin in charge of coordinating the response to protests in Washington, D.C. Sherwin described his role as a “glorified traffic cop,” explaining that he served as a conduit between the Department and other agencies to determine what resources were available and where they were needed, but that he did not tell people where to go. Sherwin stated, “I wasn’t directing people.... [MPD Chief Newsham] knows I don’t have the authority to move his people, just like [then

Acting DEA Administrator] Tim Shea. I can't tell Tim Shea, you know, move 80 of your [agents] to this building."

Sherwin told the OIG that his role in responding to the protests was "atypical," as U.S. Attorneys generally are not used to serve as a conduit for moving federal resources. Sherwin said that Barr trusted him and knew that he would be in close contact with the Department's federal and local partners. Sherwin stated,

There was so much going on at the same time, it was difficult for the Attorney General to have a picture of exactly what was taking place, so he would use me as the point of contact, as a lens into what was going on, what was MPD doing? Where were their assets? Where were they being overrun? Could federal assets be used to plus up their lines of defense? So, yes, I guess I was quarterback, in terms of I was the primary point of contact with the A[ttorney] G[eneral], in terms of just a lens into exactly what was taking place.

Sherwin also said that while Barr was managing the response to the unrest nationwide, Barr's central focus was Washington, D.C. "because of what was happening so close to the White House."

On May 30, Sherwin set up morning and afternoon calls with his USAO management team and instructed them to contact their local partners (including the USSS, the MPD, and the FBI) before those calls to ensure that Sherwin would be able to provide the Attorney General with the most current information regarding the security posture in Washington, D.C., the status of the protests, the latest Washington, D.C. arrest numbers, and anything else leadership should know.

F. Department Leadership's Concerns Regarding FBI Intelligence

On the morning of May 30, Department officials began seeking intelligence from the FBI regarding the violence that was occurring during the nationwide protests. At 9:37 a.m., an attorney in ODAG asked the FBI for any "unclassified reporting analyzing the national riot situation (SIOC or otherwise)." According to notes taken at the 9:00 a.m. coordination meeting, Barr remarked that, in his opinion, the FBI was not as focused as it should be on identifying groups of professional agitators and told the FBI that the Department needed "better intel." In a 9:30 a.m. email to FBI WFO ADIC Slater, the SAC for Intelligence at WFO acknowledged "the lack of intelligence [her] folks ha[d] put together" and stated that she would be forwarding him information received through the WFO JTTF. At 10:00 a.m. on May 30, the FBI conducted a Critical Incident Conference Call (CICC); according to notes taken on the call, the Assistant Director (AD) of the FBI Counterterrorism Division stated that the FBI needed good intelligence and, at that point, had no specific information on

domestic terrorism threats related to the violence.⁵⁸ She further stated that the FBI Directorate of Intelligence (DI) would be sending the field offices a request to collect certain information to improve its intel product. The request asked all field offices to canvass Confidential Human Source handlers for intelligence related to potential criminal activity, domestic extremist activity, civil unrest, public safety threats or violence, and hate crimes.

At 7:13 p.m., the ODAG attorney informed others in ODAG that the FBI had not yet created or issued any situation reports (SITREPS) related to the civil unrest. Instead, the FBI had embedded two analysts in the JCC to do “live, real time intel liaison” and share all information directly with Department counterparts in the JCC. Later that evening, DuCharme reached out directly to Bowdich to request an “assessment of when and where the next riots are likely to pop up” so that the Department could determine where to deploy federal assets, and asked when the FBI expected to deliver an intel product. At 10:20 p.m., Paul Abbate, then Associate Deputy Director of the FBI, sent the ODAG attorney the first FBI SITREP issued by SIOC, which included information about three protests that had been planned for that afternoon in Washington, D.C., among other things.⁵⁹ The SITREP also noted that FBI WFO was opening a Type 3 assessment “to analyze and determine the threat of potential criminal violations and violence posed by individuals exploiting First Amendment protected protests in the National Capital Region (NCR).”⁶⁰ Witnesses told us this Type 3 assessment, which became a full investigation late on May 31, would allow the FBI to engage in more expansive intelligence gathering.

As the Department began its planning on May 31, senior leadership’s concerns with the FBI intelligence product continued. ODAG notes of a 9:30 a.m. call between Barr and FBI leadership state that the “FBI needs to improve intel product.” On another coordination call with Barr at 10:00 a.m., Bowdich acknowledged that he and the Director had not been satisfied with FBI SITREPs and had given certain criteria to SACs to produce usable intelligence. Terwilliger told the OIG that he recalled being present during a separate

⁵⁸ According to the FBI, a “CICC ensures unified communication and comprehensive support to an affected Field Office or Legat Office during the initial stages of a significant critical incident which may require long-term, multi-FO and FBIHQ support.”

⁵⁹ As the Associate Deputy Director of the FBI, Abbate described his role as overseeing the business and administrative functions of the FBI. He stated that this role is “non-operational” and that he was not a decision maker with respect to deployment or other operational matters.

⁶⁰ A Type 3 assessment allows the FBI to identify, obtain, and utilize information about actual or potential national security threats or federal criminal activities, or the vulnerability to such threats or activities. Before opening or approving an assessment, the FBI must determine whether an authorized purpose and clearly defined objective exists for the conduct of the assessment; that the assessment is not based solely on the exercise of First Amendment rights or on the race, ethnicity, gender, national origin, religion, disability, sexual orientation, or gender identity of the subject, or a combination of any such factors; and that the Assessment is an appropriate use of personnel and financial resources. The DIOG outlines the investigative methods permitted during assessments, including use of “any online service or resource that is publicly available or that the FBI has obtained by subscription or purchase for official use” and physical surveillance. See DIOG §§ 18.5.4 and 18.5.8.

phone call with Barr, Levi, FBI Director Wray, and Bowdich that was “very frank” and during which Barr expressed displeasure about the FBI’s lack of intelligence.⁶¹ According to Terwilliger, Barr was upset that the FBI did not know more about “professional agitator groups” that, in his view, were causing the problems. When we interviewed Director Wray he told us that he did not recall Barr expressing consternation about the quality of the FBI’s intelligence, but he believed that the FBI improved how it ingested intelligence from field offices and distributed it to law enforcement partners as the unrest unfolded.

Later that afternoon, on an FBI CICC call at 12:15, Bowdich announced two strategies designed to improve the FBI’s intel collection. First, the DI would be sending out a template to collect information about “tactics, travel, predicated subjects, and social media (plans/intentions).” The FBI referred to this as the “Mosaic” and required reporting from all field offices, including Washington, D.C. Second, Bowdich advocated that each office use their existing regional JTTF networks to identify inciters of violence and instigators. Bowdich also conveyed DuCharme’s request for information about “non-peaceful demonstrations,” including “certain targets they are going to” and identifying any “cold zone that could become a hot zone.”

After canvassing U.S. Attorneys for information about violence and the need for additional federal resources in their districts, Department leadership also made a more limited request to the FBI for information about four cities identified for a potential surge of federal resources (Atlanta, Georgia; Miami, Florida; Washington, D.C.; and Newark, New Jersey) and asked the FBI for “a very quick (within the next 25–30 minutes) informal intel product regarding recent activities and assessments” for those specific cities. When ODAG did not receive the requested information within the hour, Terwilliger wrote,

This is totally unacceptable and I think absolutely prudent to let Attorney General know that after his specific request of FBI for better intelligence and we need this intel to make critical decision on surging resources this is the response and staffing.

Shortly thereafter, DuCharme directly emailed Bowdich, reiterating the earlier request for intelligence on the four cities listed above. At 5:38 p.m., after receiving notice that an FBI SITREP would not arrive as scheduled, Terwilliger emailed Levi and DuCharme, stating,

[For your situational awareness]—Continued fall down from FBI. Attorney General just called and [is] very unhappy[.] [W]e can’t even answer the basic question of whether 5000 people are or are not headed for Lafayette [P]ark.

⁶¹ The evidence is unclear whether this call occurred on the morning of May 31 or the morning of June 1.

He was going to call Bowdich, but somehow we need to fix this. I am plugging other gaps.

Sherwin said that he did not recall Department leadership's concerns about intelligence. Sherwin told the OIG that he did not pay attention to the FBI's intelligence reports because he sat in the room with the intelligence analysts at WFO in order to get real time information, including who was traveling to Washington, D.C. and what was available on social media. Sherwin said that he thought the FBI was doing a good job and was satisfied with the intelligence he received. Sherwin and his staff also received contemporaneous reports directly from other law enforcement agencies in Washington, D.C., including the USSS and the USPP, that included descriptions of current protests such as the numbers of people involved and where they were headed as well as information from social media about planned demonstrations, among other things. Sherwin told us that he and his staff provided regular updates to ODAG about the situation in Washington, D.C.

As Department leadership began preparing for June 1, their concerns about the FBI's intelligence had not been resolved. Terwilliger summarized his dissatisfaction in an email he sent to Sherwin and others in ODAG and OAG as midnight approached. Terwilliger's commentary on intel included the following remarks:

Thus far[,] the intelligence product received from FBI has been lacking, unhelpful, lacks any specificity, is constantly late or non-existent and [nowhere] near the anecdotal collection we setup direct from the [U.S. Attorney]s as a work around to make sure we were at least getting some intel.

[Deputy Director] Bowdich understands the issue and is taking great strides to [do] everything in his power to correct this problem ASAP and build the necessary apparatus. FBI supposed to start pushing out better SITREPS at 8:00 p.m. as of 11[:00] p.m. none have come.

In this email, Terwilliger instructed that if anyone needed immediate intelligence, they should contact Bowdich or Bowdich's Chief of Staff directly. Before the Department began its planning for June 1, Bowdich emailed DuCharme to provide an update on the FBI's efforts:

I strongly emphasized to [FBI's] Intel folks yesterday the need to create a "Mosaic" which shows what is going on in the various [Areas of Responsibility]. As for the predictive intelligence, this has proved challenging, but you should see it evolve as the hours pass. What is most important is that our field commanders are in touch with their counterparts on the ground about planned protests, time, resource needs to address the number of participants, etc.

The FBI's first Mosaic report would be issued at 9:23 a.m. on June 1. By June 5, Terwilliger emailed leaders in DOJ's National Security Division to say that the "call to action [to the FBI] worked" and that he had expressed his appreciation for the improved intelligence to Director Wray.

IV. Deployments of Federal Law Enforcement Prior to June 1

Amid the violence around the White House Zone on the evening of May 29, Department personnel began to identify and deploy law enforcement personnel in anticipation of the possibility of violence during protests the next day. The USMS, ATF, and the BOP all deployed tactical teams on May 30 to protect the Department's Robert F. Kennedy (RFK) headquarters building, while FBI personnel took steps to protect its own buildings in Washington, D.C. On May 31 the Department decided to "surge" additional federal resources to Washington, D.C.⁶²

A. Deployment of Federal Law Enforcement to Protect the Department and the FBI Headquarters Buildings

After the unrest on the night of May 29, Department officials began asking for additional tactical law enforcement personnel to report to Washington, D.C. for what initially was a limited mission: securing the RFK building in case protesters became violent, overran existing Federal Protective Service (FPS) officers, and entered the building.⁶³ At 8:50 p.m., the Justice Management Division stated in an email that they had taken steps to secure the entrances to RFK and had contacted FPS officers in anticipation of protests the next day. That evening, Barr asked the heads of the USMS, the BOP, and ATF to send agents and officers to Washington, D.C., to assist in the protection of RFK. Additionally, the FBI took steps to secure the J. Edgar Hoover (JEH) headquarters and WFO buildings.

1. USMS

According to emails, by 9:00 p.m. Friday, May 29, 2020, just hours after the security concerns around the White House, Barr requested that the USMS provide a specific number of Special Operations Group (SOG) personnel to protect RFK.⁶⁴ The USMS also

⁶² In addition, starting May 31 DEA agents worked with MPD officers and DCNG personnel to establish a traffic exclusionary zone in downtown Washington, D.C. and manned traffic intersections.

⁶³ The FPS is an agency within the Department of Homeland Security (DHS) that has primary responsibility for protecting federal facilities, infrastructure, and personnel. According to the USMS Office of the Associate Director for Operations, *USMS and FPS Response to Protestor Related Situations Executive Summary*, the FPS is specifically trained and equipped to deal with protesters and trains its officers on civil disturbances, the psychology of crowds, and techniques to maintain and regain order.

⁶⁴ According to the USMS website, Special Operations Group (SOG) "is a flexible, modernized unit with a diverse skill set that conducts specialty operations in any environment and deploys to enhance the tactical

(Cont'd.)

called in local Deputy U.S. Marshals (DUSM) to respond to RFK the evening of May 29 while SOG members arranged transport to Washington, D.C.⁶⁵ A team of local DUSMs responded to RFK within 3 hours of the Attorney General's request.

On May 30, a SOG team arrived to relieve the DUSMs. The SOG Deputy Commander told the OIG that SOG responded to RFK as soon as they were able and determined how to be most effective with the limited information available. The SOG Commander and Deputy Commander stated that usually SOG is given a specific mission and then determines how to best respond, including its staffing needs, and that it was unusual to be asked to provide a specific number of SOG personnel to a location. While SOG worked to meet Barr's requested staffing numbers, the SOG Deputy Commander said he did not need so many people for courtyard security for a fortified structure and would have been satisfied with half of that number.

SOG leadership and the then AD of the USMS Tactical Operations Division (TOD) told the OIG that SOG had not done crowd control for many years and is not designed to be "shoulder to shoulder" with other law enforcement holding a line during a civil disturbance. Instead, SOG can provide additional capacities and resources to the law enforcement officers who are holding the line, including officer rescue with armored vehicles and the use of less lethal munitions. According to the SOG Commander,

We pretty much moved from doing the whole riot control, stomp and drag, have your shields, staying on the line, to an officer rescue type response element. We're a tactical team. If a law enforcement officer, the state and locals, FPS, whoever is actually trained and equipped to handle crowds and riot control, if they got in trouble or hurt, we could have a tactical team move in, evacuate them from the area quickly and safely.

And again, a lot of that was due to our limited numbers. I mean,...we can't control a crowd of 2,000. It's just not in our area, in our scope to be able to do that safely and effectively. So we focused on what can SOG provide during a civil unrest, civil disturbance, and a lot of that was that officer rescue element and piece with our armored vehicles and with the limited gear and equipment that we had at the time.

capabilities of [DOJ] and [the USMS] both domestically and internationally. SOG's specialty operations span the range of federal law enforcement missions, such as supporting the apprehension of violent offenders, terrorist trials, high-threat prisoner movements, witness security operations, national emergencies, civil disorder, protection of at-risk health facilities and personnel, large scale seizures, actions against anti-government and militia groups, international stability and reconstruction efforts, and other missions as ordered by the U.S. Attorney General."

⁶⁵ The Deputy U.S. Marshals (DUSM) responding to RFK on May 29 came from the Capitol Area Regional Fugitive Task Force (CARFTF) and the District and Superior Courts in Washington, D.C.

According to USMS witnesses, the protesters who passed RFK the afternoon of May 30 were peaceful, and no incidents occurred. The DUSMs were eventually released and SOG, along with BOP and ATF personnel, secured the interior of RFK that evening.

The then USMS Deputy General Counsel and a USMS Associate General Counsel both told us that the non-traditional missions assigned to the USMS by DOJ leadership caused several legal concerns within the USMS Office of General Counsel (OGC). In particular, they told us that identifying the limits of the USMS's authorities as it relates to riots and civil unrest, as well as the interface with DHS in protecting courthouses, especially those that are not occupied, were issues OGC and USMS leadership debated internally. The Associate General Counsel stated that "the most important and the biggest issue right out of the box [was] what [were] we allowed to do" and how should OGC be guiding USMS personnel. The Deputy General Counsel similarly told us responding to civil disturbance "was not something that we did as a mission," and as a result "one of the preeminent concerns [wa]s that people wouldn't understand where the guard rails were."

To provide some clarity regarding their legal authority to respond to civil unrest, the USMS OGC recommended that USMS leadership seek a written order from the Attorney General which clarified the Attorney General's direction to the USMS. On May 31, relying on the powers described in *In re Neagle*, Deputy Attorney General Rosen signed an order directing the Director of the USMS to "take all reasonable and necessary actions, in response to nationwide violent civil unrest, to enforce federal criminal statutes and protect federal property and personnel." The USMS Associate General Counsel told us that, while this written order did not alleviate all legal concerns, it did provide the USMS some clarity regarding their authority to act. Upon obtaining the order, the USMS General Counsel wrote in an email, "[w]ith this authorization we can clearly act." Another OGC attorney wrote, "[o]ur push for [the written order] paid off.... Great protection for our people on the street."

According to the OLC PDAAG, who assisted Rosen in drafting the order, the FBI has the authority to protect federal property, personnel, and functions without a delegation from the Attorney General because the FBI, a criminal investigative agency, has the statutory authority to investigate and make arrests for federal offenses (which includes the authority to prevent those same crimes). By contrast, the USMS's statutory authority is defined in 28 U.S.C. § 566 and authorizes the USMS to provide protection to individuals involved in the judicial process and investigate fugitive matters, among other things, but does not provide the USMS with broad investigative authorities. Therefore, according to the PDAAG, obtaining a delegation of authority from the Attorney General, pursuant to 28 U.S.C. §§ 509 and 510, such as the delegation included in the Executive Order signed by Rosen on May 31, 2020, is the more prudent course for the USMS.

2. BOP

On the night of May 29, Michael Carvajal, then the Director of the BOP, received a phone call from OAG Counselor Sofer requesting BOP Special Operations and Response Team (SORT) personnel to provide security for RFK. Carvajal asked the BOP's Acting AD of the Correctional Programs Division (CPD) to identify personnel who were available to deploy.⁶⁶ By 12:00 p.m. on May 30, 50 SORT members from the BOP's Northeast and Mid-Atlantic Regions had arrived in Washington, D.C., with another 50 en route scheduled to arrive that night. After arriving in Washington, D.C., the BOP SORT personnel dressed out in their tactical gear and reported to RFK to provide security. They were also deputized as Special Deputy U.S. Marshals, giving them the authority to detain people and make arrests.⁶⁷

According to emails, on the morning of May 30, Barr requested that an additional 100 BOP personnel report to Washington, D.C., and the BOP made plans to fly them in to arrive on May 31. However, by the evening of May 30, the additional 100 personnel were told to stand down, as RFK was not experiencing rampant threats or disruption and the personnel already deployed were seen as sufficient.

The BOP CPD AD told the OIG that although the BOP's original mission was to protect RFK, BOP officers came to be viewed as a "force multiplier" to deal with violent crowds based on their numbers, equipment, and training. Department officials similarly told the OIG that BOP officers were the only Department personnel who were trained and equipped to handle crowd control. ADAG 1 told the OIG that, unlike Department law enforcement agents and tactical teams, BOP officers are trained in riot control tactics and the use of riot control equipment (e.g., shields and batons), and thus were better equipped to handle the response to civil unrest and violent disorder. Sofer told the OIG that a significant issue for DOJ was that it does not have a force that is designed and trained to address civilian crowd control, with the BOP being the component with the most applicable skill set due to its training in responding to riots and using less lethal devices. He said that

⁶⁶ The BOP employs Special Operations Response Teams strategically located at various BOP facilities throughout the United States that act as fast response teams as well as providing the BOP with a component capable of using lethal force. SORT officers receive monthly training and must meet minimum standards in a variety of subject areas including marksmanship, rappelling, physical fitness, tactical planning and entry, and emergency medical techniques.

⁶⁷ The terms of the deputations state that BOP personnel were authorized to detain and make arrests under Title 18 authority, and to protect and defend the DOJ Main Justice Building, satellite buildings, and personnel during a civil disturbance. Both Carvajal and the BOP CPD AD told the OIG that the BOP did not detain or arrest anyone while they were deployed in Washington, D.C. Then OLC Assistant Attorney General Engel told us that although the deputation forms indicate that the BOP personnel's mission was to protect Department buildings and personnel, once the BOP personnel were deputized as Special Deputy U.S. Marshals, they had the inherent authority under *Neagle* to be deployed to protect federal property elsewhere, including at Lafayette Park.

for the DEA, the FBI, and the USMS, “either we send out agents with pistols and very little crowd control training or you send out a SWAT team” with no other options in between.

During our interview with Carvajal, we asked him about whether BOP SORT officers were trained on how to respond to civilian disturbances outside the prison setting. Carvajal told the OIG although BOP staff had never dealt with a civilian protest like the one at Lafayette Park, that they did have sufficient training to deal with that situation given that they handle crowd control every day, just “in a different environment.” He explained that BOP staffs’ use of tactics and formations in encounters with civilian crowds are no different than those used inside a prison. According to Carvajal, the difference for BOP staff is legal constraints such as deputation, or other limitations such as the rules of engagement and policies on the use of force. He told us that for “an inmate we know our use of force, we know exactly what we can and can’t do when an inmate does something in a facility. A little bit different out here, with a teenager and a cellphone....”⁶⁸ When asked whether Department officials recognized that there was a difference between controlling violence during protests and handling riot activity in a prison, ADAG 1 stated that they did acknowledge a difference, but he told us “what was being envisioned” was “protecting a facility when it became...a riot” and it was explained to him that BOP officers had training and equipment for crowd control of this nature.

3. ATF

Late on the evening of May 29, Barr directed ATF’s Special Response Team (SRT) to prepare for deployment the following day to assist in protecting RFK.⁶⁹ According to the SAC of ATF’s Washington Field Division (WFD), ATF provided at least 25 WFD Special Agents, plus 10 to 15 ATF SRT operators.

From the beginning, some ATF officials voiced concerns that their agents were ill-prepared for assignments that potentially involved riot control. On May 29, after receiving notice that ATF agents would be deployed, ATF’s AD of Field Operations stated in an email to his staff,

Gents, this is not how I prefer to manage crises, but we don’t have the luxury of choosing. I just received notice that the Department has asked us to

⁶⁸ In comments that Carvajal provided to the OIG after reviewing portions of the draft report, Carvajal noted that BOP staff had been authorized and approved by the Department to respond outside of BOP facilities and had been deputized by the USMS. He added that his reference to “a teenager and a cellphone” was intended to indicate that BOP personnel understood their mission when deployed in Washington, D.C. was different than their normal mission and that they had to adapt to assignments with little preparation.

⁶⁹ According to ATF’s website, Special Response Teams (SRT) “are elite tactical groups that rapidly respond to high-risk law enforcement operations and conduct criminal investigations that lead to the arrests of the most violent criminals in the United States. Their work includes search and arrest warrants, high-risk criminal investigations, undercover operations, surveillance operations, and protective service operations.”

throw in with the USMS, FPS and maybe others in protecting DOJ assets, ASAP. They hope to have force protection at RFK by 10am tomorrow.... I appreciate that our agents are not security guards. We will work that out quickly.

The AD of Field Operations told the OIG that ATF had to pull together resources to provide physical security, which is not something for which ATF is normally trained or used. He said that his "consistent message was, we are specially trained, and our mission's deployment should be focused, consistent with our authority, our training, and our equipment."

In an email sent on May 30 at 8:13 a.m., the AD of Field Operations stated,

In D[.]C[.], the [ATF] Washington Field Division, with support from SRT 2 and the Baltimore Field Division, is deploying agents to support the USMS at the RFK building, in anticipation of protests. We appreciate that our agents are neither trained for nor equipped to engage in riot control and are working out the details accordingly to ensure are [sic] agents are used on mission appropriate assignments.

The ATF WFD SAC told us that throughout the morning and afternoon on May 30 there were no incidents at RFK and there was "nothing to do." However, at approximately 4:00 p.m., a group of roughly 800 protesters walked by RFK en route to the White House. According to the ATF WFD SAC, after this he received successive telephone calls from then USPP Acting Chief of Police Gregory Monahan and the then USSS WFO SAC seeking assistance with areas near the White House. After consulting with ATF leadership and Terwilliger, at approximately 4:00 p.m., the ATF WFD SAC deployed 12 to 15 SRT members and a portion of the 25 ATF Special Agents at RFK to the White House. SRT personnel initially deployed to the northwest corner of the White House grounds, but they were later redirected to the south of the White House to assist the USSS Counter Assault Team with protecting the White House by securing vulnerable fencing areas including the Ellipse, Sherman Park, and the First Division Monument. ATF agents also assisted the USSS's Counter-Surveillance Division with surveillance and intelligence gathering. The ATF WFD SAC told us that ATF has "pretty broad authority" under Title 18 and that this authority included protecting federal property such as RFK and the White House.⁷⁰

⁷⁰ ATF is charged with enforcing the federal explosives and arson laws, which include the National Firearms Act (codified at Title 26, U.S. Code, Chapter 53); the Organized Crime Control Act of 1970, Title XI; and the Safe Explosives Act of 2002 (codified at Title 18, U.S. Code, Chapter 40). In the context of civil unrest and rioting, these authorities extend to investigating and making arrests for certain bombings, acts of arson, possession of pipe bombs, possession of Molotov cocktails, and other firearms violations. The OLC PDAAG told us that that a delegation of authority to exercise the inherent powers described in *Neagle* (such as the one executed for the USMS) is not necessary where a statute already provides federal agents with specific authority to investigate or make arrests for certain federal crimes.

4. FBI

Late in the evening on May 29, the FBI's Critical Incident Response Group (CIRG), which includes the Hostage Rescue Team (HRT), hosted a conference call to discuss the need to develop a plan to protect the JEH building.⁷¹ Separately, FBI WFO ADIC Slater hosted a conference call to discuss Barr's and Deputy Director Bowdich's concerns that DOJ buildings, including WFO, could be breached. On the morning of May 30, members of FBI SWAT, HRT, the FBI Police, and FBI leadership met at JEH to conduct a walk-through and discuss additional security measures for the JEH building. After this meeting, it was decided that HRT would support the FBI Police at JEH and WFO SWAT would serve "as building security for WFO."

B. May 31 "Surge" of Federal Resources to Washington, D.C.

Beginning at 9:00 a.m. on May 31, Barr held a series of conference calls to coordinate the Department's response to the protests. The first call was with his internal team, which consisted of his Chief of Staff Levi, U.S. Attorney Terwilliger, Deputy Attorney General Rosen, and others from OAG and ODAG, while subsequent calls included FBI Director Wray, Deputy Director Bowdich, and the heads and Chiefs of Staff of the Department's other law enforcement components. Prior to these calls, Terwilliger sent around discussion points as well as a document listing the Department's "uncommitted strategic enforcement resources" nationwide. Terwilliger's proposed discussion points for the first conference call stated that ADAG 1 had received information indicating the numbers and types of DOJ law enforcement assets were available to "surge[]" and where those resources were located. Terwilliger noted that the information about federal manpower would provide "good details on options" if Barr wanted to consider further deployment of DOJ law enforcement resources and would also provide the necessary information if Barr was asked by others "what else can [federal law enforcement] do prior to any further increase in military involvement." According to notes from the 9:00 a.m. call, the topics discussed included the need to "identify 1-3 cities with interested state/local partners where [DOJ] can surge federal resources."⁷²

⁷¹ According to the FBI's website, Hostage Rescue Team (HRT) "is an elite group of agents who pass a challenging selection process and training course. They deploy in any environment or conditions to respond to hostage situations, barricaded suspects, high-risk arrests, undercover operations, and surveillance operations."

⁷² Following these conference calls, Sofer contacted several U.S. Attorneys to discuss surging federal resources in select cities. Most of the U.S. Attorneys Sofer contacted indicated that they did not need more federal resources beyond FBI investigative resources and Assistant United States Attorneys. Some said the violence had decreased, some thought the local police forces could handle the protests, and others did not think federal help would be welcomed. The U.S. Attorney for the Southern District of Florida told Sofer that she had consulted with local law enforcement and that additional resources would be helpful in Miami, Florida. That afternoon Barr directed USMS SOG and BOP SORT personnel to deploy to Miami. However, before most of these personnel arrived in Miami, the U.S. Attorney emailed to say that no more assistance was needed as the situation in Miami had stabilized.

At 2:11 p.m., Acting U.S. Attorney Sherwin sent an email to Sofer, Terwilliger, and ADAG 1 stating that he had spoken to MPD Chief Newsham and that the MPD could use additional federal assets that evening as the MPD expected an uptick in violence. A Deputy Chief in the Criminal Division of the U.S. Attorney's Office for the District of Columbia stated in an email for her colleagues, "The [Attorney General] apparently asked Mike [Sherwin] whether Washington, D.C. could use a surge in federal officers pursuant to his authorities. Consequently, [the Principal Assistant U.S. Attorney for D.C.] has been talking to USPP, USSS, and MPD about whether such a need exists." The Principal Assistant U.S. Attorney told the OIG that Sherwin said he got a call that day from the Attorney General's office asking if there were additional federal resources that could assist in protecting the White House.

Sherwin sent another email at 4:21 p.m. to then Acting DEA Administrator Timothy Shea and to the USMS TOD AD asking SOG to redeploy away from RFK to "work with MPD and DEA to ensure the safety and security of the city as a whole." Sherwin sent a follow-up email at 4:33 p.m. stating that the DEA had "graciously agreed to help MPD" and that the USMS would instead partner with the USPP, as they needed the assets. Later that evening, the DEA deployed 50 agents to assist the MPD with controlling the flow of traffic near the White House, and SOG deployed to the National Law Enforcement Officers Memorial. The USMS TOD AD told the OIG that the USMS, with its limited resources, could make a bigger impact and add more capabilities working with the relatively smaller-staffed USPP than with a much larger agency like the MPD, which he said would be like "bringing sand to the beach."

In addition to DOJ resources, the DCNG again deployed personnel to assist the MPD and the USPP. At 4:47 p.m., ADAG 1 received an email from a DCNG official stating that Washington, D.C. was requesting 100 guardsmen and trucks to funnel traffic; ADAG 1 replied that the "Attorney General wants these resources ASAP." At 6:47 p.m., the DCNG official emailed ADAG 1 to inform him that the DCNG had deployed 100 guardsmen to support the MPD, 274 guardsmen to Lafayette Park to assist the USPP, and recalled 600 active-duty airmen to Joint Base Andrews on standby.

V. Unrest on the Evening of May 31 and Department Plans for June 1

A. Escalating Unrest on the Evening of May 31 and the Fire in the St. John's Episcopal Church Parish Hall

By 4:30 p.m. on May 31, approximately 2,000 protesters had gathered in Lafayette Park north of the White House. A "running log" of the protests maintained by ATF personnel in the MPD Joint Operations Command Center (JOCC) indicated that the protests initially were peaceful. Within 30 minutes, however, law enforcement reports stated that a potentially armed man wearing a camouflage mask was spotted at 16th and H Streets, NW, and protesters were dropping off rocks at the same location. Reports of violence

continued into the evening. Between 5:30 p.m. and 7:30 p.m., law enforcement reported multiple breaches of a USPP line in Lafayette Park with protesters using pipes and various instruments as weapons and hurling objects at officers, possibly including chemical munitions.

A USPP SITREP issued on May 31 at 6:30 p.m. described the events taking place in Lafayette Park:

Since the last SITREP, the crowd size on the north side of Lafayette Park has grown.

Agitators within the crowd broke through the outer bike fence and established police line on the north side of Lafayette Park. Some agitators climbed the comfort station on the north side of the park. Additionally, agitators have thrown projectiles at officers to include rocks, paint, and bags containing what smelled like petroleum-based flammable liquids.

At 1739 hours [5:39 p.m.], the last of three verbal warnings, with 2 minute breaks, was issued to the crowd. Currently, the crowd is within Lafayette Park at the secondary bike fence line with US Park Police, USSS, and assisting agencies maintaining the secondary line perimeter. Direct pepper-ball was deployed on agitators within the crowd.

By 7:10 p.m., a large group of protesters left Lafayette Park and headed east on H Street, NW, while a smaller group remained on the north side. Shortly after these events, D.C. Mayor Muriel Bowser issued a citywide curfew from 11:00 p.m. on Sunday, May 31 until 6:00 a.m. on Monday, June 1.

According to ATF's running log, protesters reconvened in Lafayette Park at 8:39 p.m., and resumed violent attacks on officers protecting the White House. Between 8:42 and 9:57 p.m., USPP and MPD officers reported rocks, bricks, fireworks, water bottles, and bottles thrown at them. Shortly before 10:00 p.m., protesters burned a flag and set fire to a public bathroom in Lafayette Park. By 10:30 p.m., the basement of the parish annex next to St. John's Episcopal Church, a historic church known as the "Church of Presidents" located at 16th and H Streets, NW, was on fire. A USPP SITREP issued at 10:48 p.m. stated, "Protesters have ignited fires on H Street, St. John's Church, and in the comfort station [public bathroom] in Lafayette Park." Photographs of the comfort station on fire appear below:

Figures 3.4 and 3.5: Photos of Public Bathroom on Fire in Lafayette Park on May 31, 2020



Source: ATF.

At approximately 10:30 p.m., three ATF SRT Team 2 members (SRT Members 1, 2, and 3) assisted USPP SWAT with clearing crowds off of H Street to allow the D.C. Fire and Emergency Medical Service Department safe passage to extinguish the multiple fires. SRT Member 1 told us that the three of them deployed to the north side of Lafayette Park at approximately 4:00 p.m. and that the deployment was “chaotic” with “a constant barrage”

of commercial fireworks, bricks, rocks, and both frozen and unfrozen water bottles being thrown at law enforcement. SRT Member 1 was hit “a couple of times” by these projectiles, although not seriously injured. SRT Members 1 and 2 told us that, in addition to throwing projectiles, individuals tried to “smash out” the portable lighting systems used by law enforcement to illuminate Lafayette Park and also to “break down the barriers” set up by law enforcement. SRT Member 2 told us that “the longer the night went on, the worse it was getting.”

Once the three ATF SRT officers moved onto H Street to assist USPP SWAT with the clearing, SRT Member 1 told us that they joined a group of law enforcement agents that pushed the crowd west towards 17th Street. While attempting to clear crowds off of H Street, SRT Member 1 deployed a bean bag round at a “violent rioter...in a group of approximately 2000 to 3000” people, while SRT Member 3 deployed three CS (tear gas) canisters in the northwest corner of Lafayette Park with “hundreds” of people in the area.⁷³ SRT Member 2 told us the clearing was “very, very hectic” and at that point in time “the protesters” had left and only “agitators” were still there. According to ATF reports, MPD and USPP officers deployed OC spray, pepper balls, and rubber ball grenades during this clearing operation.⁷⁴ The USSS subsequently reported that protesters had breached a building at 16th and I Streets. At 11:26 p.m., the USSS notified Sherwin and others, “USSS and USPP are restoring the secure perimeter along north side of Lafayette Park. D[.]C[.] National Guard and MPD[] continue to push demonstrators further through NW.”

Violence began to diminish around midnight. At 12:06 a.m., the USSS reported, “Since the last SITREP, the situation in Lafayette Park and H Street has stabilized. USPP and assisting agency units are holding a perimeter at H Street and Connecticut Ave, 16th Street north of [I] Street, and H Street at Vermont Ave. No significant injuries reported.” ATF SRT members remained at Lafayette Park until approximately 1:00 a.m. At 1:03 a.m., Sherwin stated in an email to Levi, “Things have finally calmed down per MPD, [FBI] and USSS—will give battle damage assessment in the [morning].” Law enforcement reports indicate that dozens of law enforcement personnel in Washington, D.C. were injured during the violence that night.

Terwilliger described the level of violence on the night of May 31:

So, that, I think that really—we kept using the word kinetic, I don’t know if that’s an appropriate word, but it got very kinetic that night and I had friends who were out as law enforcement agents who [I] spoke with and they were

⁷³ The use of force report states that the agent who deployed the bean bag round was struck by a brick and a rock. We do not analyze these or other individual uses of force for compliance with Department or component policies in our review.

⁷⁴ Rubber ball grenades are non-lethal grenades that release rubber pellets, light, and sound, and may optionally contain CS (tear gas) or OC powder.

telling me that according to the Metropolitan Police Department, that night, when St. John's was on fire, was the worst night they'd ever seen in [Washington,] D.C.

MPD Chief Newsham echoed these views and stated during his interview that "in my 31 years in [Washington, D.C.], I had quite a bit of experience at a command level, this was the worst rioting that I've seen in Washington, D.C." owing to "the level of violence, the complete disregard for human life and safety, particularly with regards to police...[and the] destruction of property."

B. ATF and FBI Deployments to the White House and Surrounding Area

Approximately 14 agents from ATF SRT Team 2 deployed around 4:00 p.m. to the White House to assist the USSS and the USPP. Part of Team 2 supported the USSS Counter Assault Team in securing areas south of the White House Complex, including Sherman Park, the Ellipse, and the First Division Monument. The other agents from Team 2 worked with USPP SWAT to maintain the perimeter north of the White House in Lafayette Park. As discussed previously, three of these ATF agents assisted USPP SWAT with clearing H Street to provide safe passage for the D.C. Fire Department to combat the fires set by agitators in the Lafayette Park area.

At 11:24 p.m., FBI SWAT officers and an HRT unit deployed to 16th and I Streets, NW, 1 block north of Lafayette Park. A then Acting Assistant Special Agent in Charge (ASAC) of the FBI WFO Counterterrorism Division (FBI ASAC 1) told us that ADIC Slater communicated to him that the MPD had requested assistance from HRT. The Senior Team Leader (STL) of the HRT Silver Unit told the OIG that he received a directive to deploy from Bowdich in the courtyard of the JEH building. Bowdich told him HRT needed to deploy to the intersection of 16th Street and I Street. According to the HRT STL, Bowdich told him that the MPD had lost control and the HRT unit needed to deploy to regain control.

The HRT STL agreed that the mission given HRT was vague and not well-defined and called it "an incredibly unusual thing to happen." He told us that when HRT is deployed, the unit "work[s] for" the field office where they are deployed, which in this instance would have been WFO. The HRT STL told the OIG that a "normal tasking" would have come from the ADIC of WFO, through the chain of command to the HRT unit, not directly from headquarters personnel. After requesting an escort from WFO SWAT, the Silver Unit deployed in an armored vehicle. Bowdich accompanied the unit in the vehicle into the vicinity of Lafayette Park. At 12:20 a.m., Bowdich stated in an email to Terwilliger, "We [FBI HRT] are moving up close to Lafayette Park to assist [MPD]." The HRT STL and the WFO SWAT STL both told us that an MPD Inspector on-scene understood that the FBI personnel were there to assist the MPD with crowd control. The HRT STL told us that the MPD Inspector asked the FBI personnel "to flank [the] protestors" so that the MPD could drive the protestors into the HRT-held lines and make arrests. Both the WFO SWAT and HRT STLs told us that they conveyed to the MPD Inspector that they were "not riot police," had

only lethal force, and for those reasons FBI personnel would not assist the MPD with crowd control. The HRT STL told us that the MPD Inspector said, “You’re not what I thought was coming,” left to speak with his command, and after returning stated that they agreed it was “not a good idea” for HRT to assist.

According to the HRT and WFO SWAT STLs, HRT and WFO SWAT had no engagement with any protesters. They remained on-scene to serve as a quick reaction force in the event an officer was in danger. The HRT STL further explained that one area of concern with this deployment was the risk:

My options are typically between bad and worse. So, in looking at this event, if we’re out in the street, the potential to engage with the public negatively, to get drawn into a situation that, while it may meet the letter of the law...we will be correct when it comes to the Constitution...[and] when it comes to policy, but it will end up wrong.

C. Department Leadership’s Reaction to Events of May 31 and Plans for June 1

At 11:25 p.m. on May 31, Terwilliger sent a lengthy email to OAG and ODAG staff summarizing what the Department had completed in its response to the protests as well as decision points for June 1. These decision points included the following:

- With respect to the nationwide response, “[c]ontinued determination of existing resources available in terms of DOJ L[aw]E[nforcement] and where it can be deployed, how fast, how much, and what are the capabilities of that particular force (guarding buildings versus making arrests)”;
- “A[torney] G[eneral] stated that he would like to do another two city surge tomorrow (6/1)—need to identify those cities and start planning”;
- Determine what DHS resources can be deployed and where for Barr’s requested 2-city surge;
- With respect to the Washington, D.C. response, determine “[w]hat additional support does critical infrastructure, MPD, Secret Service, etc. need in days ahead, national guard levels, etc.”; and
- Determine what law enforcement resources “should remain at RFK versus being deployed elsewhere.”

Barr’s phone records indicate that he had two conversations with then White House Chief of Staff Mark Meadows and a conversation with then Chairman of the Joint Chiefs of Staff General Mark Milley between 10:35 p.m. and 11:05 p.m. Because Barr declined to be interviewed, we do not know what was discussed on these calls. Additionally, beginning at 10:42 p.m. on May 31, Barr and then OLC Assistant Attorney General Engel had several telephone conversations. When asked about these conversations, Engel told us,

He called me. I mean, I assume he was speaking with a number of other people, too.... [H]e called [asking]...have you seen what's going on? And obviously, the efforts that we have had to put additional folks, in the streets haven't, in the sort of the Lafayette Square area haven't been successful, and there's real, things are, really out of hand.... [A]s the nation's chief law enforcement officer, he was certainly very concerned that we d[id] what [wa]s sufficient...to restore law and order.

Following Engel's calls with Barr, OLC began looking at options for giving the DCNG the ability to engage in civilian law enforcement throughout Washington, D.C. absent a request from the D.C. government.⁷⁵ At 12:38 a.m., Engel emailed with his thoughts and further questions for his staff:

I spoke with the A[ttorney] G[eneral], and we talked about options. He suggested that the deputation might be necessary to allow the DCNG to enforce municipal law, but he asked whether it would be similarly necessary either to exercise law enforcement functions to enforce federal law or to protect the operations of the federal government. Could the A[ttorney] G[eneral] grant a deputation himself to the DCNG in militia status for the purpose of enforcing federal law (just like he presumably could do for other local authorities), and if he could, would that include also the Article II power to protect the safety of federal property and the operations of the federal government?

Alternatively, even if the Mayor's deputation is the ordinarily [sic] practice when it comes to the use of the DCNG for civilian law enforcement...[d]o we think it is strictly necessary?

Engel emailed OLC staff again at 12:47 a.m. to ask whether D.C. Code § 49-103 allowed the U.S. Marshal for D.C. to request the DCNG even if the Mayor did not. OLC continued to consider this issue throughout the day on June 1, as discussed in more detail below.

Meanwhile, the USSS and the USPP continued with their plan to install anti-scale fencing. The USSS Deputy Chief told the OIG that they "started working procurement money, seeking out [a] contractor, all of that, actually on May 31st. And then, the decision was made the morning of June 1st that it was paid for, we have a vendor. The vendor is going to show up on June 1st, that day. We would set it up. And again, now we can give some distance to the protesters to do what, you know, they have the right to do."

⁷⁵ Although the D.C. government had already requested assistance from the DCNG on the afternoon of May 31, that request was limited to 100 DCNG personnel to assist the MPD with traffic control and expressly stated that DCNG personnel would not be involved in any law enforcement related activities.

Witnesses told the OIG that the activities near the White House on the night of May 31 and early morning of June 1, particularly violence in the park and the fire at the St. John's Church annex, alarmed then President Trump and Attorney General Barr and led to an increased role by the Department in responding to the protests. A few minutes after the fire began, Sherwin sent an email to the USSS WFO SAC, stating, "pl[ea]s[e] call my cell, Attorney General very concerned about the fires around St. Johns Church." In his OIG interview, Sherwin stated that he recalled Barr being worried that the fire at St. John's Church could be a "trigger point" that could lead to violence spiraling out of control:

I just remember the Attorney General being under a lot of stress. I wasn't privy to his conversations, obviously, to whom he was talking.

I just know there was a lot of stress and there was a lot of stress with the Deputy Director and the Director [of the FBI] in that I think there was a fear that there was...a tipping point, and the city was going to go up in flames and...St. John's Church was just the trigger point and that this was going to be...critical, like a reactor, out of control, like, you reach critical mass and then there is a meltdown.... I think that evening, that Sunday evening was...[when] we reached...a redline, and we'll have a meltdown, almost, where I think...it could have been...a lot worse than it was....

I just remember the stress of that evening. That was maybe the apex of the stress. I think of the whole summer and spring was maybe, if I had to articulate, it would probably be that 24-hour period of time.

Terwilliger also described the Attorney General's reaction to the events of May 31:

[T]here were very bad protests which turned into violent riots in Lafayette Square Park [and]...[s]pilled out onto H Street and at some point, the church was on fire. And so, I distinctly remember being in the Justice Command Center when the church was on fire and the news is showing that and receiving a call from the Attorney General who is very exercised, very upset that... the Church of Presidents was burning, it seemed like the city was out of control and that, you know, just steps from the White House, what they were showing was this incredibly violent line of protesters and police and you know, people get the Park Police officers, Secret Service, whoever it was, standing at the White House gates, I remember seeing vivid pictures of [officers behind] a bicycle rack trying to hold the line back, being spit on and being hit and later we learned that actual pavers, cobblestones from Lafayette Park were pried up and lobbed and hit at the law enforcement there.

During his OIG interview, ADAG 1 stated that following the fire at the church annex,

[T]here was definitely a shift in mood after that night. And you know, when [Barr] came in that morning [of June 1], it was very clear that we were about, there was about to be a course correction. And so, you know, that's when he

came back from the White House,...and, you know, I think it was through that night, and...as they came together the next morning, they decided that...if there was going to be calm and peacefulness again, then it would have to be on the back of the feds.

OAG Counselor Sofer told the OIG that after May 31,

[T]here was a concern that there were not enough people...in the Lafayette Park area...to effectively guard the White House or the park.... I think what constituted guarding the park changed after the church burned down is my recollection. In other words, it was pretty obvious that whatever was being done to protect Lafayette Park was inadequate....

Wray told us that violence in Washington, D.C. began to feel like a “major situation” after the annex to St. John’s Church was set on fire, and from that point forward it was an “all hands on deck” dynamic with long nights spent at the WFO command post.

CHAPTER FOUR: THE DEPARTMENT'S RESPONSE TO CIVIL UNREST AND THE EVENTS AT LAFAYETTE PARK ON MONDAY, JUNE 1

In this chapter, we detail the Department's response to protests and civil unrest in Washington, D.C. on June 1, 2020, including the Department's role in the events at Lafayette Park on the afternoon and evening of June 1. We begin by describing the Department's efforts, in coordination with the White House, to expand federal control over the response to protests in Washington, D.C., both by significantly increasing the number of DOJ law enforcement personnel deployed in Washington, D.C. and by exploring various legal options to increase federal control. This includes a description of Attorney General Barr's meetings that morning, including an internal conference call with senior Department leadership and law enforcement component heads, followed by a meeting with the President and senior Cabinet officials in the Oval Office.

We briefly summarize the activities and plans of non-DOJ law enforcement agencies throughout the day, including the USPP's and the USSS's plans to install an anti-scale fence around Lafayette Park, Mayor Bowser's announcement of a 7:00 p.m. curfew, and the MPD's plans for responding to protests that evening. We then describe Department leadership's activity throughout the afternoon, including a meeting led by Barr that took place at FBI SIOC at 2:00 p.m. at which officials from multiple agencies discussed extending the White House security perimeter, as well as various meetings and calls that took place later in the afternoon at FBI WFO. We also describe the events at Lafayette Park that afternoon, including Barr's arrival at Lafayette Park, his conversation with a USPP official, the timing and execution of the "push" to clear protesters from H Street and Lafayette Park, the role that Department personnel played in that operation, and President Trump's walk to St. John's Church with Barr and others. Finally, we discuss Department and FBI leaderships' conversations that continued throughout the evening about expanding the security perimeter, as well as the decision to deploy hundreds of FBI Special Agents onto the streets of Washington, D.C.

Two considerations are important to note. First, as we describe in Chapter One, significant information gaps persist that limit our ability to determine conclusively what happened on June 1. Several critical former Department officials who were present at key meetings throughout that day—including Barr, his Chief of Staff Levi, FBI Deputy Director Bowdich, and FBI WFO ADIC Slater—no longer work at the Department or the FBI and declined our requests for an interview. Given our lack of testimonial subpoena authority, we were unable to compel these witnesses to testify. Although several former government officials involved in the events of June 1 have spoken publicly or have written or been quoted in books, we did not have an opportunity to question them about their statements or challenge their individual recollections. As a result, while such public accounts are helpful, we cannot fully credit their information and, therefore, we reference them sparingly.

Second, while President Trump appointed Barr to lead the federal civilian response, the USPP and the USSS retained overall operational control over the response to the protests near the White House on June 1. In particular, the USPP and the USSS were responsible for the timing and execution of the plan to remove protesters from Lafayette Park and H Street and install an anti-scale fence. These events are detailed in the DOI OIG report issued in June 2021. Although approximately 90 ATF, BOP, and USMS personnel assisted in varying capacities on June 1, and their on-scene supervisors retained tactical control over their respective staffs, these Department personnel were under the overall command of the USPP and the USSS.

I. The Department's Efforts to Expand Federal Control Over the Response to Protests and Unrest in Washington, D.C.

As a result of the violence experienced on May 31, the Department took several steps in coordination with the White House to expand federal control over the response to protests in Washington, D.C. In this section, we discuss Barr's call for "max strength" of federal law enforcement in Washington, D.C. on the morning of June 1 and the response of each DOJ law enforcement component.⁷⁶ We also discuss the Department's exploration of options to increase federal control over the Washington, D.C. response, which included invoking the Insurrection Act, placing the MPD under the control of the President pursuant to the Home Rule Act, and making a request for assistance from the DCNG through the USMS, as provided in the D.C. Code.

A. Attorney General Barr's Call for "Max Strength" in Washington, D.C. and Deployment of Additional Federal Law Enforcement Personnel

On the morning of June 1, Barr held a conference call at 9:00 a.m. with Department law enforcement heads, U.S. Attorneys, and ODAG and OAG personnel in which he discussed the Department's response in light of the violence in Washington, D.C. the previous evening and to communicate his mobilization directive. Emails that morning between ODAG and OAG staff show that Barr was informing them that he wanted to increase the number of federal assets in Washington, D.C. We sought to determine the origin of Barr's directive, including whether Barr issued it at the direction or request of the White House. As discussed further below, after his 9:00 a.m. conference call with Department leadership, Barr had meetings at the White House about the violence during which increasing federal law enforcement presence in Washington, D.C. was discussed. We also obtained evidence showing that Barr was in communication with the White House prior to issuing his directive. For example, as noted previously in Chapter 3, following the

⁷⁶ In addition to mobilizing Department personnel, the Department coordinated with DHS to obtain additional DHS law enforcement personnel for deployment on June 1. Following a 1:00 p.m. conference call between DHS and DOJ officials, DHS circulated notes stating that over 500 DHS personnel were available for deployment in Washington, D.C.

fire in the St. John's Church parish annex on the evening of May 31, Barr had two phone calls with White House Chief of Staff Meadows late that evening. Below we describe the 9:00 a.m. conference call; Barr's meetings thereafter at the White House, including with the President in the Oval Office; and the Department's efforts to mobilize law enforcement officers in response to Barr's directive.

1. Attorney General Barr Issues Directive to Deploy "Max Strength" and "Dominate the Streets"

According to contemporaneous notes taken by USMS Director Washington during the 9:00 a.m. conference call, the focus of Barr's mobilization directive was for Department law enforcement agencies to deploy "max strength" on the streets of Washington, D.C. Washington's notes characterize this directive as being what "[the President] wants." The notes indicate that Barr requested that DOJ law enforcement components make officers available before 5:00 p.m. that day, asking for as many "tactical" personnel as possible and prioritizing personnel who could make arrests. Washington's notes state that Barr said law enforcement "has to become more dynamic" and "[m]ust dominate the streets," also stating that "these are riots not protests."

Washington told the OIG that he understood Barr's calls for "max strength" as a directive to get as many law enforcement officers on the streets of Washington, D.C. as possible, and that the purpose was to deter "rioting and criminal acts."⁷⁷ When asked what he understood Barr's call for law enforcement to "dominate the streets" and be more "dynamic" to mean, Washington stated that the Attorney General expected Department leaders to work with their federal, state, and local counterparts to "address these riot situations in their cities" and to "figure out a way to increase our mass, to increase our presence, to discourage the rioting and to arrest those who were committing crimes."⁷⁸ Notes from an ODAG official who also participated in the call largely corroborated Washington's notes and testimony regarding Barr's comments during the call; however, these notes did not indicate that Barr's directive to deploy additional federal law enforcement was at the request of the President.

The Department's search for additional law enforcement resources evolved during the morning. Starting shortly before the 9:00 a.m. conference call, ADAG 1 and other

⁷⁷ Several senior DOJ officials emphasized to us their belief that it was important to have a law enforcement presence on the streets of Washington, D.C. during the unrest to deter crime. Sofer described how he watched from his apartment as 50 to 60 people ransacked a store and pulled out an ATM. He said that as police arrived the crowd quickly dispersed. He told us: "I can tell you again, just having looked out my window that it's amazing more people weren't killed during all this, absolutely amazing, because there was no law in the streets of Washington, D.C. for a significant period of time. And I remember seeing bands of people walking around with large poles and sticks...."

⁷⁸ Although we interviewed other attendees at this meeting, their recollections of what Barr said at the meeting were not as specific as Washington's contemporaneous notes and testimony.

ODAG staff, who had been assigned responsibility for identifying those federal law enforcement resources, began contacting DOJ components and DHS for a headcount. ADAG 1 emailed the USMS TOD AD, for example, that “[w]e are canvassing for bodies to meet the President and A[ttorney] G[eneral] request for ‘max L[aw] E[nforcement] presence’ in D[.]C.” Emails sent later that morning became more specific and referenced a goal of 2,000 federal law enforcement officers. At 9:46 a.m.—prior to Barr’s meeting in the Oval Office—ADAG 1 emailed other ODAG staff that “[t]he A[ttorney] G[eneral] is very focused on fulfilling the President’s mandate to put 2000 federal law enforcement agents on the street in D[.]C[.] tonight.” ADAG 1 sent a similar email at 10:14 a.m. to then ATF Acting Director Regina Lombardo stating, “We are being asked by the President and A[ttorney] G[eneral] to [come up] with 2000 federal LE agents....” No witness that we spoke with could tell us where the number 2,000 originated, nor did we find any documentary evidence explaining the basis for this number. According to Barr’s testimony before the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol (January 6 Committee), he told the President during the June 1 Oval Office meeting that he could “muster over 2,000 civilian law enforcement.”

At 11:41 a.m., the Deputy Chief of the USPP sent a text to USPP Acting Chief Monahan, the USPP Major, and others relaying that he received a call from a senior DOJ official who said “over 2000 asset[s] [we]re coming in to assist MPD and [the USPP].” When asked about this text, the USPP Deputy Chief told us that the USPP “needed every resource we could possibly find” and he did not refuse these assets.

2. Attorney General Barr Goes to the White House for Meetings with the President and Others

During the morning of June 1, Barr attended several meetings at the White House including a 10:30 a.m. meeting in the Oval Office with President Trump, an 11:00 a.m. video teleconference between President Trump and state governors, and an 11:30 a.m. meeting in the Situation Room with members of the military. We discuss each of these meeting below.

a. 10:30 a.m. Oval Office Meeting

Following his 9:00 a.m. call with Department personnel, Barr went to the White House to prepare for an 11:00 a.m. video teleconference with President Trump and state governors to discuss the nationwide civil unrest. A meeting in the Oval Office with President Trump was set for 10:30 a.m. for this purpose with Barr, Secretary of Defense Esper, General Milley, and others.⁷⁹ According to Barr’s testimony before the January 6

⁷⁹ The OIG was unable to interview any witnesses who were present for this meeting. However, testimony by both Barr and Esper before the January 6 Committee included statements by them about this meeting even though the Lafayette Park response was not the focus of their testimony or the January 6

(Cont’d.)

Committee, after Barr arrived it became apparent that the President was “very upset” and first wanted an explanation for why the violence around the White House the night before had not been better contained. Barr explained that President Trump was upset about the effect that images of fires and rioting across from the White House would have on public perceptions and blamed those present for not controlling the violence.

According to Barr’s congressional testimony, the discussion then turned to plans to quell any future violence. Barr testified that a discussion ensued about “moving the perimeter” and setting up a fence “near Lafayette and H Street.”⁸⁰ In his book, Barr wrote that President Trump asked him his thoughts on moving the perimeter as well as deploying the entire DCNG to support the MPD, the USPP, and the USSS. Barr wrote he told President Trump that he “agreed with both these measures.”

According to Barr’s congressional testimony, President Trump then began discussing whether to invoke the Insurrection Act and deploy active-duty soldiers onto the streets of Washington, D.C. According to Barr’s and Esper’s congressional testimony, Barr, Esper, and Milley all counseled against invocation of the Insurrection Act and deployment of active-duty soldiers in Washington, D.C. because each did not think it was necessary. Barr testified to the January 6th Committee that he “walked the President through the Insurrection Act,” as he had first-hand experience in its use during the Rodney King rioting during his first tenure as Attorney General. Barr, Esper, and Milley were in agreement that reliance on the Insurrection Act should only be a last resort, and Barr stated that Milley used the example of a “real insurrection...like Lincoln had.” Esper testified that he as well as Milley expressed the view that the response to the violence should be “a law enforcement action and that law enforcement should lead, and that if there’s any use of the military, it should be the National Guard in support of the law enforcement, the D.C.

Committee’s work. Both Barr and Esper also described the meeting in books they wrote about their respective tenures as cabinet officials during the Trump administration. See William Barr, *ONE DAMN THING AFTER ANOTHER: MEMOIRS OF AN ATTORNEY GENERAL* 494–97 (2022); Mark Esper, *A SACRED OATH: MEMOIRS OF A SECRETARY OF DEFENSE DURING EXTRAORDINARY TIMES* 1–3, 334–40 (2022). However, Barr’s and Esper’s congressional testimony and their books provide only limited information and an incomplete account of their actions relating to the Lafayette Park response. Further, the value of their congressional testimony and the information in their books was limited due to our inability to ask them follow-up questions about Lafayette Park and their reasoning for certain decisions, to use documents to refresh their recollections and clarify their congressional testimony, or to probe inconsistencies with information obtained from other witnesses. Nonetheless, because this testimony and their books are in the public domain, we determined that including it in this report with the foregoing caveats would be in the interest of providing as much available information as possible about the events that morning, the 10:30 a.m. Oval Office meeting, and their potential impact on events later in the day.

⁸⁰ Barr did not identify in his testimony who raised the topic of setting up a fence, and we were unable to determine from whom Barr first learned that the USPP and the USSS intended to set up a fence. USSS Director Murray told us that he was not present for this meeting in-person but was patched into it for a 5-minute conversation about a certain piece of intelligence. In his book, Barr wrote that “White House staff told the President that a plan was already under way to move the perimeter out north of Lafayette Park and add fencing....”

[MPD] in particular.” Barr testified that he explained to President Trump his belief that there were sufficient forces to address the violence in Washington, D.C. without utilizing active-duty troops, a view also shared by DOD and DHS representatives.⁸¹

According to Esper’s congressional testimony, he then proposed to have active-duty troops, including the 82nd Airborne Division, start moving to bases outside of Washington, D.C. so that active-duty troops could be on standby status in case they were needed. He stated that he took this action as a way to obviate any decision by President Trump to deploy active-duty troops into the city. Esper further testified that he alerted the 3rd Infantry, who were already in the area at Fort Myer (located in Arlington, Virginia), to be on standby as well. Esper explained that his understanding of the law was that any movement of active-duty troops into Washington, D.C. would require invocation of the Insurrection Act. Barr testified that President Trump agreed to the proposal to have the military on standby.

Before the meeting concluded, according to Barr’s congressional testimony, President Trump indicated to Milley that he should be “in-charge” going forward, which, according to Barr’s testimony, Milley resisted. Barr said he was unsure if President Trump meant for the entire country but he definitely meant in Washington, D.C. According to Barr, Milley responded that a civilian agency should take the lead, and DOD would provide support to the civilian agency. Barr testified that President Trump then said to Barr, “you take the lead” and “tell Milley what you need.” ADAG 1, Engel, and Terwilliger all told us that after Barr returned from the White House, he told each of them that the President had put him (Barr) in charge of the federal civilian response.

b. 11:00 a.m. Governors Video Teleconference (VTC)

President Trump held a secure, recorded video teleconference with the nation’s governors at 11:00 a.m. on June 1 to discuss the violence and rioting that was taking place during the protests. According to an audio recording of the call, President Trump opened the call by informing the governors that he “just put [Milley] in charge” and that “we will activate [Attorney General] Barr and activate him very strongly.”⁸² He then stated with respect to Washington, D.C., “[W]e’re going to have it under much more control. We’re pouring in—we’re going to pull in thousands of people. We were under guard of the D.C. police, the Mayor, the Mayor of Washington, D.C. and Secret Service did a very good job around the White House but their sole, their primary function is around the White House.” The President continued, “If you don’t dominate your city and your state, they’re gonna [sic]

⁸¹ Although Wray was not present at this meeting, he told the OIG that he recalled that Barr believed that law enforcement needed to demonstrate that it could restore order and peace, because if that effort failed there potentially would be a military response to a civilian, domestic situation. Wray said that Barr felt, and he agreed, that military intervention should be a “last, last” resort.

⁸² The [recording](https://www.c-span.org/video/?472683-1/president-trump-call-governors) is available at <https://www.c-span.org/video/?472683-1/president-trump-call-governors> (accessed June 8, 2024).

walk away with you. And we're doing it in Washington, in D.C., we're going to do something that people haven't seen before. But you're going to have total domination."

Barr spoke during the call and emphasized the role of "agitators," "troublemakers," and "professional instigators" in inciting violence. He stated in part,

[The] law enforcement response is not going to work unless we dominate the streets, as the President said. We have to control the streets. If we treat these as demonstrations, the police are pinned back, guarding places and don't have the dynamic ability to go out and arrest the troublemakers. They're just standing in a line watching the events. Then when they disperse the crowds, the crowds go running off in different directions, and create havoc,...looting, and other things. We have to control the crowd and not react to what's happening on the street. And that requires a strong presence.

c. Meeting After the Governors VTC in the Situation Room

Barr's schedule indicates that, immediately after the VTC, he and Levi attended a "huddle" with Meadows in the Situation Room at the White House. Engel, who attended the meeting, sent an email to an Executive Office of the President (EOP) employee asking some logistical questions about the meeting and noting that the subject of the meeting was "our options for the use of the D.C. National Guard." The EOP employee replied to Engel with a list of the following attendees for this meeting: then Vice President Pence, Barr, Milley, Esper, Meadows, then White House Deputy Chief of Staff for Operations Anthony Ornato, Vice President Pence's Chief of Staff Marc Short, then White House Counsel Pat Cipollone, and Engel.⁸³ Engel told us that Esper and Milley did "most of the talking" about what National Guard and military resources were available and how they could be mobilized. Engel said that he discussed the Insurrection Act in the context of explaining which legal authorities were potentially available, but that the meeting attendees were not discussing invoking it: "I think everyone understood that we were not at the point where the Insurrection Act was going to be invoked as of that morning."

Contemporaneous emails indicate that Barr and Levi were scheduled to stay at the White House for lunch but instead left before 12:45 p.m. and returned to the Department.

3. ODAG Staff Work with Department Law Enforcement Components to Identify and Deploy Federal Officers

Throughout the morning and afternoon of June 1, ADAG 1 and other DOJ component officials continued to work on identifying additional federal law enforcement assets. By 4:34 p.m., ADAG 1 had circulated a table entitled "D[.]C[.] MAX PRESENCE

⁸³ Ornato told the OIG that he did not recall attending that meeting.

TASKING” that listed the number of law enforcement personnel each component pledged to provide as well as their “local support function(s).”

The response of each DOJ law enforcement component to Barr’s request for “Max Presence” is discussed separately below. This information includes discussion of efforts to muster the requested staff, the time and location of deployments, and component efforts to limit their activities to ones that were consistent with their training and available equipment. This detail is included to illustrate the wide range of deployments considered for DOJ law enforcement components, the frequency at which their missions changed in an 8-hour time period, and to summarize their activities on June 1. As discussed in Section IV.G, we found that ATF, BOP, and USMS personnel assisted with the clearing operation on H Street to varying degrees.

ATF’s Efforts to Support Request for Max Presence

As discussed in Chapter 3, ATF personnel, including 12 to 15 SRT members, had deployed to the White House Complex and Lafayette Park on May 30 and 31 at the request of the USPP and the USSS. On the morning of June 1, ATF planned to redeploy those same SRT agents to Rhode Island for an operation unrelated to civil unrest. However, that morning Principal Associate Deputy Attorney General DuCharme emailed ATF Acting Director Lombardo telling her that he had spoken to Barr and that Barr “absolutely needs them [in Washington, D.C.] tonight.” Shortly thereafter DuCharme emailed Lombardo to ask whether ATF could activate all of its field office agents in Washington, D.C. for deployment that evening. At 11:06 a.m., ATF’s AD of Field Operations emailed DuCharme, ADAG 1, and the Deputy Attorney General Senior Counsel, stating that they were providing 50 agents from the Washington and Baltimore Field Divisions, as well as SRT members, and noting that “ATF agents are not trained nor equipped for riot control.”

Notes from an ATF conference call early that afternoon indicate that Lombardo had been asked to provide 100 ATF personnel as well as SRT. Shortly thereafter, an ATF Deputy AD emailed ATF personnel in Baltimore, Maryland; Philadelphia, Pennsylvania; Newark, New Jersey; New York, New York; and Washington, D.C., stating that “ATF has committed to providing 100 special agents” to assist with “restor[ing] order” in Washington, D.C. through June 8 and directing detailed personnel “to begin head[ing] to [Washington,] D.C. immediately.”

With respect to ATF SRT, according to an after-action report, approximately 12 SRT agents deployed to the White House grounds by 3:00 p.m. on June 1 and performed two missions. First, on the south side of the White House, ATF SRT provided direct support to the USSS Counter Assault Team to assist with securing Sherman Park, the Ellipse, and 1st Division Park. Second, five members of ATF SRT were assigned to provide less lethal capabilities to USPP SWAT in support of the USPP mission on the north side of Lafayette Park.

The BOP's Efforts to Support Request for Max Presence

After receiving requests for additional personnel from Levi and ADAG 1, on the morning of June 1, the BOP began the process of deploying over 300 additional personnel trained in crowd control from prisons across the country to Washington, D.C., though most did not arrive until late that evening. According to emails, ODAG staff directed the BOP in the early afternoon to allocate half of the assets that were already in Washington, D.C. to assist the FBI with building security and the other half to assist the MPD for an unspecified mission. Despite these initial plans, no BOP assets were deployed to assist the MPD on June 1.⁸⁴ Instead, 64 BOP staff guarded various DOJ and FBI buildings and, as discussed further below, a 50-member SORT team was deployed to Lafayette Park. The BOP CPD AD told the OIG that he was unable to recall when and how the BOP's assignment changed from supporting the MPD to later supporting the USPP at Lafayette Park. He explained that, in general when dealing with the unrest in Washington, D.C. that summer, he did not send BOP assets for deployment unless he received a request, and that he generally received such requests at WFO through discussions with the other law enforcement representatives present, which he described as "a collaborative approach."

The DEA's Efforts to Support Request for Max Presence

As previously discussed in Chapter 3, the DEA and the DCNG both assisted the MPD with manning traffic checkpoints in Washington, D.C. on May 31. On June 1, the DEA's mission to assist the MPD with traffic control continued, but the DEA increased its deployed assets in response to the Attorney General's request.⁸⁵ At 10:29 a.m., the DEA Chief of Staff emailed Barr's Deputy Chief of Staff that the DEA "can muster around 100 agents by 5:00 p.m." After being forwarded this email, ADAG 1 advised Barr's Deputy Chief of Staff to "[t]ell them this is an all hands on deck situation."

According to the DEA's written operational plan for June 1, DEA personnel were to assist the MPD with manning traffic posts in Washington, D.C. beginning at 2:00 p.m.⁸⁶ A Washington Field Division Assistant Special Agent in Charge (ASAC) told us that the MPD had contacted the DEA for assistance and that the DEA's focus during the unrest in Washington, D.C. was on supporting the MPD. The DEA's Chief of Operations at the time recalled then Acting DEA Administrator Shea informing him that Shea had attended a meeting with Department leadership and had been requested to provide support in

⁸⁴ The BOP's local support function according to the "D.C. Max Presence Tasking" circulated at 4:34 p.m. was to support MPD.

⁸⁵ At 5:17 p.m. on May 31, the Deputy Attorney General, pursuant to his delegated authority under 28 C.F.R. § 0.15, granted the DEA the 21 U.S.C. § 878(a)(5) authority to enforce all Title 18 crimes nationwide for 14 days. Generally, DEA agents have authority only to enforce Title 21 crimes.

⁸⁶ Vehicles were not allowed to enter through the security posts, but vehicles were allowed to leave; pedestrians were allowed to both enter and leave.

Washington, D.C. The Chief of Operations told us that riot prevention and crowd control are not DEA capabilities, but he did think that assisting the MPD by manning traffic checkpoints was within the skill set of the DEA agents. He said that staff from the DEA and the MPD conferred with each other about the MPD's plans, and together they determined that the DEA could best support the MPD by closing roads for vehicles. The ASAC stated he and DEA leadership viewed this mission as "a very real [safety] risk" as the checkpoints could be overrun and that he instructed his agents to drive away if they were not safe. He explained that on a couple of occasions, DEA agents, as directed by MPD and DEA leadership, left their traffic posts due to safety concerns.

The FBI's Efforts to Support Request for Max Presence

Other than HRT and WFO SWAT team deployments discussed above, the FBI had not deployed its Special Agents in Washington, D.C. in the days following George Floyd's death and had no plan to deploy agents until the late afternoon on June 1. That morning, Department leadership had requested the FBI to identify agents available for deployment on the evening of June 1, with an ODAG attorney emailing Bowdich stating that Department leadership was looking for "hundreds, not dozens" of agents." Bowdich responded that he had tasked WFO with identifying personnel and noted that FBI agents "do not have riot gear, nor are they trained in crowd control...[but] they have insignias, mace, guns, other equipment necessary for their craft, etc." When ADAG 1 circulated the "D[.]C[.] Max Presence Tasking" table at 4:34 p.m., it listed the FBI as providing 450 Special Agents, with their local support function listed as question marks.

Shortly after 6:00 p.m., FBI WFO recalled all WFO Special Agents to its Washington, D.C. Headquarters. Bowdich instructed his Chief of Staff to inform WFO management that the deployable forces should be ready by approximately 6:30 p.m. According to numerous witnesses we interviewed from WFO, the mission for these FBI agents remained undetermined and continued to be debated throughout the evening. After 7:30 p.m., FBI executives ordered the WFO agents to deploy in the downtown area of Washington, D.C., as discussed in more detail in Section V.B below. No FBI personnel were deployed to assist in the clearing of Lafayette Park or H Street on June 1.

The USMS's Efforts to Support Request for Max Presence

Like the BOP, the USMS deployments were in flux throughout the day on June 1. According to notes taken by Washington and circulated to USMS leadership, during the Attorney General's 9:00 a.m. conference call, the USMS was given "marching orders" to "get as many DUSMs [Deputy U.S. Marshals] on the street...specifically to work w[ith] National Guard." The USMS TOD AD responded to ADAG 1's email canvassing for component deployment figures by stating that "[t]he USMS will have 50 additional Marshals available for deployment around [4:30 p.m.] until [4:00 a.m.] We are establishing our Mobile Command Center at Park Police headquarters. These personnel are in addition to our...Special Operations Group personnel already committed to assist U.S. Park Police

SWAT.” The USMS soon increased this figure to approximately 100 DUSMs. At 12:43 p.m., ADAG 1 sent an email to the USMS TOD AD stating that these additional DUSMs identified in response to the Attorney General’s “Max L[aw] E[nforcement] presence” tasking would support the USPP along with the SOG assets already in place with the USPP. ADAG 1 included Acting U.S. Attorney Sherwin on the email and stated that Sherwin would “help [him] make the connection to Park Police to final[ize] logistics and arrival details.” The USMS TOD AD forwarded the email to USMS leadership and stated, “please find a bit more clarity on the mission for tonight.”

The USMS TOD AD told us that receiving requests for numbers of personnel, instead of a mission to perform, was frustrating:

[N]umbers did not equate to capability. And there was an inappropriate focus on the actual data point as to how many people were deployed.... It should have been, what is the mission, and what are the requirements to perform that mission? And then...send it back to the law enforcement components to figure out how to staff it.

The USMS SOG Deputy Commander who oversaw the SOG personnel that deployed to Washington, D.C. similarly told us that, in the ordinary course, SOG “look[s] at the mission and...we dictate our numbers depending upon what the mission is.” He stated that it was “pretty rare” that someone tells SOG the number of personnel to supply.

The Commander of the USMS-led Capital Area Regional Fugitive Task Force (CARFTF) told us that he received a call from the Acting AD of the USMS Investigative Operations Division on the morning of June 1 requesting that he begin preparing CARFTF personnel “to get ready to augment law enforcement resources” that were already working in Washington, D.C. ADAG 1 emailed the USMS TOD AD at 12:43 p.m. stating that USMS personnel should support the USPP, and at approximately 2:45 p.m. the CARFTF Commander went to Lafayette Park to link up with the USPP’s command post and determine the role for the DUSM’s under his command. The CARFTF Commander told us that the USPP Major was his primary point of contact with the USPP and stated that initially the USPP requested that the USMS put its personnel on the line of law enforcement officers with shields at the perimeter of the park. According to the CARFTF Commander, his response was to explain: “[W]e’re just not outfitted for—we’re not trained, we don’t have the equipment to conduct that type of mission, but we’ll be here for support and serve like arrest teams if needed.”

The CARFTF Commander told us that he determined that most of the approximately 100 DUSMs would remain at Hains Point as a “reserve force,” and that a small contingent of DUSMs would report to Lafayette Park. A Deputy Commander of CARFTF told us that the CARFTF Commander asked him to report to Lafayette Park with a team of 10 to 11 DUSMs

and a medic so that they could serve as a quick reaction force to back up SOG.⁸⁷ At 4:41 p.m., the CARFTF Commander sent an email stating that he, the CARFTF Deputy Commander, and 10 others were en route to meet up with SOG. The CARFTF Deputy Commander told the OIG that he asked the SOG team leader what SOG's mission was but did not "get any real clear-cut guidelines." The CARFTF Deputy Commander stated that they decided that his team of DUSMs would provide "back up" for SOG in case a member of SOG needed to be evacuated or required medical attention.

With respect to the SOG personnel, as discussed in Chapter 3, SOG assisted the USPP on the evening of May 31 with providing protection to the National Law Enforcement Officers Memorial. The SOG Deputy Commander who oversaw those personnel told us that as that shift ended, the USPP requested and SOG supervisors agreed that SOG would report back to a USPP station also located at Hains Point at 12:00 p.m. on June 1 to continue supporting the USPP. The SOG Deputy Commander stated that after SOG reported at 12:00 p.m., a USPP SWAT liaison escorted SOG to Lafayette Park at approximately 2:00 p.m. The SOG Deputy Commander said "there was no security issue" for him or the SOG personnel at 2:00 p.m.; demonstrators were present but not violent, and the USPP Civil Disturbance Units (CDU) were not present. The SOG Deputy Commander explained that SOG's assignment was to support USPP SWAT with their mission of "keeping pedestrians and civilians out of Lafayette Park." According to the SOG Deputy Commander, SOG had "no tasking to leave Lafayette Park" and "no tasking to work directly with CDU" prior to the initiation of the push.

B. The Department Explores Options for Increasing Federal Control Over the Washington, D.C. Response at the Request of the White House

In addition to increasing the number of federal officers deployed in response to the protests in Washington, D.C., throughout the day on June 1, the Department considered, but did not move forward with, other ways to increase the federal response, including invoking the Insurrection Act and deploying active-duty military troops, and placing the MPD under control of the President. The Department also considered requesting, and ultimately did request, additional DCNG troops to be deployed to Washington, D.C. In this section, we describe the information and discussions that informed the Department's decisions about how to respond.

⁸⁷ The remainder of the DUSMs, under the supervision of another CARFTF Deputy Commander, remained staged at USPP Headquarters on standby to deploy at the USPP's request. That CARFTF Deputy Commander told us that on June 1, the DUSMs deployed to protect the Lincoln Memorial and the Washington Monument after H Street had been cleared.

1. Preparation of Potential Presidential Proclamation and Executive Order Invoking the Insurrection Act in Washington, D.C.

As described in Chapter Three, after the violence in Minneapolis, Minnesota on May 28 and 29, the Department began to prepare for the potential need to invoke the Insurrection Act in Minnesota. Department officials, however, later determined that the Insurrection Act was not needed, as Minneapolis reported a significant decrease in violence after increasing the presence of law enforcement officers and deploying National Guard troops. In addition to preparing to invoke the Insurrection Act in Minneapolis, the Department also prepared to do the same in Washington, D.C. Below we describe the Department's preparations for invoking the Insurrection Act in Washington, D.C., which, according to emails, was taking place because the White House Counsel's Office (WHCO) had requested that the necessary paperwork be prepared and ready for signature before President Trump addressed the nation, although the timing of the address was still unsettled.

On the morning of June 1, following the fire in the St. John's Church parish annex the night before, WHCO and OLC began to prepare for the possibility that the President would invoke the Insurrection Act in Washington, D.C.; these preparations continued until late into the evening.⁸⁸ OLC again worked with WHCO to prepare a draft proclamation and Executive Order invoking the Insurrection Act. OLC asked USAO-DC and FBI WFO to provide any information they possessed demonstrating that civilian law enforcement could not control the civil unrest, as such information would be needed to justify intervention by active-duty federal troops.

At 4:48 p.m., an OLC attorney emailed OLC Assistant Attorney General Engel and others that then Deputy White House Counsel Patrick Philbin had just advised that the President was going to address the nation as early as 6:00 p.m. and that the proclamation and order needed to be "ready for signing" before the President's address. Shortly thereafter, Engel responded to Philbin stating that the Attorney General had spoken to the President about the Insurrection Act, and "[h]e's not going to invoke unless or until needed." In his OIG interview, Engel described the Insurrection Act as "a break the glass kind of thing that wouldn't be...invoked unless or until it was needed, and obviously, it was never needed." Engel stated in another email to USAO-DC and FBI WFO, "Just to be clear, while we DO need the papers within the hour, the A[ttorney] G[eneral] has not made the decision to transmit [the recommendation] yet. So the important thing is for this to be ready for immediate execution if the situation warrants."

Emails show that OLC attorneys continued to edit a draft Insurrection Act order and proclamation until after 9:00 p.m., at which point Engel emailed OLC attorneys stating that

⁸⁸ Several FBI witnesses told us that they understood that the Insurrection Act was going to be invoked and had begun researching what this would mean for the FBI.

Barr had toured Washington, D.C. and that “[t]hings seem under control.” Barr ultimately did not recommend that President Trump invoke the Insurrection Act in Washington, D.C., and President Trump did not invoke it.

2. Consideration of Placing the MPD Under Control of the President

As described in Chapter Two, Section 740 of the Home Rule Act permits the President to use the MPD for “federal purposes” under certain emergency circumstances. On June 1, as part of efforts to increase the federal response to prevent additional violence, the Department and White House considered whether to have the President place the MPD under emergency federal control, citing concerns that the Mayor would be unwilling to provide assistance and that the MPD was not proving effective at containing the violence. OLC’s role in the process was limited to reviewing the proposed executive order with respect to form and legality. The Attorney General ultimately did not recommend to the President that he invoke the Home Rule Act and the President did not move forward with that option.

On the afternoon of June 1, Philbin sent an email to Engel and Levi “for A[ttorney] G[eneral] awareness,” noting that the Home Rule Act permitted the President to federalize the MPD. Philbin sent a subsequent email to Engel that included legal research on this provision. At 1:20 p.m., Engel emailed OLC personnel a list of “open tasks,” including “[w]orking with WHCO on executive order to take control over MPD” and using the USMS to request that the DCNG deploy additional troops, described in more detail below. Engel said that the MPD ended up working “pretty well” with federal law enforcement, and that the “issue eventually dropped from...the queue of potential options.”

That afternoon, shortly before a meeting at FBI SIOC at 2:00 p.m., Attorney General Barr discussed this issue with MPD Chief Newsham, who informed D.C. government leaders about this possible action. Newsham told the OIG that sometime before 2:00 p.m. he received a phone call from the Attorney General, who told Newsham that he (Barr) planned to hold a meeting at SIOC that afternoon and would discuss whether to federalize the MPD. Newsham said that he called Mayor Bowser and told her about his discussion with the Attorney General.

Newsham told us that when he arrived at FBI Headquarters for the SIOC meeting, the Attorney General met with him one-on-one in a conference room for approximately 5 to 10 minutes. According to Newsham, Barr told him that he (Barr) could take over the MPD, that “all he had to do was sign some papers and he could do that.” Newsham said that he told Barr that he did not think that was a good idea because the MPD would not respond well to a federal takeover, that he did not know how D.C. government leaders would respond, and that he needed to talk to Bowser. Newsham stated that he then spoke with Bowser, who told him that she had consulted with then D.C. Attorney General Karl Racine and that their opinion was that a federal takeover would not be legal.

Newsham said he relayed to Barr that “the Mayor says she doesn’t think you can do it legally.” According to Newsham, Barr indicated that he did not want to pursue a federal takeover and asked Newsham if he had a plan to deal with the protests. Newsham stated that he told Barr that the MPD had “a really good plan” and that Barr asked him to “show the plan to [his] people.”⁸⁹ Newsham said that, after this conversation, he and Barr walked from the conference room into an auditorium in SIOC for a 2:00 p.m. meeting, which is described in more detail in Section III.A below.⁹⁰

Mayor Bowser told us that she first learned about the possible federal takeover of the MPD when Newsham called her. Bowser also stated that White House Chief of Staff Meadows called her and told her that the President was going to take over the MPD. Bowser said that she believed Meadows was “probably legally correct” about the President’s authority to take over the MPD, but she said that she “pushed back hard” and told Meadows that she was not “going to roll over” and accept an MPD takeover.

3. Using the U.S. Marshals for Washington, D.C. to Request Additional DCNG Troops

As described in Chapter Two, § 49-103 of the D.C. Code allows certain officials, including “the U.S. Marshal for the District of Columbia” and the Mayor, to request that the President activate DCNG troops in non-federal militia status to help suppress riots, allowing them to participate in direct law enforcement activities without Posse Comitatus restrictions. Although the D.C. Code refers to a singular U.S. Marshal, Washington, D.C. actually has two U.S. Marshals in D.C.—one for the D.C. Superior Court and one for the U.S. District Court.⁹¹ As we describe below, sometime after 5:00 p.m., the Department, through USMS leadership, directed the two U.S. Marshals for D.C. to request that the President activate DCNG troops, which the two Marshals did.⁹²

In addition to the federal takeover of the MPD discussed above, the “open tasks” described in Engel’s 1:20 p.m. email included “[c]oordinating with the USMS/ODAG in case the US Marshal for D[.]C[.] needs to make the request for D[.]C[.] [National Guard]

⁸⁹ As discussed further below in Section II.C, Newsham told the OIG that the MPD’s plan for June 1 focused on enforcing a 7:00 p.m. curfew that Mayor Bowser announced that morning.

⁹⁰ In his book, Barr recounted a similar conversation he had with Newsham in which Newsham “expressed concern” over the possibility of federalizing the MPD.

⁹¹ We were told that the D.C. Code provision was drafted before the split in 1988 of the office of the U.S. Marshal for the District of Columbia into two separate offices, one for the U.S. District Court and one for the Superior Court, although the title itself did not get bifurcated.

⁹² As described in Chapter Three, USPP and the D.C. government requested DCNG assistance before June 1. However, the D.C. government’s request was for a limited number of DCNG troops to help the MPD with traffic control, and it explicitly stated that troops would not be involved in law enforcement-related activities. Similarly, the USPP request stated that DCNG personnel would be used to help protect federal parks and monuments and restricted troops from conducting surveillance or carrying firearms.

assistance.” The OLC PDAAG told us that OLC, in consultation with DOD, continued to examine the use of § 49-103 to request assistance from the DCNG on June 1. OLC considered, among other issues, whether DCNG personnel who were requested by the USMS would be in militia or federalized status. OLC determined that the DCNG would remain in militia (non-federalized) status, and therefore could perform civilian law enforcement functions without violating the Posse Comitatus Act. Because requests for National Guard assistance are typically made by governors, and Department officials did not believe that Mayor Bowser would support such a request, OLC attorneys debated internally the practical mechanics of making such a request, including the information it should contain and to whom within DOD the request should be addressed. In addition, because there are two U.S. Marshals in D.C., OLC attorneys also discussed who in the USMS could and should sign the request.

After consulting with the USMS Office of General Counsel (OGC), Department officials determined that both the U.S. Marshal for the Superior Court of D.C. and the Chief Deputy U.S. Marshal for D.C. should sign the request.⁹³ At 5:04 p.m., the then USMS Deputy General Counsel emailed both of them the finalized request that OLC had drafted and asked them to sign it “ASAP.” They signed the request sometime before 5:30 p.m., and the request then was sent to the Commanding General of the DCNG. Esper testified to Congress that he verbally approved the USMS request on June 1 and authorized 850 personnel to provide assistance until June 14.⁹⁴ Although the USMS made the request for assistance, USMS officials told us that they did not supervise the DCNG and were unsure when these deployments began or to what locations the DCNG was deployed.⁹⁵

⁹³ At the time, the U.S. Marshal for the District Court was vacant, and an Acting U.S. Marshal was in place.

⁹⁴ On June 5, the USMS TOD AD sent a Special Deputation Request to obtain the Deputy Attorney General’s approval to deputize members of the DCNG “to assist in the performance of appropriate law enforcement duties in response to ongoing protests within the District of Columbia.” This request stated:

On June 1, 2020, the two U.S. Marshals for the District of Columbia requested National Guard assistance. That need remains, as the current and expected increase in protest activity has required the augmentation of federal law enforcement presence in myriad locations throughout the D.C. area in response to such activity. Prior to June 5, 2020, personnel of the D.C. National Guard were deputized to perform law enforcement functions by the D.C. Metropolitan Police Department. That deputation has been or will be withdrawn or expired, but the need for the same or additional D.C. National Guard personnel to assist in protecting federal property and personnel and in enforcing federal criminal law remains.

The request was approved by Associate Deputy Attorney General Bradley Weinsheimer on the evening of June 5.

⁹⁵ The extent of any DCNG deployment was beyond the scope of our review.

II. USPP, USSS, and MPD Plans for June 1

A. The USPP and the USSS Develop a Plan to Clear H Street of Protesters to Enable Installation of an Anti-Scale Fence

On June 1, while the Department was directing DOJ law enforcement components to deploy federal law enforcement officers in Washington, D.C. and was considering other avenues to increase the number of personnel assisting in the area, the USPP and the USSS were separately finalizing planning they had started on May 30 to install anti-scale fencing at Lafayette Park, as well as planning to clear Lafayette Park and H Street later that day. In its report issued in June 2021, the DOI OIG described the USPP's role in responding to civil unrest around the White House, the circumstances surrounding the decision by the USPP and the USSS to install an anti-scale fence, the procurement and timing for installation of that fence, and the events leading up to the clearing operation on June 1.

As discussed above in Chapter Three, the USPP, the USSS, and the MPD share jurisdiction over various areas surrounding the White House, with the USSS primarily responsible for the White House Complex, the USPP for Lafayette Park, and the MPD for the surrounding streets. On May 30, the USSS and the USPP stood up a unified command to address the civil unrest taking place near the White House.⁹⁶ The unified command maintained overall control of the response to protests occurring near the White House and Lafayette Park through the evening of June 1.

According to the DOI OIG report and as discussed above, following the acts of violence on the evening of May 29 and early morning of May 30, USPP and USSS officials made the decision on May 30 to establish a more secure perimeter around Lafayette Park. According to the DOI OIG report, on May 30, USSS procurement officials contacted a fencing contractor to discuss delivering and installing anti-scale fencing for Lafayette Park, and these discussions continued through June 1. On the morning of June 1, the fencing contractor told USSS procurement officials that the fence could be installed that day but requested two things to ensure a safe working environment for its employees: that installation of the fence be completed before nightfall, and that its crews be protected by a police presence.

According to the DOI OIG report, USPP and USSS officials spoke that morning before 10:00 a.m. and discussed the need to clear and secure H Street to allow the fencing contractor's employees to install the fence. The DOI OIG report states that USPP officials held a conference call at 10:00 a.m. and discussed plans to install the fence "later that day," though no specific time was set. In addition, according to the DOI OIG report, at 11:50 a.m., the USPP Major, who had operational command at Lafayette Park and was referred to as the "incident commander," told USPP officials that he had briefed the USSS and the MPD

⁹⁶ See footnote 5 for a description of "unified command."

about the plan to clear and secure 16th and H Streets, and that the USSS had agreed to help secure the northeast corner of Lafayette Park. At approximately noon, the USSS issued orders for the fencing contractor to install the fence, subsequently confirming with the contractor that the fencing would arrive later that afternoon, possibly as early as 2:00 p.m.

The DOI OIG report states that the USPP did not arrange a specific time to begin clearing H Street but rather planned to do so as soon as the fencing contractor's supplies and personnel began to arrive and there were enough law enforcement officers—including DCNG troops—available to secure the area. The report states that the project manager for the fencing contractor spent the morning arranging logistics and arrived at the White House Complex to meet with the USSS around 2:00 p.m. By 2:00 p.m., the contractor had begun loading equipment onto trucks and assembling its labor team. The arrival of the fencing supplies at Lafayette Park is discussed in Section IV.A.

According to the DOI OIG report, sometime around 2:00 p.m. on June 1, several USPP and USSS officials met in Lafayette Park to discuss potential strategies for clearing protesters from the northern edge of the park and H Street. No DOJ law enforcement officials participated in that discussion. Options discussed included having the USPP's Horse Mounted Patrol unit and regular uniformed officers enter H Street, advise protesters in a non-adversarial manner that the area was closed, and direct them to leave. The USPP and the USSS also discussed using officers trained to handle civil disturbances and equipped with tactical equipment to assist with the clearing in case some protesters became noncompliant or combative. The cleared area then would be secured to allow the contractor to install the anti-scale fencing.

B. The USPP and the USSS Learn that President Trump Plans to Walk into Lafayette Park

The DOI OIG report states that between 3:00 p.m. and 5:00 p.m., a USSS official informed the USPP Major that President Trump planned to make an unscheduled visit to Lafayette Park to assess the damage. According to the DOI OIG report, USPP officials understood based on conversations with USSS officials that the President's visit would take place later that day or during the evening, after protesters had been cleared. Both the USPP Major and USPP Acting Chief Monahan told the DOI OIG that they were not given a specific time for the President's potential arrival. In addition, the USPP Major and Monahan stated that learning that the President planned to visit Lafayette Park did not alter the operational timeline.

The USSS Deputy Chief who headed the USSS response at Lafayette Park told us that around 3:30 p.m. she received notification from the USSS Presidential Protective Division (PPD) that the President was considering an off-the-record movement to Lafayette Park to observe the damage. She explained that at this time, there was no mention of a walk to St. John's Church or even outside the security perimeter, and that nothing had been

confirmed. She stated, "It was a very quick phone call that, you know, this was talked about. And there was no time set. It was just informational purpose for me that, you know, the President was talking about coming out to Lafayette Park.... It was just situational awareness, that there w[ere] discussions."

The USSS Deputy Chief also stated during her DOJ OIG interview that sometime around 4:15 p.m. or 4:30 p.m., she received a second call from the USSS PPD confirming that the President planned to move into Lafayette Park. The USSS Deputy Chief said that this call did not include a specific time for the President's walk into Lafayette Park, and that they discussed that the personnel needed to clear protesters from the area had not arrived. The USSS Deputy Chief said that no one from the White House or elsewhere gave them a "drop dead time" or pressured them to complete the operation by a particular time, and that they were able to proceed once they had sufficient manpower. The USSS Deputy Chief also said that both she and the USPP Major understood that the USSS PPD was waiting for them to execute their plan before President Trump could go to Lafayette Park, but she said that they both agreed that that did not change their plan to go only when they had the fencing material in place and sufficient manpower present.

According to the USSS Deputy Chief, she also attended a meeting that afternoon with USSS PPD staff in the Old Executive Office Building where they discussed the plan to clear protesters. She said that they told USSS PPD staff about the need to wait until enough USPP and DCNG personnel arrived to carry out the operation, and that there seemed to be consensus that the timing of their plan would be accommodated.

Then USSS Director James Murray told the OIG that around 5:30 p.m., he learned from his Deputy Director that the President wanted to walk into Lafayette Park to shake the hands of law enforcement officers and possibly to survey fire damage. Murray stated that his initial reaction was "[N]o, he's not going to do that, because the fire damage is outside our perimeter," but that his Deputy Director told him that the plan was for the President to stay inside Lafayette Park and survey the damage to the comfort station. Murray said that approximately 40 minutes later, the USSS Deputy Director told him that the President's plan to visit the park had been "scrapped." According to Murray, the next time he heard about the President walking outside, he was "walking across Pennsylvania Avenue."

C. Mayor Bowser's Morning Announcement of a 7:00 p.m. Curfew; the MPD's Plans for Responding to Protests on June 1

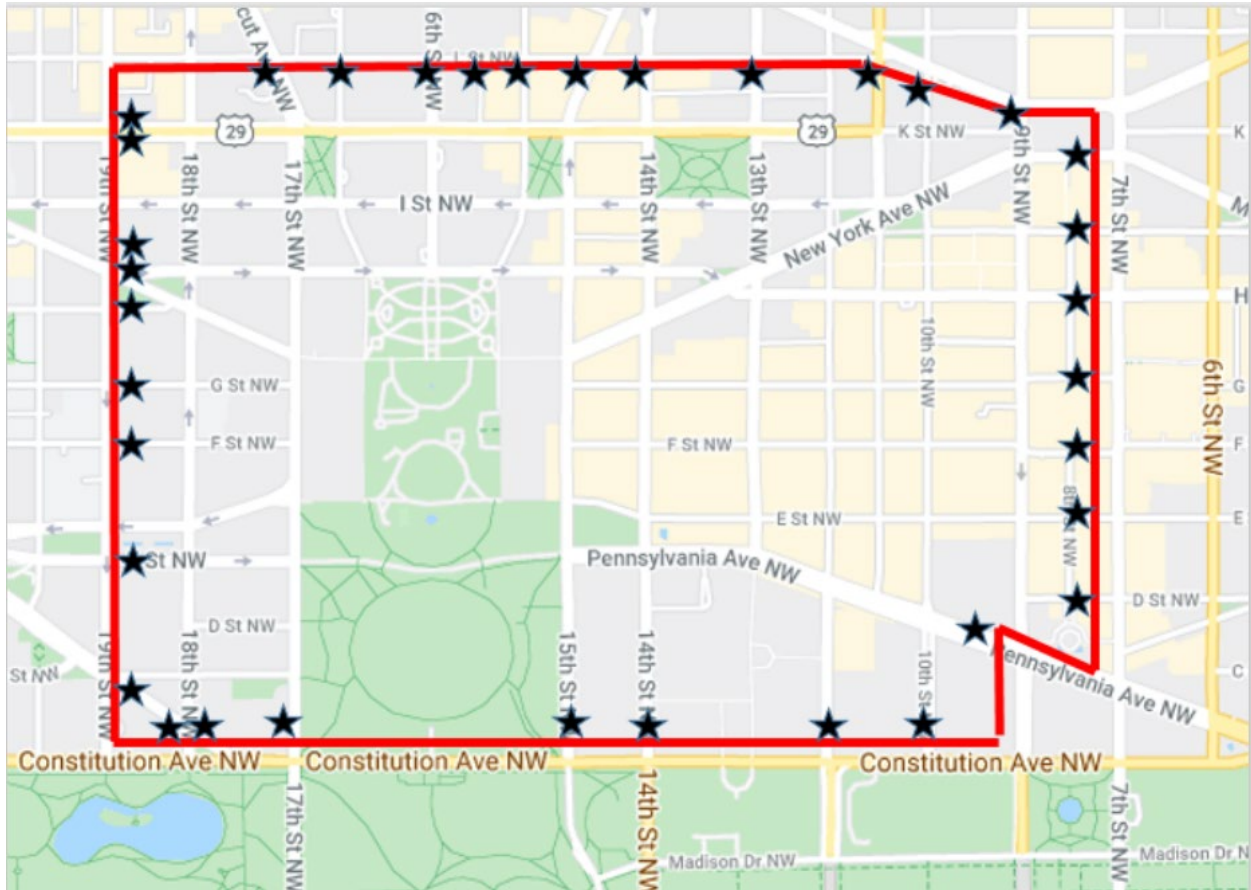
At 11:00 a.m. on June 1, Mayor Bowser held a press conference announcing a new curfew time of 7:00 p.m., in contrast to 11:00 p.m. the night before, that would begin that evening and would last for 2 days. Bowser told the OIG that one reason she instituted the 7:00 p.m. curfew on June 1 was to allow the MPD to "separate peaceful protesters from those causing trouble," and that the time was chosen so that people could get home during daylight hours. Bowser said she expected that any protesters who remained on the streets after the curfew would be given the opportunity to leave, and that they would be arrested if

they did not follow lawful orders and disperse peacefully. MPD Chief Newsham also spoke at the news conference announcing the curfew and noted that the violence increased significantly at night. Newsham told the OIG that some protesters used unfamiliar tactics, such as firing incendiary devices at police.

Newsham told the OIG that the MPD planned to rely on enforcing the curfew as its primary tool to avoid a repeat of the violence of the previous several days. Newsham stated that the MPD planned to issue warnings to people who were out after curfew and, if they refused to leave, the MPD would arrest them. Newsham explained that the MPD anticipated that providing warnings would likely result in a lot of people leaving the area voluntarily and that “we were hoping people would leave.” Newsham also explained that the MPD’s “plan was not, go down to Lafayette Park and make arrests. Our plan was to get curfew violators off the streets wherever they happen to be and it just so happened on that day [June 1] the largest group of people was in that area.” Newsham said that the MPD’s plan reflected that, from the MPD’s perspective, everything inside the White House grounds is the responsibility of the federal government, while the MPD is responsible for “everything else.”

Newsham also told the OIG that during the afternoon the MPD coordinated with federal law enforcement and developed a plan to use federal assets in positions where they were less likely to be involved in handling civil disturbances, such as traffic checkpoints, which would free up MPD officers to handle civil unrest, enforce the curfew, and make arrests. Newsham explained that the purpose of creating a traffic “box”—a map of which is displayed in Figure 4.1—was to restrict traffic in the area where they had seen the majority of the violence (i.e. Constitution Avenue to K Street, and 18th to 8th Streets that encompassed the White House and Lafayette Park) to make it easier for MPD personnel to move around and respond.

Figure 4.1: MPD Diagram of Traffic Box June 1, 2020



Source: Google Maps, with modifications by MPD, contained in MPD document obtained from DEA.

III. Department Leadership Activity During the Afternoon of June 1

A. 2:00 p.m. Meeting at FBI SIOC

In and around the time that Barr, Levi, and Engel returned from the White House in the early afternoon, Department leadership began organizing an interagency meeting for 2:00 p.m. at FBI SIOC. Witnesses told the OIG that the purpose of the meeting was to coordinate the response to protests among the relevant agencies; some Department officials described the meeting as specifically focused on White House security, while other witnesses recalled that the focus was broader and encompassed a response for the entirety of Washington, D.C., not only the area surrounding the White House. The meeting was held in the SIOC auditorium, was led primarily by Barr and MPD Chief Newsham, and included approximately 50 high-level officials from numerous federal agencies, including DOJ law enforcement components, and the military. According to Barr's press statements and interviews in the days following June 1, he decided that federal law enforcement should push the perimeter on the north side of Lafayette Park out 1 block to I Street, he

communicated this decision to the group at the meeting, and the group set out a “tactical plan” to carry out his directive to push out the perimeter.⁹⁷ Below we describe what was decided at the Department-initiated coordination meeting by federal law enforcement, the MPD, and the military concerning the security perimeter around the White House.

At approximately 1:30 p.m., Department leadership sent a calendar invite for the 2:00 p.m. meeting to OAG and ODAG attorneys involved in coordinating the response, as well as Engel, Wray, Bowdich, Terwilliger, Sherwin, the Director of the DHS Office of Operations Coordination Admiral Christopher Tomney, and the USMS TOD AD.⁹⁸ The OIG was unable to determine how and when some non-DOJ officials were notified of the meeting, although Newsham told us that he received a phone call asking him to attend the meeting approximately 30 minutes before it began.

Although, according to Barr, the “tactical plan” to move the perimeter at Lafayette Park north 1 block was discussed at this meeting, we did not find any evidence that the Department invited a representative from the USPP, which, along with the USSS, was leading the unified command at the park. One USPP representative was in attendance—a USPP Captain who served as USPP’s operations commander at Lafayette Park on June 1—but he told the DOI OIG that he was invited to the meeting by happenstance; he was meeting with the Secretary of the Army, Ryan McCarthy, at the D.C. Armory to discuss the DCNG, and McCarthy told the USPP Captain that he was going to a meeting with DOJ and asked him if he would attend, to which the USPP Captain agreed. According to the USPP Captain, USPP leadership did not receive an invitation from DOJ, and he was the only USPP or DOI official who attended. The USPP Captain told the DOI OIG that he “had no idea” that this coordination meeting had been organized prior to being informed by McCarthy; he also stated that Monahan was not aware of the meeting until the USPP Captain called him as he was driving to the meeting. He said that he tried to persuade Monahan to attend the 2:00 p.m. meeting but that Monahan was unavailable.

⁹⁷ For example, in a press conference on June 4, Barr stated,

On Monday, the President asked me to coordinate the various federal law enforcement agencies.... So we had a coordinated response and worked with the National Guard and also with the D.C. police. That morning, we decided that we needed more of a buffer to protect the White House and to protect our agents and Secret Service personnel.... I made the decision that we would try to move our perimeter northward by a block to provide this additional protection. And later at 2:00 [p.m.] on Monday, I met with all the various law enforcement agencies and we set our tactical plan. And that plan involved moving our perimeter a block North to I Street. It was our hope to be able to do that relatively quickly before many demonstrators appeared that day.

⁹⁸ We were unable to determine whether a representative from ATF, the BOP, or the DEA attended the 2:00 p.m. meeting. The DOJ calendar invite did not include any addressees for these agencies. It also did not contain any description of what was to be discussed or accomplished at this meeting.

Witnesses identified DOD attendees to include McCarthy, the Chief of Staff of the Army, the Commanding General of the DCNG, the DCNG Staff Judge Advocate, and a DCNG lieutenant colonel. Attendees from the White House included then White House Counsel Cipollone and then Deputy Chief of Staff for Operations Ornato.⁹⁹

We interviewed 12 witnesses of the approximately 50 people who attended the meeting.¹⁰⁰ In our questioning about this meeting, witnesses had varying and at times contradictory recollections of who spoke and what was said. Despite those challenges, these witnesses were generally consistent on three aspects of the discussion: (1) the location of a security perimeter to better protect the White House was debated, though witnesses differed in their recollections as to what was agreed upon; (2) there was no discussion of the tactics to be used, a firm timeline, or an operational plan for the clearing of protesters from H Street that took place later that afternoon; and (3) there was no discussion of President Trump leaving the White House, walking to Lafayette Park, or walking to St. John's Church. Additionally, most witnesses recalled that Newsham presented the MPD's plan for responding to protests that evening, though many witnesses had little or no recollection of the specifics of what Newsham presented.

The Location of a Security Perimeter Was Discussed, but Witnesses Differed in Their Recollections as to What Was Agreed Upon

All the attendees that we spoke with recalled that a security perimeter in the vicinity of the White House was a topic of discussion at the meeting. However, witnesses had different understandings of where the "perimeter" was to be located and what it entailed. Some recalled that it would be on the north side of Lafayette Park at H Street to protect the White House grounds; others recalled that it would be moved north to I Street to protect assets north of the White House Zone, including St. John's Church; and others recalled that it would be in the downtown area and equated it with the boundaries of the MPD's traffic box. Similarly, while several witnesses specifically recalled discussion of the anti-scale fencing during this meeting (including USSS Director Murray, Ornato, Engel, and the USPP Captain), other witnesses told the OIG that only the placement of the perimeter was discussed, not the physical form it would take (e.g., anti-scale fencing, bike barriers, agent-held lines).

Murray told us that he stood up during the meeting and discussed the USSS's and the USPP's plan to install a fence along H Street, though he stated that he did not discuss

⁹⁹ According to the FBI Inspection Division, the FBI did not create a log of the attendees for this meeting. Therefore, our understanding of who was present for the meeting is based solely on people's recollections (which at times were inconsistent on identifying the individuals who were present) and statements made in emails.

¹⁰⁰ Two witnesses, Wray and Bowdich's Chief of Staff, told us that although they remembered attending the 2:00 p.m. meeting, they had no recollection of the specific discussions that occurred in that meeting.

the details of how that was to be done. Murray also told the OIG that at the time of the meeting, he believed that the fencing and the DCNG personnel required to install the fencing were arriving imminently; he said that he conveyed that “the truck [with the fencing materials] should be pulling up” and that they were going to start erecting the fence “soon.” According to Murray, Barr then made clear that he wanted the perimeter that was at the north side of Lafayette Park “pushed out and to the north.” Murray said that he (Murray) spoke on behalf of the USSS and the USPP and conveyed that it was not “practicable” for them to push out the fence line any further. According to Murray, after some discussion about this topic, a decision was made to both keep the perimeter where it was on the edge of the park (on H Street) and “dedicate other law enforcement or National Guard assets to the north of the White House Zone” to establish a second, outer perimeter.¹⁰¹ Ornato also said that he recalled a discussion about the perimeter and that Barr said that he wanted the perimeter “a couple blocks out” as a “buffer.” According to Ornato, Newsham said that he had only a “certain amount of assets...to protect the rest of the city,” and, in response, Barr said “that’s why we have...a lot of entities here.”

ADAG 1 also recalled Barr questioning where the perimeter should be established and suggesting it be moved further north. ADAG 1 told the OIG that he did not recall precisely where they decided to draw the line, but that the idea was to push protesters outside the area where they could throw objects at law enforcement. Terwilliger recalled that based upon the discussion at the meeting, “the actual placement [of the perimeter] chang[ed]” to “out past St. John’s Church.”

The USMS TOD AD recalled the discussion of the perimeter centering on who would be responsible for moving the security perimeter, not where it would be located. He wrote in his notes “Push perimeter to I Street” and told us that was “the core task” discussed at the meeting. The USMS TOD AD told us that there was some disagreement about whose responsibility it would be to move the security perimeter. According to the USMS TOD AD, Newsham informed the group that it was a federal responsibility and that the MPD would not provide any assistance.

Engel similarly recalled “the A[ttorney] G[eneral] pointing at the map,” identifying Lafayette Park, and saying “we’re going to...push [the perimeter] up a block [above Lafayette Park north to I Street]...beyond where the church is.” According to Engel, Newsham stated that the MPD would not assist with the operation “to move the people” in order to extend the perimeter up a block beyond St. John’s Church. The USPP Captain also told the DOI OIG that Barr stated that the perimeter would be pushed to I Street, that anti-scale fencing would be put on H Street, and that protesters would be pushed to I Street;

¹⁰¹ Murray explained to us that a security perimeter closer to the White House is preferable because “the further you push out a perimeter defensively, the harder that is, and the more permeable it actually is... [I]t’s better to keep it tighter.”

the USPP Captain also told the DOI OIG that Newsham said the MPD would not allocate resources to assist in the operation.

There Was No Discussion of Tactics, a Firm Timeline, or an Operational Plan for Expanding the White House Security Perimeter

Witnesses were also in general agreement that an operational plan to clear Lafayette Park was not discussed at the meeting, but these witnesses provided us with different rationales for its omission from the discussion. Some witnesses told us that at the time of the SIOC meeting, it simply was not contemplated that it would be necessary to use force to clear H Street. For example, Murray told us that the perimeter discussion had nothing to do with moving people because, at 2:00 p.m., “there were no people to speak of” on H Street by Lafayette Park.¹⁰² Murray stated that both the fencing and the manpower necessary to provide a safe work area for the contractors were expected to arrive mid-day. Murray told us that he recalled remarking to the group, “right now...the truck [with the fencing] should be pulling up.”

Engel told us that it was understood that “the barrier would be moved well before 7:00 p.m.” and that at the time of the SIOC meeting “it was [already] operational.” When we asked Engel if using force was discussed at the meeting, he responded no and said he did not think that anyone anticipated resistance and did not recall any discussion of resistance. He said he believed that the idea was that the operation could be carried out peacefully because previous violence had happened at night.

Others told us that they thought the tactical and operational details would be worked out after the meeting by others. Ornato stated that when he left the meeting, he knew the plan was to put up the anti-scale fencing “as soon as possible” and to set a perimeter, but he did not know where it would be because “they were still hashing that out.” He also told us the specifics of who was going to do what or at what time the perimeter expansion was supposed to happen were not discussed in his presence. Sherwin told us that “the tactical mechanics” of clearing the park were not discussed because “[t]his was like an overall meeting, like a strategic meeting.” The USMS TOD AD also told us that neither “clearing the park” nor how the perimeter would be moved were discussed, and he believed that was because the senior officials would “issue [their] intent” and expect their staff to “decide the implementing instructions.” Engel described a similar dynamic to the meeting stating it was “at a pretty high level” focusing on who was responsible for what areas.

As noted previously, the USPP Captain was the only representative from the USPP or the Department of the Interior who attend the meeting. As discussed previously in Section

¹⁰² Specifically, Murray said that there were no people on 16th Street; as depicted in the Map of the White House Complex and Surrounding Area, Figure 3.1, 16th Street intersects with H Street on the north side of Lafayette Park, directly in front of the White House.

II.A, USPP and USSS officials began to develop the operational plan for how to install the fence after 2:00 p.m., and the USPP Captain told us that he was not yet aware of these details when he attended the meeting at SIOC. He told the DOI OIG that, from his attendance at the meeting, he did not have the sense that Barr had a timeline in mind for when the fencing would go up or that Barr knew the USPP's timeline for the installation of the fence. The USPP Captain told us that he viewed his role at the meeting as answering questions, not as a decision maker; he stated that given his relatively low level of seniority compared to the high-level executives in the room, he did not feel comfortable speaking on behalf of and making commitments for his agency. The USPP Captain explained that he did not brief out the USPP's plan and made no verbal contributions to the meeting other than on the issue of whether the DCNG should be armed. The USPP Captain told the DOI OIG that he needed something in writing from the DCNG if the guardsmen were going to be armed as the DOI request for DCNG assistance contemplated that they would be unarmed.¹⁰³ He told the DOI OIG that at first he thought that Barr was briefing the USPP's and the USSS's plan to install the anti-scale fencing, but he later realized that Barr was discussing establishing a new perimeter that would stay at I Street, which was not part of their plan.

The USPP Captain told us that he had concerns leaving the 2:00 p.m. meeting: "I felt like this thing was growing. Who's going to be in control of it?" When we asked Murray what effect the discussions at the SIOC meeting had on the USSS plan to install the anti-scale fencing, he told us "nothing changed in terms of our plan or expectations before that meeting or after that meeting."

There Was No Discussion During the Meeting of President Trump Leaving the White House, Walking to Lafayette Park, or Walking to St. John's Church

Witnesses agreed that there was no discussion of President Trump leaving the White House, walking to Lafayette Park, or walking to St. John's Church during this meeting. Engel told us that he learned "relatively late" that President Trump "intended to give [a] speech" that Engel thought would be from the church, but it was "[c]ertainly not on the radar at the SIOC [meeting]." Ornato told us that he first learned of President Trump's desire to leave the White House upon his return to the White House after the SIOC meeting had ended. The USPP Captain told the DOI OIG that he did not know at 2:00 p.m. that there was "a potential that the President might visit [Lafayette] Park" and he "kn[ew] for a fact" that Barr did not mention anything about a potential movement of the President during the meeting. Similarly, Wray, then FBI Associate Deputy Director Abbate, and the

¹⁰³ Multiple witness stated that the question of whether the DCNG should be armed with a rifle was discussed at the meeting. According to the USPP Captain, the military leaders present at the meeting decided that the DCNG should not be armed as both he and Newsham advocated.

USMS TOD AD all told us that they had no advance notice of the presidential movement and learned of it while it was happening.

MPD Chief Newsham Spoke and Presented the MPD's Plan to Respond to Protests that Evening

According to Newsham, during the meeting, Barr asked him to talk about the MPD's plan for handling the protests that evening. While witnesses generally recalled Newsham providing a briefing, their recollections of the substance of his briefing varied. Below we describe Newsham's recollection of what he stated about the MPD's plans at the meeting, which included that the MPD would enforce the 7:00 p.m. curfew by arresting violators. Thereafter we summarize other witnesses' statements, most of whom could not recall the MPD's plans.

Newsham said that he spoke for approximately 15 minutes and described the MPD's plans to create a traffic box as depicted in Figure 4.1 above to restrict traffic downtown. He stated that with the help of a map he showed where the MPD's assets would be located, and he said he discussed the 7:00 p.m. curfew and the MPD's plan to give warnings and to arrest those who violated curfew. Newsham said that other officials discussed where DCNG troops should be positioned and whether they should be armed with rifles, which he thought was "not a good idea."¹⁰⁴

The USMS TOD AD's notes, which include references to "8th-18th" and "Constitution-K," as well as "1900 curfew," corroborate that the boundaries of the MPD's traffic box and the time of the curfew were discussed in some fashion, though he could not recall additional details about the discussion. Murray told us he was never aware of a plan "that MPD was going to be clearing people on H Street," but he was aware that the MPD would be in the area. No other witnesses we interviewed other than ADAG 1 remembered discussion of the Mayor's curfew at the meeting.¹⁰⁵

Murray, Terwilliger, and Engel told us they remembered Newsham using a posterboard map of the streets around Lafayette Park to show the group where the MPD officers were located and where he expected they were going to be located later that day. Murray described his impression of Newsham's briefing, stating that Newsham did not

¹⁰⁴ The USMS TOD AD made several references to the National Guard in his notes including "DoD [National Guard] supporting DOJ" and "1200 [National Guard]@[White House]." With respect to what the National Guard would do, he wrote "Flood zone around the [White House]" and "Protect monuments."

¹⁰⁵ ADAG 1 stated that he remembered a discussion about building "the box" and the Mayor's decision to impose a 7:00 p.m. curfew. ADAG 1 stated that he thought the curfew was going to be "an important triggering event" and remembered that it was contemplated that any clearing action would be after the 7:00 p.m. curfew or would coincide with it. He told the OIG that he was unsure whether an MPD official or a USPP official made these comments regarding the curfew; our evidence is that it was MPD Chief Newsham, not a USPP official.

want “anybody to walk out of that room with the wrong expectation that MPD was going to be able to cover down on all the responsibilities across the National Capital Region.”

B. Department Activity at FBI WFO

After the SIOC meeting ended at approximately 3:00 p.m., Department and other federal officials held various meetings to prepare for the response to protests that evening. We have limited information about the various meetings, some of which we describe below. Witnesses described the events during the protests as a “blur,” a “very difficult couple of weeks,” and a “very chaotic situation.” We were, however, aided by call and text records.

Based on emails and testimony, we determined that a meeting took place at FBI WFO beginning around 4:00 p.m., and that Barr and other Department officials were present for it. We also identified emails and phone calls made by Department officials during this time period, including a call from Barr to White House Counsel Cipollone at 4:32 p.m. that lasted 14 minutes. However, we were unable to determine whether the President’s plan to walk to the church was discussed at this time or whether there was a link between these calls and the decision to deploy BOP personnel to Lafayette Park to assist the USPP and the USSS in the clearing operation.

During our interviews, several FBI witnesses, including Wray, told us that Barr’s continued presence at the WFO command post, along with senior leaders from other agencies, was a distraction and caused problems for the operation of the command post.¹⁰⁶ For example, the SAC of the FBI WFO Counterintelligence Division (FBI SAC 1) said that the presence of Barr and other very senior leaders who do not normally have a role in a crisis incident created “a lot more pressure from above” and “caused a lot of confusion on...who is actually in charge.” FBI SAC 1 said that he could recall one point where there was confusion in WFO as to whether FBI WFO ADIC Slater, Bowdich, Wray, or Barr was “running the show,” and that the addition of military personnel in the command post added to the confusion. Wray stated that Barr and other senior leaders present at WFO were “constantly demanding information” and that this at times became “distracting.” He explained that “it’s a busy, full-time job to deal with a critical incident, and anytime you’re briefing somebody else, is time you’re not helping to...manage the situation.” Wray said that because Barr was at WFO he felt that he also needed to be present, and that he and Bowdich at times tried to act as an “interlocutor” or “buffer” between Barr and other FBI staff.

¹⁰⁶ Wray told us that he had hoped that others would see that SIOC was a “great facility” and would be a good place to set up, and he remembered feeling disappointed when it became clear that the FBI had not succeeded in steering Barr and others to set up at SIOC rather than WFO.

1. 4:00 p.m. Meeting at the FBI WFO Command Post

Sometime after the SIOC meeting ended, Barr and others relocated to the FBI WFO command post. Barr arrived there sometime around 4:00 p.m. and, according to witnesses, first met with General Milley, Wray, Bowdich, Abbate, Engel, MPD Chief Newsham, and Bowdich's Chief of Staff in a small conference room.¹⁰⁷ ADIC Slater was also in the conference room at some points during the afternoon.

Engel told us this meeting was to determine where and how to deploy resources in Washington, D.C., and that Barr and Milley had these discussions with a map of Washington, D.C. in front of them. Wray said that during the period of unrest Barr was "very in the weeds" about where assets were located and recalled he and Barr poring over maps of Washington, D.C. as Barr sought information about crowd movements and the location of barriers.

Newsham said that the meeting lasted "maybe 30 minutes" and that General Milley did most of the talking, focusing on what military assets were available and where they could be, and that he (Newsham) reiterated that the MPD's plan was to wait until the 7:00 p.m. curfew and then make arrests. According to both Engel and Newsham, the discussion at this meeting concerned the response in Washington, D.C. generally, not just Lafayette Park. Newsham was unsure if the plan to push back the perimeter beyond Lafayette Park to I Street came up during the meeting.

Abbate told us that he recalled the 4:00 p.m. meeting and that many people were "crammed" into a conference room at the WFO command post. He said that he remembered Milley and others looking at a map and Milley suggesting that military forces could "drive" protesters in a certain direction, where law enforcement authorities were in position to potentially arrest them if necessary. Abbate told us that he did not know what Milley was talking about because what Milley described did not "reflect anything in [his] experience of the way things work, the law, criminal statutes, anything like that." He stated, "That's the kind of environment that was occurring over [at WFO]."

Bowdich's Chief of Staff, told us that he was in and out of this meeting but recalled two discussions at the meeting: a general discussion about DOD support for Washington, D.C. as a whole and a more specific discussion of "push[ing] the protest line back to the middle part of 16th Street." According to Bowdich's Chief of Staff, Barr told Milley that he "want[ed] to drive a wedge" and "move...the people back from the...fence line above Lafayette Square."

While this meeting was taking place, Barr requested that DOJ law enforcement components promptly send points-of-contact to FBI WFO. Sherwin sent an email to

¹⁰⁷ Barr's Chief of Staff Levi was also present at WFO with Barr and was in and out of this small conference room.

Terwilliger, ADAG 1, and others asking for the contacts, and ADAG 1 responded at 4:34 p.m. listing the points-of-contact that were to report to WFO, including the ATF AD of Field Operations, the BOP CPD AD, the USMS TOD AD, and later Bowdich. Shortly before 5:00 p.m., Terwilliger clarified in an email to component heads that Bowdich wanted “tactical decision makers regarding deployment of resources in Washington[,] D.C. tonight.” In addition to DOJ law enforcement components being directed to send points-of-contact to WFO, Terwilliger also asked the Director of the DHS Office of Operations Coordination, Admiral Tomney to make the same request to all DHS entities. Emails show that confusion developed over where the points-of-contact were to report that resulted in frustration on Barr’s part when they were delayed in arriving at WFO. During this meeting, Engel emailed his colleagues in OLC to tell them that they needed to accelerate the completion of the USMS request for assistance from the DCNG and the proclamation and order necessary to invoke the Insurrection Act “to be ready” (even if not ultimately needed).

Following this meeting, Barr turned his attention to phone calls and a meeting with tactical personnel that started at around 5:00 p.m. as described below.

2. Attorney General Barr’s and FBI WFO ADIC Slater’s Phone Calls

Barr’s cell phone records show that on the afternoon of June 1—before, during, and after the 2:00 p.m. SIOC meeting and 4:00 p.m. WFO meeting—there were calls between Barr and the White House Situation room, the White House Cabinet line, and White House Counsel Cipollone. Records show that at 4:32 p.m. Barr initiated a 14-minute phone call to Cipollone. We have no information about the content of these calls.

These phone records also show that at 4:47 p.m., immediately after Barr’s call with Cipollone, Barr called Newsham (who had just left the 4:00 p.m. meeting at WFO) and that the call lasted 2 minutes. The records indicate this was Barr’s only call to Newsham prior to President Trump’s walk through Lafayette Park to St. John’s Church at 7:01 p.m. Newsham then called Barr at 4:49 p.m. for an additional minute. Newsham told the OIG that he recalled receiving a “very brief” call from Barr. Newsham, who noted that his memory of the call was not that clear, said, “I want to say that the call I got from [Barr] was...that there was going to be a POTUS movement,” and he stated that he was “pretty sure” that he expressed reservations to Barr about the President potentially moving before the 7:00 p.m. curfew. However, Newsham also stated that he first learned of a potential presidential movement from a call either with the Assistant Chief of the MPD’s Homeland Security Bureau, who oversaw the MPD’s civil disturbance units, or with Barr sometime between 6:00 p.m. and 6:30 p.m., and that he thought that his call with Barr happened at around the same time he spoke to the Assistant Chief. During a press conference on June 2, Newsham stated that he first learned of a potential presidential movement “just before” law enforcement gave warnings for the crowd at Lafayette Park to disperse shortly before 6:30 p.m.

Telephone records show that then FBI WFO ADIC Slater and USPP Acting Chief Monahan had 13 contacts between 4:49 p.m. and 6:40 p.m. on June 1. The first telephone call was initiated by Slater at 4:49 p.m., the same time that Barr's telephone records show that Barr was contacting Newsham.¹⁰⁸ In a memorandum dated June 11, 2020, that Monahan drafted providing an unofficial timeline of the events from May 29 through June 6, Monahan wrote that during at least one of these calls, Slater expressed concern about the timeline for the operation and offered DOJ assets to complete it earlier.

Monahan told the DOI OIG that Slater was aware of the USPP's timeline for the clearing operation and understood that it would not begin until all the personnel needed to complete it were in place. He stated,

[H]e was concerned about the timeline of us clearing it and...wanted us to potentially do it earlier...than we had planned.... [H]e knew that our—our detail was responding late. He knew that our National Guard assets weren't [going to] be there until after that point.

Monahan told the DOI OIG that the assigned USPP units arrived at 4:00 p.m., but the DCNG did not arrive until 5:30 p.m. According to Monahan, Slater offered "to send some DOJ assets," but Monahan declined because he felt that the USPP plan was sufficient and that the USPP "didn't need any assistance."¹⁰⁹

When asked if Slater explained why he was asking for the timeline to be moved up, Monahan told the DOI OIG that he understood Slater's request was based on what Slater believed the level of violence near the White House to be. Monahan stated that there were "DOJ leaders" who "felt that it was...more important to move the timeline up" and that he told Slater that he was not going to adjust the timeline. When interviewers asked again about whether these discussions had any effect on USPP operations, Monahan stated, "I didn't adjust my timeline just [be]cause Tim Slater said, 'Adjust your timeline.'"

Monahan said that Slater did not mention any possible "off the record" movement by the President and that he had "absolutely no discussions" with the FBI about the President walking to St. John's Church. Monahan told the DOI OIG he did not recall precisely when he learned of the "off the record" movement by the President but that it

¹⁰⁸ Slater's phone records also show that in between Slater's calls with Monahan, Slater also had three phone calls with the Critical Incident Response Group (CIRG) AD, who was at FBI WFO at the time. Given that the CIRG AD also declined our request for an interview, we were unable to determine why Slater placed three phone calls to the CIRG AD between 5:22 p.m. and 5:28 p.m. and if any of these telephone calls were related to Slater's previous and subsequent conversations with Monahan.

¹⁰⁹ According to the DOI OIG report timeline, the DCNG arrived at 5:10 p.m. We reviewed Slater's text messages which show that at 3:25 p.m., Monahan sent Slater a text stating, "Hey wanted to see about some of your SWAT resources assisting at Lafayette Park and on the monumental core. Is that something you can support?" At 3:26 p.m., Monahan clarified that his request was for June 1.

was sometime between 3:00 p.m. and 5:00 p.m.¹¹⁰ As discussed above, Monahan told the DOI OIG that learning of the President’s potential movement had no impact on the USPP’s operational timeline.

Monahan’s supervisor, the National Park Service Associate Director for Visitor and Resource Protection, told us that she recalled a conversation with Monahan on the afternoon of June 1 in which Monahan informed her that he had been asked in a phone call if he could clear H Street so that President Trump could look at damage in Lafayette Park. The Associate Director also later sent an email to Monahan (described below) to the same effect describing his statements to her about clearing H Street for President Trump. The Associate Director stated that Monahan told her he had responded “No” to the request, and had called her to let her know about the exchange in case she was later asked about it. She could not recall who Monahan told her had made the request. At 6:51 p.m. on June 1, she texted Monahan, “He is on his way to the church.”

The Associate Director sent Monahan an email on June 13 about a draft press statement from the DOI communications director in which she recounted their June 1 conversation. In the email, the Associate Director asked if the DOI communications director “is aware of the conversation you had earlier in the afternoon [on June 1] with the FBI and others about moving folks so the president could go to the church...” The Associate Director told us that she did not recall Monahan mentioning the church when he described his call to her on June 1, and she said that she added the reference to the church to the email because the President’s visit to the church had become a “flashpoint.” When asked about the Associate Director’s email to him, Monahan told the DOI OIG that in his call with Slater, the topic of the President’s movement “did not come up” and that his call with Slater “had nothing to do with the [P]resident moving to the church” or through Lafayette Park.

3. Attorney General Barr’s Chief of Staff Sends an Email Telling the BOP to Deploy Personnel to the White House

At 5:00 p.m.—approximately 10 minutes after Barr’s calls with Newsham and Slater’s first call to Monahan—Barr’s Chief of Staff Levi, who was at FBI WFO, emailed the BOP CPD AD, who was the BOP’s representative at WFO, as well as other law enforcement component points-of-contact, stating, “BOP: Send your people to the W[hite] H[ouse] ASAP.”¹¹¹ At 5:17 p.m., the BOP CPD AD replied that 50 BOP personnel were deploying and

¹¹⁰ According to the DOI OIG report, notes Monahan prepared for his congressional testimony indicate that the USPP Major learned from the USSS at 4:50 p.m. “that the President would make an unscheduled visit at some point that day to assess the damage.” However, Monahan could not recall the source for the time written in his notes.

¹¹¹ We found no evidence that a potential BOP deployment to the White House or Lafayette Park was discussed at the 2:00 p.m. SIOC meeting. As discussed above in Chapter 3, although the terms of the BOP’s

(Cont’d.)

would arrive in approximately 30 to 45 minutes. At roughly 5:40 p.m., approximately 50 BOP SORT personnel arrived at the edge of the White House grounds at 15th Street and Pennsylvania Avenue, and the BOP CPD AD emailed Levi stating that the BOP personnel had arrived and were “linking up” with the USPP.

The BOP CPD AD told the OIG that he remembered being at FBI WFO on June 1 but did not recall interacting with Levi or anyone from the Attorney General’s staff; that he did not recall receiving Levi’s directive; and that he was not aware of what precipitated Levi’s directive. The BOP CPD AD said that he likely relayed the order to deploy to officials in the BOP’s Emergency Operations Center so that they could effectuate the deployment. He stated that he did not recall anyone consulting with him, and that he did not know whether anyone else in the BOP had been consulted, about deploying the BOP to assist at Lafayette Park. Then BOP Director Carvajal told us that he learned of the deployment while it was happening and did not know who directed his staff to Lafayette Park.¹¹² We discuss the BOP deployment to and actions at Lafayette Park below in Section IV.

We asked Sherwin, Terwilliger, and the USMS TOD AD (who were all copied on Levi’s email) about Levi’s directive, but no one could recall what prompted the urgent directive to deploy. Engel, who was not on the BOP email but who was with Barr at WFO, told us he did not know the reason for Levi’s directive.

4. 5:00 p.m. Meeting at FBI WFO to Discuss Deployment Strategies

At approximately 5:00 p.m., Barr met with senior leaders and tactical representatives from the FBI, the USMS, ATF, the DEA, ICE, the USPP, the USSS, and other federal agencies in the ADIC’s conference room at WFO. We have limited information regarding the attendees of this meeting as well as the discussions that occurred. Approximately 60 representatives, including Wray, DHS Deputy Secretary Kenneth Cuccinelli, the USPP Deputy Chief, and the USMS TOD AD met with Barr to discuss the need to reinforce security around the White House. Shortly after this meeting started, Bowdich emailed Terwilliger asking for the total number of federal agents available for deployment within the NCR. In an email, Bowdich also instructed his Chief of Staff to direct Slater and the AD of the Critical Incident Response Group (CIRG) to prepare to deploy FBI agents,

deputations prior to June 1 indicated that their mission was to protect Department buildings and personnel, Engel told us that once deputized they had the legal authority to be deployed to protect other federal property, including Lafayette Park. Additionally, we found other written special deputation forms dated June 1 that included broader language stating that the deputized BOP personnel’s mission encompassed protecting and defending “U.S. federal government buildings [and] personnel.”

¹¹² After reviewing portions of the draft report, Carvajal told us that he was “not in the direct chain of command of this operation” and was “not in any type of decision-making capacity or included in any specific planning” for the BOP’s deployments during this time period.

including determining where they should be deployed, and inform them that they should be ready to go in an hour.

We found no evidence that clearing H Street or installing the anti-scale fencing was discussed at this meeting. After attending a preliminary briefing of USPP supervisors at approximately 4:00 p.m. regarding the plan to clear H Street, the Deputy Chief of the USPP went to FBI WFO and arrived shortly after the meeting started. The USPP Deputy Chief, who had been assigned by the USPP to be the USPP representative at WFO on the evening of June 1, stated that the purpose of the meeting was to address protecting the city as a whole and determine what assets were available for deployment from each agency. The USPP Deputy Chief told the DOI OIG that he was not asked to, and did not, brief the USPP's operational plan to the group. The USPP Deputy Chief said that no one discussed or referenced the USPP's plan to clear H Street and install fencing and at that time he was not aware of the USPP having a specific timetable (other than when they had the manpower and the fencing had arrived) for implementing the plan to clear H Street.¹¹³

Barr, Engel, and Levi departed for Lafayette Park and arrived there shortly before 6:10 p.m.¹¹⁴ Barr wrote in his book that he was aware before leaving WFO that President Trump might go for a walk outside of the White House that evening though he did not know the details. Barr's presence in Lafayette Park and at the White House in the early evening of June 1 is discussed in greater detail in Section IV.

IV. Events at Lafayette Park on the Afternoon and Evening of June 1

In this section, we discuss the events at Lafayette Park on the afternoon and evening of June 1, including the operation to clear Lafayette Park and H Street. Because the USPP and the USSS had operational control of the clearing, our review is limited to what role the Department and DOJ personnel played in the events that transpired. Specifically, we focused on (1) the Department personnel who were deployed to the park, including what instructions they received and what actions they took; and (2) Barr's arrival at the park, his conversation with a USPP official, and what impact, if any, he had on the operation to clear the park and H Street—in particular, what impact he had on the timing. However, in order

¹¹³ The USPP Deputy Chief said that after the meeting ended, he used a whiteboard that was in the room to explain the USPP's plan to clear H Street to a few people who happened to remain in the room. He told the DOI OIG that he did not remember who he briefed, but stated it was not high level representatives from any of the agencies and there was "not enough time for anybody to...make calls or make any decisions" regarding the USSS operational plan based on his impromptu briefing. The USPP Deputy Chief said that he told those present, "We'll probably be moving these folks out shortly."

¹¹⁴ Barr's cell phone records show that he called the White House Cabinet Line at 5:46 p.m. and 5:47 p.m. and had an 8-minute conversation with someone there. We do not have information about to whom he spoke or what was discussed.

to address those two issues, it is necessary to describe the actions of other agencies including the USPP, the USSS, and the MPD.

We first set forth the DOI OIG's description of the USPP's and the USSS's anticipated timeline for clearing H Street and their development in the late afternoon of an operational plan for clearing the area. We then describe the BOP's deployment of approximately 50 SORT personnel to Lafayette Park following Levi's email at 5:00 p.m. ordering the BOP to send personnel to the White House, including a discussion of the limited instructions and guidance those personnel were provided. We next present the USPP's and the USSS's preparations to begin clearing H Street, including by informing other law enforcement agencies that the operation would begin shortly. We then describe Barr's arrival at Lafayette Park and his conversation with a USPP official in which Barr asked whether protesters would still be there when President Trump arrived at the park. Following that, we present the evidence regarding Barr's impact on the timing of the operation, including testimony from USPP and other officials that Barr's presence had no impact. We then discuss the actions of BOP, USMS, and ATF personnel during the operation to clear H Street. Finally, we briefly describe President Trump's speech in the Rose Garden and his walk, accompanied by Barr, General Milley, and others, through Lafayette Park to St. John's Church.

A. The USPP's and the USSS's Planning for the Operation to Clear H Street

As discussed above, according to the DOI OIG report, during the morning of June 1 the USPP Major, who was the USPP incident commander at Lafayette Park, determined that the USPP would need to clear H Street and Lafayette Park and hold the surrounding streets to enable the installation of anti-scale fencing. The DOI OIG report stated that according to the USPP Major, the USPP planned to clear the area "as soon as the fencing and the contractor's employees arrived and when officers were in place to secure the perimeter." The report further states that the USPP Major said that he would have secured the perimeter that morning if he had the available personnel, but that because sufficient USPP and DCNG personnel were not available until approximately 4:00 p.m., "the USPP determined it could not begin the clearing operation until late afternoon."¹¹⁵ The report notes that the USPP Major told the DOI OIG that "he did not consider waiting until the citywide 7[:00] p.m. curfew to clear Lafayette Park and H Street."¹¹⁶

¹¹⁵ The USSS Deputy Chief who headed the USSS response at Lafayette Park similarly told the DOJ OIG that she expected the operation to push back protesters to begin sometime around 4:00 p.m., after DCNG personnel arrived and a new USPP shift rotated in and was briefed. She said that trucks carrying fencing equipment had begun to arrive and the contractor's representative was on site, but that they needed DCNG to "stand the post" while the USSS and the USPP extended the perimeter.

¹¹⁶ The USPP Deputy Chief told us that he raised the issue of waiting for the curfew with the USPP Major at a briefing of commanders that occurred in Lafayette Park around 4:15 p.m. He recalled that the USPP

(Cont'd.)

According to the DOI OIG report, the USPP Major and the USSS Deputy Chief who headed the USSS response at Lafayette Park met at around 2:00 p.m. to discuss potential strategies for clearing protesters from Lafayette Park and H Street. The DOI OIG report states that they considered having USPP horse mounted officers and regular uniformed officers enter H Street to inform the crowd in a “nonadversarial manner” that the area was closed and that they should depart; they also discussed using USPP and Arlington County Police Department (ACPD) officers trained in civil disturbance tactics and wearing specialized protective equipment to clear the area “if some protesters within the crowd were noncompliant or combative.” The USSS Deputy Chief told us that she and the USPP Major agreed early in the afternoon that the “non-adversarial” approach seemed appropriate given the relatively peaceful nature of the crowd at that time. However, according to the DOI OIG report, the USPP Major and the USSS Deputy Chief ultimately decided on the latter approach based on reports of increasing violence:

In the early evening of June 1, acts of violence directed toward law enforcement increased as the crowd size grew, as they had May 29 through 31. According to USPP radio logs, intelligence reports, photographs, and videos, protesters breached the bike-rack fencing and entered the secured area, climbed on top of the burned-out comfort station, and threw projectiles like rocks, water bottles, and eggs at law enforcement officers. Because of the increased unrest and intelligence reports the USPP received of armed individuals in the crowd—including reports of people wearing ballistic vests and carrying baseball bats—the USPP incident commander told us that he and [the USSS Deputy Chief] decided to clear Lafayette Park and the surrounding areas by deploying USPP and ACPD officers trained in advanced civil disturbance tactics.¹¹⁷

The DOI OIG report describes the formulation of the final operational plan between 4:00 p.m. and 5:00 p.m.:

The USPP incident commander told us that the final operational plan provided that he would give the crowd three dispersal warnings. After completing the warnings, the USPP and the ACPD civil disturbance units would enter H Street from Madison Place and push the crowd back from the gate on Madison Place. The Secret Service would then enter H Street and assist in securing the intersections of Vermont Avenue and H Street and

Major stated, “[I]t doesn’t matter whether we do it before the curfew or after the curfew. We still have to move the people.” The USPP Deputy Chief also told the OIG that no one from the MPD raised the issue of waiting for curfew in his presence.

¹¹⁷ We are aware that a number of people who were present at Lafayette Park on June 1 have characterized the protests that afternoon as “peaceful” and have disputed that the protesters displayed violence. We did not review the extent of the violence at Lafayette Park on June 1, nor did we review the decision by the USPP—a non-DOJ entity—to employ the tactical approach that they did.

Madison Place and H Street. After securing the intersections, the USPP and the ACPD civil disturbance units would move the protesters west on H Street. The USPP's Horse Mounted Patrol unit, uniformed patrol officers, and members of the DCNG would follow the civil disturbance units and secure the intersections to allow the contractor to build the fence. Members of the U.S. Marshals Service, the Federal Protective Service, the BOP, the DCNG, and the USPP would maintain the security perimeter around Lafayette Park during the clearing of H Street and later assist in securing the extended perimeter.¹¹⁸

The USSS Deputy Chief told us that the planned timing for the clearing operation was consistent with when it occurred. She stated that they were waiting for the fencing and personnel to arrive, such as the DCNG, and when they all arrived it was between 5:00 p.m. and 5:30 p.m. According to the DOI OIG report, DCNG personnel arrived at Lafayette Park around 5:10 p.m. and were positioned inside the park by approximately 5:20 p.m. The report also states that the first of three trucks carrying fencing supplies arrived at the White House between 4:00 p.m. and 4:30 p.m., and the remaining two trucks arrived at approximately 5:30 p.m. At around the time the DCNG arrived at the park, the USSS Deputy Chief stated over a recorded radio channel that in approximately 35 minutes, the USPP and the USSS would start to push protesters north toward I Street.

The DOI OIG report also states that the USPP Major told the DOI OIG that at approximately 5:30 p.m. he briefed representatives from the USPP, the USSS, and the ACPD in Lafayette Park on the final operational plan. The DOI OIG report states, "Radio transmissions, text messages, and emails we reviewed confirmed that by approximately 5:40 p.m., the USPP had briefed its law enforcement partners that the operation would begin shortly." Texts we reviewed confirmed that at 5:38 p.m., Monahan advised Slater that the USPP was "Briefing supervisors now. DCNG on scene and will replace our [law enforcement] resources on the line. Moving shortly." The DOI OIG report stated that during the briefing, the USPP Major gave the following directions regarding the use of less lethal munitions:

The USPP incident commander told us that regarding so-called "less lethal" munitions, he authorized only the use of devices that did not contain chlorobenzylidene malononitrile (CS) gas during the operation.... He also told the [law enforcement] representatives, and stated over the USPP radio, that officers in Lafayette Park should use pepper balls only if protesters attempted to breach the bike-rack fencing and enter the park. He told us he

¹¹⁸ The FPS told the OIG that their role was limited to providing perimeter patrols in and around federal facilities that were in proximity to Lafayette Park, including the Department of Veterans Affairs, the Export-Import Bank of the United States, the Dolley Madison House, and federal facilities on Jackson Place.

expected the representatives to communicate this information to their assigned squads in their respective law enforcement organizations.

By 5:40 p.m., four MPD officers including the MPD Inspector were present in Lafayette Park to provide the USPP, in response to its request earlier in the day, with a specialized loudspeaker known as a long-range acoustic device (LRAD) for providing warnings to protesters, as well as to discuss coordinating the USPP's and the MPD's plans for that evening.¹¹⁹ These officers told us that after they arrived at the park and delivered the LRAD, they had a conversation with the USPP Major in which the MPD Inspector and the USPP Major discussed the MPD's and the USPP's plans. All four MPD officers stated that when they left Lafayette Park to begin preparing for MPD's CDU deployments a few blocks west of Lafayette Park, they understood that the USPP clearing operation would not start until after 7:00 p.m., when the MPD could enforce the Mayor's curfew.

B. BOP Personnel Deploy to and Arrive at Lafayette Park

At approximately 5:40 p.m., after the USPP had put together and briefed its final operational plan, approximately 50 BOP SORT personnel from the BOP's Mid-Atlantic and Northeast regions arrived at 15th Street and Pennsylvania Avenue in response to the directive from Levi to the BOP CPD AD that was issued less than an hour before. The DOI OIG interviewed USPP witnesses, including Monahan and the USPP Major, about their knowledge of the BOP's role at Lafayette Park. The DOI OIG noted in its report that the USPP Major and Monahan stated that they "did not request the BOP's assistance and did not know who dispatched them to Lafayette Park on June 1," and the DOI OIG found that "[t]he USPP did not request the assistance of the BOP." The USPP Deputy Chief also told us and the DOI OIG that he did not request the BOP's assistance and did not know who dispatched them to Lafayette Park. The USPP Major told the DOI OIG that he received a call from the USPP Deputy Chief, who was at FBI WFO, informing the USPP Major that some law enforcement assets were coming to Lafayette Park, but he could not recall if the personnel were from the BOP or Customs and Border Protection.¹²⁰ In response, the USPP Major assigned staff to meet those personnel—which we determined were from the BOP—when they arrived and to serve as their liaison.

Prior to deploying to the park, BOP SORT members were protecting the RFK building under the direction of two Correctional Services Administrators (Correctional Services Administrators 1 and 2). According to Correctional Services Administrator 1, he received a

¹¹⁹ The DOI OIG report found that the USPP Major used a long-range acoustic device (LRAD) to issue the three dispersal warnings beginning at 6:23 p.m. Based upon video evidence we reviewed and testimony we received from both USPP and MPD personnel, we confirmed that the USPP Major used an LRAD to issue the dispersal warnings beginning at 6:23 p.m.

¹²⁰ The Deputy Chief told the OIG that he did not recall being told that the BOP was deploying personnel to Lafayette Park and did not know how the USPP became aware that the BOP was deploying personnel to Lafayette Park.

call from an official in the BOP's Central Office instructing him and the SORT personnel with him to report to Lafayette Park immediately but no further information about what they would do once they were there. Correctional Services Administrators 1 and 2 directed approximately 10 SORT members to remain at RFK for security under Correctional Services Administrator 2's command, and 48 SORT members to report to Lafayette Park under the command of Correctional Services Administrator 1, as well as two Correctional Services Specialists (Correctional Services Specialists 1 and 2).

Correctional Services Administrator 1 and the two Correctional Services Specialists all told the OIG that they received no information about their mission prior to arriving at Lafayette Park. Correctional Services Administrator 1 told the OIG that when he arrived at Lafayette Park, he had "no idea what [they] were there to do." Correctional Services Specialist 2, who was in charge of approximately 20 SORT members from the BOP's Northeast Region, told the OIG that he did not recall anyone bringing the shields that they had at RFK because they "had no idea why" they were going. He said that he would have had his team bring the shields they had with them at RFK if he had been aware of what the situation was at Lafayette Park and what the BOP was ultimately asked to do. According to Correctional Services Specialist 2, the SORT members were each equipped with either a pepper ball launcher or a 40mm launcher as a primary weapon, a 9mm pistol, and a canister of OC spray; some BOP personnel also carried flashbangs.¹²¹

Upon arriving at 15th Street and Pennsylvania Avenue, the BOP personnel were met by a USPP officer who escorted them into Lafayette Park. Correctional Services Administrator 1 told the OIG that the BOP did not receive any formal briefing after they arrived at Lafayette Park. He said that he asked a USPP officer about their mission while they were being escorted through Lafayette Park, such as what the rules of engagement were and what the BOP needed to do. According to Correctional Services Administrator 1, when they arrived in the park, USPP officers were on horseback "keeping the protesters back" behind fencing, and he was told that the BOP was supposed to "supervise the...fences."¹²² Correctional Services Administrator 1 said that the "whole time" he was there, he did not know what the BOP's role was—whether it was to "assist[] in clearing the street" or whether the BOP was "just there to protect the fence."

Correctional Services Specialist 1 stated that he asked a USPP officer what their mission was, and that the USPP officer told him that the USPP was "going to hold the lines" and the BOP should "keep [] people from jumping over the fence and coming into the park and possibly on White House grounds." Correctional Services Specialist 2 told the OIG that once the BOP had its personnel in a line, a USPP officer told them only to follow him to "the

¹²¹ Correctional Services Specialist 2 testified that there were also two SORT members armed with M-4 rifles that acted as "overwatches."

¹²² Correctional Services Administrator 1 ascribed the horse-mounted police in Lafayette Park to the MPD; however, they were USPP officers. For the convenience of the reader, we note the correct agency.

West Lawn,” and stated that very little information was provided about what their duties were.

Correctional Services Administrator 1 and the two Correctional Services Specialists also told the OIG that they each asked a USPP officer about the rules of engagement. Correctional Services Administrator 1 said that he recalled that the USPP officer he spoke to specified, “no pyrotechnics,...no flash bangs, no nothing like that.” Correctional Services Specialist 1 told the OIG that the USPP officer he talked to told him that the mission was “crowd control,” and that if someone “jump[ed] the fence,” the BOP should “throw them back over”; Correctional Services Specialist 1 said that he responded that the BOP would not do that, but instead would escort them around the barrier and back onto the other side of the fence. Correctional Services Specialist 1 also said that the officer told him that they did not want the BOP using launchers—such as the 40mm launchers that some SORT personnel were equipped with—but that they could deploy “any type of gas, pepper balls” or similar munitions if protesters were not following instructions to move. Correctional Services Specialist 2 said that the USPP officer he spoke to said that the BOP should not arrest anyone, and that BOP personnel should not shoot pepper balls at anyone and should instead “shoot them on the ground” if such force was deemed necessary. Two other BOP SORT officers testified that they were affirmatively told by USPP officers that they should deploy less lethal munitions if protesters on H Street were throwing objects or refused to leave the area.

In a memorandum Monahan drafted regarding the events at Lafayette Park, Monahan wrote that the USPP briefed that “officers holding the line in Lafayette Park should only engage with pepper ball if demonstrators were coming over the police line/bike rack in Lafayette Park.”¹²³ However, the USPP liaison to the BOP told the DOI OIG that he did not remember whether he instructed BOP personnel that they should deploy pepper balls only if demonstrators were breaching the fence line. BOP witnesses we interviewed denied that they ever received any such instruction. Correctional Services Administrator 1 recalled receiving general instructions to “protect the fence line from people coming over.” Asked whether it was within the rules of engagement for BOP SORT team members to use pepper ball launchers and OC spray on protesters who were not following directions from law enforcement and leaving the area, Correctional Services Administrator 1 replied, “Yes.”

BOP witnesses testified that there were DCNG troops with shields lined up along the north side of Lafayette Park behind bicycle racks, and that USPP officers instructed the BOP to line up behind them. The BOP Mid-Atlantic SORT members lined up south of the

¹²³ The DOI OIG report found that the BOP may have fired pepper balls into the crowd contrary to the USPP Major’s instructions. The DOI OIG report noted that “several communication failures may have contributed to any misunderstanding the BOP had with respect to the firing of pepper balls from inside the park.” We found that BOP personnel fired approximately 72 pepper balls.

comfort station that had been set on fire the previous night. Several BOP witnesses stated that there were approximately 30 to 40 protesters on top of the comfort station throwing water bottles and other objects at law enforcement. Northeast SORT members lined up 10 to 15 yards west of the Mid-Atlantic personnel; Correctional Services Specialist 2 said that after they lined up, there was little or no communication between his personnel and Correctional Services Administrator 1 or the other Mid-Atlantic personnel.

Correctional Services Administrator 1 told the OIG that he briefed his team members on the rules of engagement once they arrived at the fence line, telling them that they should not use any flash bangs or stun grenades, and that they should use OC spray or pepper balls “if we had to protect ourselves and the integrity of the property that we were protecting.”¹²⁴ Correctional Services Specialist 2 told the OIG that he emphasized to his personnel that they should exercise restraint and be professional.

Several of the BOP SORT members that we spoke to described the situation when they arrived at Lafayette Park as “chaotic,” “volatile,” and “hectic.” Several BOP witnesses told the OIG that they saw protesters throwing a variety of objects at law enforcement, including frozen water bottles and road cones. Several BOP witnesses told the OIG that they felt unsafe or were concerned about being injured by the thrown objects, while others said that they did not feel that their safety was at risk.

Correctional Services Administrator 1 also told the OIG that his team had difficulty communicating with each other at Lafayette Park. He stated that it was so loud at Lafayette Park that he was not able to use radios or cell phones to communicate, and he resorted to “running back and forth” along the line of BOP personnel trying to communicate verbally to keep the integrity of the line together, though he said that his personnel “probably didn’t hear a word [he] said.”¹²⁵

¹²⁴ Several of the other BOP personnel we spoke to stated that they did not recall being told that they should not use flash bangs.

¹²⁵ As mentioned, we did not review specific use of force incidents, including individual uses of force during the clearing operation. More broadly, we considered, but decided not to review, whether the on-scene direction by BOP supervisors to use force at all as part of the USPP-led clearing operation complied with Department and BOP use of force policies. We made that decision for several reasons. The BOP personnel who actively participated in the clearing operation, using force in doing so, were deployed to Lafayette Park and reported to the non-DOJ Unified Command, in response to an urgent directive from the Attorney General’s Chief of Staff. They were given no guidance or instruction about their mission, the rules of engagement, or how they should consider Department or BOP use of force policies in connection with that urgent deployment order. Less than an hour later, those BOP personnel participated in the USPP-led clearing operation, which had been briefed prior to their arrival. Notwithstanding these chaotic circumstances, we found evidence that the BOP supervisors responsible for directing their personnel to use force as part of the clearing operation tried very quickly to determine the mission, the rules of engagement, and the BOP’s assigned role in that USPP-led operation. Those same BOP supervisors endeavored to ensure that BOP personnel acted professionally and appropriately, including rejecting one suggested use of force (i.e., throwing fence jumpers back over the fence) that a BOP supervisor judged to be inappropriate.

C. Between 5:35 p.m. and 6:09 p.m., the USPP and the USSS Prepare to Start the Clearing Operation and Inform Multiple Law Enforcement Partners That the Operation Would Begin “Shortly”

Between 5:35 p.m. and 6:09 p.m., the USPP took several actions in preparation for starting the clearing operation in short order. As noted previously, Monahan texted FBI WFO ADIC Slater that the USPP would be “moving shortly” and had begun deploying DCNG members “on the line.” According to the DOI OIG report, at approximately 5:50 p.m., the USPP Major instructed the USPP Horse Mounted Patrol unit and USPP and ACPD civil disturbance units to prepare for deployment onto H Street. In a log maintained by an ATF agent to provide information to ATF leadership, the agent noted that at 5:50 p.m., “USPP advises they will be pushing protesters off H [Street].”

At 6:03 p.m., the USMS CARFTF Commander, who was at Lafayette Park throughout that afternoon, sent an email to his supervisor and others stating, “things are going to start moving at Lafayette. Should be shortly after [6:00 p.m.]” The CARFTF Commander told us that he believed he sent that email after he first learned that USPP planned to clear H Street. He said that he learned of the plan to clear H Street when he listened in on “urgent discussions” in which USPP officials said that they intended to provide three warning announcements and then start clearing the area. According to the DOI OIG report, the USPP Major had already drafted the dispersal warnings on his cell phone at 6:04 p.m., prior to Barr arriving in Lafayette Park, and he was already in the process of implementing his plan to clear H Street.

At 6:09 p.m., an MPD officer located at 15th Street and H Street broadcast over a recorded MPD radio channel, “Park [Police] just advised they would be deploying munitions here shortly.”

D. Attorney General Barr Arrives at Lafayette Park at Approximately 6:08 p.m. and Has a Conversation with a USPP Official Between 6:10 p.m. and 6:11 p.m.

Barr left FBI WFO shortly before 6:00 p.m. and went to Lafayette Park. Barr traveled to Lafayette Park with Levi and Engel, and General Milley rode in a separate vehicle and arrived at the park around the same time as Barr. Engel told the OIG that Barr and Milley went to Lafayette Park “to see...how things were going.” According to Engel, either shortly before leaving WFO, or while they were in Lafayette Park, they learned that President Trump intended to give a speech at St. John’s Church.¹²⁶ According to contemporaneous news reports, Barr arrived at Lafayette Park at approximately 6:08 p.m.

¹²⁶ Engel told us it was not until the President left the Oval Office and went to the Rose Garden that he realized the speech would be given at the Rose Garden and that the President intended to walk to the church after his speech concluded. Engel could not recall how or from whom he initially learned that the speech was supposed to occur at the church.

At 6:10 p.m., Barr can be seen on a live news broadcast having a conversation with the USPP Captain, who was serving as the USPP's operations commander at Lafayette Park, as shown in Figure 4.2 below; by 6:11 p.m., that conversation had concluded. We asked the USPP Captain and other available witnesses about this conversation.

Figure 4.2: Barr Talking to the USPP Captain at Lafayette Park



Source: Reuters/Ken Cedeno. Individual faces blurred by the OIG for privacy.

The USPP Captain told the DOI OIG that he saw Barr and others heading to the center of the park, and that he heard the crowd start reacting to Barr's presence. The USPP Captain told the DOI OIG that he walked towards Barr and the others in order to tell them that they were not safe where they were standing. According to the USPP Captain, the Attorney General asked him, "Why are all these people still here?" and stated, "I thought they'd be gone by now." The USPP Captain told Barr that the USPP was "not ready to install the fence yet" and that personnel were "still getting in position." The USPP Captain said that he advised Barr that where he was standing was not safe and that he could be hit by objects thrown by protesters. According to the USPP Captain, Barr's next question was, "Are these people still going to be here when [the President] comes out?" The USPP Captain said that that he "could not believe" what Barr had said, and that his response to Barr's question was to say something to the effect of, "Are you freaking kidding me?" The USPP Captain told the DOI OIG that he was surprised because he had not heard that the President would be walking into Lafayette Park and because he did not consider the park to be a safe area for the President to go. In his interview with us, the USPP Captain said that he was "basically in shock" that it was under consideration, stating, "we didn't feel safe there. Why are we going to bring the President out here?" The USPP Captain told us that

Barr did not say anything to the effect of “let’s get this done” or “you need to get this show on the road.” He also said that the time for the clearing operation remained “squishy” and yet to be determined at 6:10 p.m. when he was talking with Barr.

Engel told us that when he and Barr arrived at Lafayette Park, both of them were surprised that the perimeter had not already been pushed 1 block north. Engel explained that “it was obvious” the President could not go to the church until H Street was cleared and the security perimeter had been extended. Engel told us that at that point (approximately 6:11 p.m.) he did not know what time the President intended to speak, and he denied that there was any discussion about clearing H Street sooner to accommodate the President’s desire to go to St. John’s Church.

Engel said that Barr and General Milley “walked around to see what the scene was” and received a situation report from someone at Lafayette Park, possibly a USPP officer. He stated that they expressed surprise to the person who provided the situation report that the perimeter had not yet been moved and were told that the USPP and the USSS were “going to move it” and “almost ha[d] enough people.” Engel told us that after the encounter with the USPP Captain, he, Barr, Milley, and Levi began walking to their parked cars, but at the suggestion of Barr, went instead into the West Wing.¹²⁷ Engel stated that when they arrived in the Oval Office, President Trump was working on his speech with one of his speech writers and exited to the Rose Garden approximately 10 minutes after they arrived. Engel told us that he did not recall any discussion about Lafayette Park, including whether or not it had been cleared, while he was in the West Wing.

White House Deputy Chief of Staff for Operations Ornato, who was with Barr at Lafayette Park, told the OIG that prior to going to the park, he was told that President Trump wanted to go into Lafayette Park to thank law enforcement and “to see the burned buildings in the park.” Ornato told the OIG that at the time he learned that the President wanted to go into the park, the SAC of the USSS Presidential Protective Division stated that the President could not walk out into Lafayette Park until it was secure. Ornato stated that sometime later, he again was asked whether it was secure for the President to walk into the park, and was again advised by the SAC that the USSS was “not going to allow the President to be put in harm’s way.” According to Ornato, he had “gotten word” that Barr, Milley, and White House Chief of Staff Meadows were going into the park “to assess the situation,” and he said that he “assum[ed]” that Barr and the others were going to the park “to settle...everyone down, the staff and the President.” Ornato told the OIG that it was

¹²⁷ Barr’s phone records show that he received a phone call from White House Chief of Staff Meadows at 6:22 p.m. (while he was still at Lafayette Park or the surrounding area). Before the January 6 Committee, Esper testified that at around 6:20 p.m. he received a call that “the President wanted an update” on the deployment of forces to support law enforcement on the evening of June 1 and that he arrived at the White House at approximately 6:30 p.m.

also his assumption that Barr, Milley, and Meadows “wanted to go see if we were giving them the truth” that “it wasn’t secure enough for the President to walk out.”

Ornato stated that while he was walking with Barr, Milley, and Meadows, a frozen water bottle was thrown and hit the ground near Barr. According to Ornato, in response to the frozen water bottle being thrown, Barr’s security detail advised him to move back. Ornato said that Barr “was disgusted that people were actually throwing stuff.” Ornato, like Engel, also recalled Barr having a discussion with someone who Ornato believed was a USPP official. Ornato told us that at the time of this conversation, he did not know whether President Trump was going to come into Lafayette Park because the USSS SAC was still of the opinion that it was not safe for the President to go there. When we asked Ornato if he heard Barr, Milley, or Meadows ask that the clearing be sped up, he answered, “No.” When we asked Ornato if he recalled any of them “putting any type of pressure to do [the clearing] quicker or sooner,” he responded, “The only thing I heard maybe was the A[ttorney] G[eneral] asking why isn’t the anti-scale fence up yet? But nothing from [Milley or Meadows.]” According to Ornato, Barr asked, “When is the anti-scale fence going up,” and the USPP official advised Barr that it would be installed “shortly.” Ornato also told us that in addition to asking when the anti-scale fence was going up, Barr asked “who is where” and why law enforcement was lined up in rows. Ornato recalled that at the time of this discussion the DCNG “was getting in place” and that law enforcement was taking steps to “make a line” so that the fencing could be put in place. However, Ornato also noted that as White House Deputy Chief of Staff for Operations, the clearing operation was not within his responsibilities.¹²⁸ Ornato said that other than the brief conversation with the USPP Captain described above, he did not speak to anyone in the unified command about the clearing operation, and that he had not been briefed on the plan nor was he aware of the plan for clearing H Street.¹²⁹

¹²⁸ According to Ornato, as the White House Deputy Chief of Staff for Operations, he was responsible for managing the day-to-day logistical operations of the White House and the Executive Office of the President, including managing events and issues that fell with their respective areas of responsibility.

¹²⁹ Ornato testified before the January 6 Committee on January 28, 2022. In that testimony, Ornato discussed the events at Lafayette Park on June 1, including Barr’s visit to the park that evening. Ornato testified that on the morning of June 1, President Trump had put Barr in charge of all federal law enforcement, and that Barr had held a meeting at FBI headquarters to tell all the federal law enforcement agencies “what he wanted to see that day.” During his testimony, Ornato referred to the plan to install the fencing as “the A[ttorney] G[eneral]’s plan.” Ornato also stated the following:

[T]he perimeter being put up was happening, like I said, the A[ttorney] G[eneral] in the morning said he wanted at 5:00 [p.m.], I believe it was. And...the perimeter ended up going at 6:00 [p.m.]. Because to be honest, there was—all the Federal law enforcement was in Lafayette Park waiting to set it up. There was no one giving directions in doing so. And the A[ttorney] G[eneral], when he went out there had to take control and get direction of—so that the Federal agencies can get that perimeter up. Because it was decided on who would be on what corner, you know, hours before and who would hold what. And they just weren’t

(Cont’d.)

In his book, Barr stated that during the afternoon of June 1 he caught glimpses of video coverage of Lafayette Park and the surrounding area and wondered why the perimeter movement had not yet been carried out. Barr wrote that he was “frustrated” by the number of protesters along H Street, which had numbered only a few hundred in the early afternoon but was gradually increasing as the day went on. Barr stated, “I wanted the movement to occur as early as possible before the crowd got too big. The sooner the movement occurred the easier it would be. I was told that the units were taking longer to assemble than expected but that the operation would proceed as soon as they were in place.” Barr also recounted having a conversation with the USPP Captain and his description of the conversation included that Barr raised the topic of President Trump coming out, and that the USPP Captain seemed surprised in response.

On June 2, a news article regarding the clearing of protesters at Lafayette Park the prior day included a statement by a “Justice Department official” that Barr had told law enforcement officials when he visited Lafayette Park on June 1, “This needs to be done. Get it done.”¹³⁰ Internal DOJ text messages reflect that Kerri Kupec, then Counselor to the Attorney General and DOJ Director of Public Affairs, was the source of the quote. Three days later, on June 5, Barr stated in a press interview regarding the events of June 1:

They had the Park Police mounted unit ready, so it was just a matter of execution. So, I didn’t just say to them, “Go.”

...

executing the plan. The A[ttorney] G[eneral] kind of whipped that when he went outside. And ultimately, Park Police was responsible for clearing the area as that is their jurisdiction.

Ornato did not elaborate on what he meant by “whipped” or Barr having to “take control.” Ornato’s testimony also did not include any discussion of whether he heard Barr ask or direct the USPP to start its clearing operation or to move up the timing of the clearing operation. The OIG did not seek clarification from him about these points at the time of his June 2022 OIG interview because Ornato’s January 28, 2022 testimony before the Committee was not publicly available until March 2024. The OIG did afford Ornato the opportunity to review portions of the draft report prior to its release and to provide clarification at that time, and he reiterated that his understanding of Barr’s role was based on Ornato’s knowledge that Barr, as Attorney General, was the nation’s chief federal law enforcement officer, as well as Ornato’s observation that after Barr’s arrival at the park, “(a) A[ttorney] G[eneral] Barr asked about the status of the anti-scaling fence, (b) the USPP gave warnings to clear the area, and (c) the USPP began its clearing operation.” In light of his testimony to the OIG that Barr did not request or order the USPP to move up the timing of the clearing operation, as well as the weight of the evidence that the plan to install the fencing was not Barr’s plan but rather that of the USSS and the USPP, and that Barr did not order the clearing or affect its timing, we do not believe Ornato’s testimony to the January 6 Committee warrants a different finding.

¹³⁰ Carol Leonnig et al, “[Barr Personally Ordered Removal of Protesters Near White House, Leading to Use of Force Against Largely Peaceful Crowd](https://www.washingtonpost.com/politics/barr-personally-ordered-removal-of-protesters-near-white-house-leading-to-use-of-force-against-largely-peaceful-crowd/2020/06/02/0ca2417c-a4d5-11ea-b473-04905b1af82b_story.html),” *The Washington Post*, June 2, 2020, https://www.washingtonpost.com/politics/barr-personally-ordered-removal-of-protesters-near-white-house-leading-to-use-of-force-against-largely-peaceful-crowd/2020/06/02/0ca2417c-a4d5-11ea-b473-04905b1af82b_story.html (accessed June 9, 2024).

I'm not involved in giving tactical commands like that. I was frustrated and I was also worried that as the crowd grew, it was going to be harder and harder to do. So my attitude was get it done, but I didn't say, "Go do it."¹³¹

On June 13, Kupec forwarded Levi a question she had received from a reporter asking what Barr and the USPP Captain talked about when they were photographed together at Lafayette Park on June 1; Levi's text message response to Kupec was, "In general, after arriving at the [White House], the A[ttorney] G[eneral] expressed surprise that the perimeter had not yet been moved and his view that it should be done as soon as possible."

Later, on July 28, 2020, Barr appeared before the U.S. House of Representatives Committee on the Judiciary and addressed the clearing operation on June 1. He testified that two factors led to the timing of the perimeter movement on June 1: (i) having "enough units" in place and (ii) the delivery of the fencing. Barr further stated that "the tactical considerations" were made by the USPP and denied that the clearing operation was related to President Trump's movement, stating "it had been planned all day."

E. Attorney General Barr's Presence in Lafayette Park and Discussions about the Timing of the Clearing Operation

In his interviews with the DOJ and DOI OIGs, the USPP Captain said that after his conversation with Barr at 6:10 p.m., he walked to where Monahan was in the park and told him about Barr's question about whether the protesters would still be present when the President came out. The USPP Captain said that he asked Monahan whether the USPP was aware that the President might come out, and Monahan responded that he had not been aware of that. The USPP Captain said that he and the USPP Major did not discuss the USPP Captain's conversation with Barr at that point. The USPP Captain also said that he did not know whether Monahan told the USPP Major about the USPP Captain's conversation with Barr.

An MPD Sergeant who was in the park with the USPP Major told the OIG that between 6:10 p.m. and 6:15 p.m., the USPP Major advised him that he had been told to move up the timeline "by about 15 minutes" and that this occurred after the USPP Major had a conversation with his superiors. According to the MPD Sergeant, after he learned from the USPP Major that the USPP was moving up its timeline, the MPD Sergeant sent a radio communication stating, "we're about 15 minutes out." MPD radio recordings we reviewed confirm that the MPD Sergeant made this transmission at 6:16 p.m. Following

¹³¹ See generally Michael Balsamo, "[Barr Says He Didn't Give Tactical Order to Clear Protesters](https://apnews.com/article/william-barr-american-protests-donald-trump-ap-top-news-politics-1a993a6e99b4ecd1062a7552efed2d96)," *Associated Press*, June 5, 2020, <https://apnews.com/article/william-barr-american-protests-donald-trump-ap-top-news-politics-1a993a6e99b4ecd1062a7552efed2d96> (accessed June 9, 2024).

the MPD Sergeant's radio communication, the MPD Inspector responded that MPD assets should be "deployed, masked up, and helmeted up now."

According to telephone records, at 6:12 p.m., the MPD Assistant Chief called the USPP Major.¹³² The MPD Assistant Chief told us that prior to this call with the USPP Major he expected that the USPP would wait until the 7:00 p.m. curfew before clearing the area of protesters. The MPD Assistant Chief said that he did not recall whether anyone from the USPP told him that they were going to wait until curfew, but he said that "common sense...is that if everyone has to legally be out of the area at 7:00, then there would be way less people remaining after that time and all those people that do remain...would be in violation of the law."¹³³ The MPD Assistant Chief told us that when he and the USPP Major spoke, the USPP Major told him that the USPP would not wait until the curfew. The MPD Assistant Chief described the call as follows:

[W]e had a conversation where...he told me that they were going to be moving their timeline to basically be clearing the area to install the fence. And in the conversation, I told him, well, you know, curfew starts at 1900 hours, 7:00 p.m.

...

[W]hen [the USPP] Major...called me to tell me they were getting ready to start their plan, I said, 'wait until curfew. If you wait until curfew, then when you do your thing, we would be at the same time.'

The MPD Assistant Chief told us that in response to his asking that the USPP wait for the curfew, the USPP Major replied, "The Attorney General is here, we got to go now." When asked whether the MPD Assistant Chief understood the USPP Major to be saying that the reason the USPP could not wait for the curfew was at least in part because of the Attorney General's presence, the MPD Assistant Chief stated, "I would say that that's my interpretation.... [T]he Attorney General is in the park and he's telling me, we got to go now. Obviously that plays some sort of a role into—what that role is specifically, I can't say." The MPD Assistant Chief, however, stated to the DOI OIG that he had no information suggesting that Barr ordered the USPP to clear the park, nor could he say that the Attorney General's presence was the reason the USPP began their operation when they did. He also said that the USPP Major did not offer any other explanation as to why the USPP could not wait for curfew. In addition, the MPD Assistant Chief said he first learned of a potential

¹³² According to a running log kept by an ATF representative at the MPD's JOCC, at 6:12 p.m.—the same time as the USPP Major's call with the MPD Assistant Chief—the ATF representative wrote, "Per USPP push at H [Street] should begin in approximately 5 minutes."

¹³³ The MPD Assistant Chief testified that he learned some details about the USPP's plan for clearing H Street from the MPD Inspector who had spoken with the USPP Major after their conversation had concluded, but the MPD Assistant Chief did not recall whether his expectation that the USPP would wait for the curfew was based on what he learned from the MPD Inspector.

presidential movement on this call, when the USPP Major informed him of the possibility that President Trump might leave the White House grounds.

After the MPD Assistant Chief's call with the USPP Major, he called the MPD Inspector who had previously spoken to the USPP Major in the park to let him know that the USPP planned to move before the curfew. At 6:14 p.m., the MPD Inspector issued a radio call for an "emergency deployment." One of the MPD officers who had been in the park with the inspector told us that until he heard this radio call, he had still been under the impression that the USPP was planning to wait for the curfew, and he said that the MPD had to hurry to get their officers staged.

According to Newsham and the MPD Assistant Chief, the USPP's decision to start the clearing operation before the curfew complicated the MPD's response to the protesters on H Street. Newsham told us that he and the MPD Assistant Chief were "in a little bit of disbelief" when they learned that the USPP would move prior to the curfew. The MPD Assistant Chief told the OIG that the MPD needed to "scramble" to establish lines and described it as a "hurry-up offense." The MPD Assistant Chief also explained that he was concerned about the USPP pushing a large crowd of people before curfew—many of whom were angry—onto the MPD's jurisdiction, where they could start "breaking windows, setting fires, doing things like that." The USPP Captain told the DOI OIG that after the protesters were pushed down H Street to 17th Street, the USPP did not have a preference for which direction the MPD funneled protesters.

Monahan told the DOI OIG that the USPP Captain did not tell him the substance of his conversation with Barr until several days later, and he understood the USPP Captain's conversation with Barr to have consisted only of the USPP Captain telling Barr that he was not safe where he was standing. Monahan also said that Barr "did not tell us or give us advice or order us on when to effect our operation" and that Barr's presence had no impact on Monahan's decision-making.

The DOI OIG asked the USPP Major, who was in charge of the operation to clear H Street and who personally issued the warnings, whether Barr's appearance in Lafayette Park had any influence on the timing of the USPP's operation; the USPP Major replied, "No, it did not." The USPP Major told the DOI OIG that he did not recall the USPP Captain telling him about his conversation with Barr right after it happened, though the USPP Major did recall that the USPP Captain later told him that he had advised Barr to move to avoid being hit by thrown objects. The USPP Major stated that the USPP Captain did not tell him anything that Barr said back to him. When asked whether the USPP Captain told the USPP Major anything to the effect of, "the [A]ttorney [G]eneral is here, we gotta get this show on the road," the USPP Major replied, "No."

The USPP Major told the DOI OIG that he did recall having a conversation with the MPD Assistant Chief in which the MPD Assistant Chief asked him if they were going to wait for the 7:00 p.m. curfew, though he did not recall the MPD Assistant Chief expressing any

concerns about clearing the area prior to the curfew. The USPP Major also stated that he did not recall whether he told the MPD Assistant Chief that the Attorney General was in Lafayette Park, but he said that it would not surprise him if he had. When asked why he may have told the MPD Assistant Chief that the Attorney General was in the park, the USPP Major stated:

[J]ust giving [the MPD Assistant Chief] a full scope picture...to try to just paint a picture for him of what I was...dealing with the crowd, what our plan was, who's here in the park with us. And that was it. So I don't know that there was any specific reason why I would tell him that or would not tell him that other than trying to paint a full picture to give him kinda the visuals of what we're dealing with.

The USPP Major told the DOI OIG that Barr was "not in my chain of command, or my authority." The USPP Major further stated: "[Barr] might be a very important guy in the government, he's just not my boss. And I wouldn't listen to him directly, honestly." He also noted that the operation to clear the area was very complex and could not easily be sped up. The USPP Major also told the DOI OIG that he did not consider waiting for the curfew to clear Lafayette Park and H Street and that he told the MPD Assistant Chief that the plan to clear the area was "not a curfew-driven initiative." When asked whether waiting for the curfew might have increased the crowd's compliance with the warnings to disperse, the USPP Major noted that there was significant violence the previous night even after the 11:00 p.m. curfew, and so he did not believe that the curfew would have changed the crowd dynamics.¹³⁴

Similarly, the USPP Captain told both the DOI and DOJ OIGs that he believed that Barr's presence did not affect the timing of the clearing operation. He told us that while the Attorney General is an important person, he is not the Secretary of the Interior, who has authority over the USPP, and he is not in the USPP Captain's chain of command. The USPP Captain stated that he was not aware at the time that Barr had been appointed by the President to coordinate the civilian agencies. He said if he had known, he would have asked for clarification from Monahan as to whether the USPP was now reporting to Barr. The USPP Captain also said that he considered the USPP to be running the operation to secure Lafayette Park.

The USSS Deputy Chief told us that she did not receive any pressure from anyone on behalf of President Trump or his protective detail to "hurry this up" or to clear the area of protesters by a specific time. When asked whether she or the USPP Major felt any self-imposed pressure to expedite their plan because President Trump wanted to come to the

¹³⁴ The MPD Assistant Chief told us that he believed this was an "unfair characterization" given that there was already widespread violence throughout the city when the curfew went into effect the previous night at 11:00 p.m.

park, the USSS Deputy Chief said “no” and that “it did not rush us at all.” The USSS Deputy Chief said that the USPP Major’s mentality was “I don’t care who this is, we’re going to go with our plan.” The USSS Deputy Chief said that Barr’s presence had no impact on the timing of the clearing operation. She also said that she was unaware of President Trump’s designation of Barr as leading the response to protests in Washington, D.C. and that the designation had no impact on command and control at Lafayette Park on June 1. Two Deputy Special Agents In Charge (DSAC) within the USSS Presidential Protective Division, who assisted with the planning and execution of President Trump’s protection during his walk to St. John’s Church, both told us that the timing of the clearing operation was not altered to accommodate President Trump. One DSAC told us that he was not part of any conversations to “push out any earlier, or any faster,” and the other DSAC told us there was “no connection” between President Trump’s walk and the plan to clear Lafayette Park.

The USMS CARFTF Commander, who was at Lafayette Park, told us that he did not observe the USPP or the USSS speeding up their operational tempo at any point. The DOI OIG also interviewed several ACPD officers who were at the park and who were operating under the USPP and the USSS’s unified command; these officers stated that the timeline for clearing H Street was consistent with what they had been told by USPP officials when they arrived at Lafayette Park earlier that afternoon and that the timeline did not appear to change or speed up at any point.

F. Lafayette Park and H Street Are Cleared of Protesters

According to USPP officials, crowd behavior and violence did not affect the timing of the clearing operation. As discussed above, the USPP’s plan called for law enforcement to enter H Street from Madison Place, at the northeast corner of Lafayette Park. However, at approximately 6:17 p.m., without notice to the USPP and contrary to the USPP’s operational plan, USSS personnel briefly entered onto H Street from Madison Place in order to move barriers to facilitate the clearing operation, resulting in a hostile reaction from the protesters. About 11 minutes later, at 6:28 p.m., the USPP began its operation to clear protesters from Lafayette Park and H Street.

1. USSS Personnel Move Onto H Street at Approximately 6:17 p.m.

According to the DOI Report, “contrary to the [USPP’s] operational plan and before the USPP gave the first dispersal warning, the USSS entered H Street from Madison Place.” Video that we reviewed shows USSS personnel entering onto H Street and moving barriers along the north side of Madison Place. The video shows that approximately 1 minute later, several USSS personnel became engaged in a brief scuffle with members of the crowd. USSS personnel then formed lines to hold the intersection of Madison Place, H Street, and Vermont Avenue. However, protesters pelted the USSS personnel with dozens of water bottles and other objects and, by 6:21 p.m., the USSS personnel had retreated back onto Madison Place. At approximately 6:22 p.m., USSS personnel again pushed out from

Madison Place and secured the intersection, which they held until USPP and ACPD forces moved onto H Street, as described in more detail below.

According to the USSS Deputy Chief, USSS personnel determined that the barriers along the north side of Madison Place would not have allowed the law enforcement personnel who were staged on Madison Place, including the USPP horse mounted units, to enter onto H Street, and decided to move the barriers.¹³⁵ The USSS Deputy Chief described this as a “mistake,” but she said that it was not intended to “hurry [] up” the plan or to start clearing the area before the USPP issued warnings. The USSS Deputy Chief said that the USSS’s actions in moving the barriers and coming into direct contact with protesters caused the crowd to become “riled up” and “escalated” the situation. The USPP Major and the USSS Deputy Chief both said that the way the crowd reacted to the USSS personnel moving onto H Street—including throwing multiple projectiles at law enforcement—caused the USPP Major to change his plan so that CDU units would enter H Street before the horse mounted units, as he was concerned that the horses might be struck by projectiles if they went first.

The USSS Deputy Chief told us if she had been focused solely on installing the anti-scale fence, she thought that they could have reassessed after they saw how the protesters had reacted to the USSS personnel and potentially decided to wait before attempting to clear the area. She said in hindsight that because she was aware at the time that the President was planning on visiting the park, she felt that there was no “flexibility” to push back the timing of the operation because “[w]e needed to clear the area to provide a safe environment for our protectee.” The USSS Deputy Chief attributed the lack of flexibility to her own “hyperfocus” and not any pressure from the President, the Presidential Protective Detail, or others within the USSS. She also said that she never had any discussions with the USPP Major or anyone else about potentially pushing back the timing or about the President’s walk impacting their flexibility. The USSS Deputy Chief said that ultimately, the President’s planned visit to the park “did not impact the timing [of the clearing operation] at all.... It just impacted our flexibility to say, let’s put a hold on this.”

2. The USPP Gives Warnings and Clears Lafayette Park and H Street of Protesters

Starting at 6:23 p.m., the USPP Major delivered the first of three warnings to depart the area. The DOI OIG report described the dispersal warnings issued by the USPP:

At 6:23 p.m., the USPP incident commander began the first of three dispersal warnings using a sound-amplifying long-range acoustic device (LRAD) borrowed from the MPD.... The USPP incident commander issued two

¹³⁵ We did not interview any of the USSS personnel who entered H Street prior to the USPP’s warnings, as this issue is outside the scope of our review.

additional dispersal warnings—at 6:26 p.m. and 6:28 p.m.—using the LRAD. All three warnings stated, “Attention. This is [the incident commander] with the United States Park Police. For safety and security reasons, Lafayette Park and H Street are closed to pedestrians. You are ordered to depart the area immediately.” The first warning ended with “this is your first warning,” the second ended with “this is your second warning,” and the third ended with “this is your final warning.”

Several BOP witnesses told the OIG that the crowd appeared to get increasingly angry and threw more objects at law enforcement after the USPP began issuing warnings to disperse. One BOP SORT member said that after the USPP started issuing warnings, the people on the comfort station became “extremely aggressive”; he said that although they had been throwing water bottles at law enforcement the whole time that the BOP was there, after the warnings started some people “started stepping up and trying to actually hurt people.”

As detailed in the DOI OIG report, at 6:28 p.m., approximately 1 minute before the third warning was completed, USPP and ACPD civil disturbance units deployed from Madison Place onto H Street. The DOI OIG report described how USPP, ACPD, and DCNG personnel proceeded to clear Lafayette Park and H Street:

As the USPP incident commander began the third dispersal warning, the USPP operations commander transmitted over his radio that the “[civil disturbance units] are deployed.” A USPP civil disturbance unit commander told us he did not know that the civil disturbance units left before the USPP incident commander finished the third warning and admitted that he could not hear the warnings because of his helmet and earpiece. USPP civil disturbance unit commanders could not tell us who issued the order to deploy onto H Street from Madison Place before the USPP incident commander had completed the third dispersal warning, and we were unable to determine who issued the order. An ACPD civil disturbance unit commander said, “It was so loud...I just kinda watched the people in front of me. When they started moving, that’s when I went.”

USPP and open-source video evidence we reviewed showed that as the USPP and ACPD civil disturbance units entered H Street, protesters appeared surprised and confused; most protesters ran from the area as the officers advanced. USPP officers reported that some protesters fought with the officers during the operation by grabbing their shields, punching them, and throwing water bottles and other objects at them. The video evidence from the USPP observation post confirmed these reports.

The USPP and ACPD civil disturbance units continued to move west down H Street using various police tactics.... Officers said they gave repeated oral commands to the protesters, rushed as a line toward protesters that had not

cleared the area, and pushed protesters with the flat front of their short shields. As the USPP and ACPD civil disturbance units continued west down H Street, other units led by the Secret Service secured the already cleared intersections at Vermont Avenue, Madison Place, and H Street.... The Horse Mounted Patrol unit, the USPP, and the DCNG followed the USPP and ACPD units west on H Street and assisted in securing the intersections at 16th Street, Connecticut Avenue, and 17th Street.

According to USPP Special Weapons and Tactics (SWAT) officers' reports and USPP and open-source video evidence we reviewed, USPP SWAT officers embedded within the civil disturbance units on H Street deployed pepper ball rounds, [rubber] ball grenades without irritant, and white smoke without irritant after protesters physically attacked officers; threw rocks, fireworks, and other projectiles at law enforcement; or did not comply with the dispersal order. The operation to clear Lafayette Park and the surrounding areas took approximately 20 minutes from initial deployment and was completed by 6:50 p.m.

The clearing of Lafayette Park and H Street led the Secretary of the Interior and members of Congress to request that the DOI OIG conduct a review of USPP actions.

G. USMS SOG, BOP SORT, and ATF SRT Actions During the Operation to Clear H Street of Protesters

BOP SORT and USMS SOG personnel engaged with protesters during the operation to clear H Street.¹³⁶ Their actions and uses of force are described below, as well as ATF SRT's role in support of the USPP.¹³⁷

BOP SORT

Prior to the USPP's warnings, law enforcement personnel—including the BOP, the USPP, and the DCNG—were lined up several yards behind the row of bicycle racks on the north side of Lafayette Park along H Street. The protesters were on the other side of the bicycle racks, on H Street. However, as discussed, there were also several protesters on top of the comfort station in the northeast section of Lafayette Park, which was between the bicycle racks and the line of law enforcement. The approximately 50 BOP SORT members were lined up directly south of the comfort station.

¹³⁶ The non-SOG DUSMs remained in the park during the initial push—though they later moved onto H Street to maintain visual contact with SOG after SOG proceeded onto H Street—and they did not have any contact with protesters.

¹³⁷ No DOJ personnel deployed to Lafayette Park on June 1 were equipped with body worn cameras. Therefore, the descriptions of their actions and movements in this section are based upon testimony provided to the OIG and video captured by other agencies.

Following the USPP's third and final warning, the line of law enforcement, including BOP personnel, advanced toward the bicycle racks along the south side of H Street. According to BOP witnesses, officers from a law enforcement agency they were unable to identify asked the BOP to push up to the comfort station so that those officers could clear it out to ensure that there were no civilians still inside.¹³⁸ As they approached the comfort station, at least two BOP SORT officers fired pepper balls at protesters who remained on the roof of the comfort station and who were continuing to throw water bottles at law enforcement personnel. A BOP SORT team leader from the Mid-Atlantic region told the OIG that once they reached the comfort station, he ordered two of his team members to assist the officers in clearing the building, but there was no one inside.

As the USPP officers on H Street moved west, the BOP SORT team members also moved west while continuing to stay in Lafayette Park, behind the bicycle racks. BOP witnesses described how the USPP would move forward to engage and push back protesters, pause, and then move forward again. A BOP SORT team leader described how USPP personnel advanced down H Street until they met resistance, including protesters who attempted to physically assault those personnel, at which point BOP SORT personnel fired their pepper ball launchers towards those individuals who were engaging in assaultive behavior. He stated that some of those individuals stopped their assaultive actions or retreated, while others turned their attention towards the BOP SORT and DCNG personnel who were behind the bicycle racks, at which point the USPP personnel on H Street would advance again.

Multiple BOP witnesses told the OIG that as the USPP pushed westward, a number of protesters refused to leave the area, and some attempted to assault the advancing USPP forces, the BOP and DCNG forces behind the bicycle racks, or other civilians. One BOP SORT member sustained an injury when a protester threw a frozen water bottle that struck him on the arm and torso. Thirteen BOP personnel reported firing a total of approximately 72 pepper balls towards protesters who were assaulting law enforcement or other civilians, or who were refusing to vacate the area as USPP forces approached them. Several of these BOP personnel described firing pepper balls at the ground near protesters to try to saturate the area and encourage the protesters to leave. Other personnel told the OIG that they fired pepper balls directly at protesters who were in the process of throwing objects at law enforcement or physically assaulting law enforcement personnel or other civilians.

Additionally, one BOP SORT member deployed a flash stun grenade. That officer told us that the USPP were throwing rubber ball grenades but that they did not appear to be very effective. He said that he deployed the grenade when he saw a group of

¹³⁸ We were not able to determine who asked the BOP to assist in clearing the comfort station. However, an ACPD officer told the DOI OIG that an individual whom he believed was a member of USPP SWAT stated that they were planning on deploying pepper balls at the comfort station because they believed people potentially had weapons inside and were going to use it as a "high ground" to assault law enforcement.

approximately 20 protesters pushing into DCNG personnel near him, and he was concerned that they might breach the line of law enforcement; he said that deploying the grenade “proved effective” and resulted in the protesters leaving the area. The officer told the OIG that the protesters in that area were throwing debris and water bottles filled with what appeared to be urine at law enforcement; when asked if he believed any of them posed a danger to law enforcement, he responded, “[A]bsolutely.” The officer did not recall being instructed that they should not use flash bangs; to the contrary, he told the OIG that he was instructed that the use of flash bangs was authorized.¹³⁹

The BOP SORT teams continued to move west until they reached Jackson Place, NW, on the west side of Lafayette Park. After H Street had been cleared, BOP personnel exited the park and formed lines across some of the surrounding streets to prevent protesters from returning while the anti-scale fence was installed around Lafayette Park.

USMS SOG

As discussed above, SOG’s assignment at Lafayette Park initially was limited to the park itself by supporting USPP SWAT in their mission to keep civilians out of the park, with SOG serving in an officer rescue role. At the start of the clearing operation, USPP SWAT was inside Lafayette Park, not with the USPP Civil Disturbance Units and Horse Mounted Patrol (HMP) units that were pushing protesters west along H Street. The SOG Deputy Commander overseeing the SOG personnel told the OIG that when the operation to clear H Street began, the SOG personnel present in the park on June 1 were split into two elements; the SOG Deputy Commander was with one element located in the north side of Lafayette Park near the intersection of 16th Street and H Street, and the other element was in the southeastern corner of the park near the Treasury Annex. The SOG Deputy Commander told the OIG that as the USPP forces were moving west on H Street, the USPP SWAT liaison officer told him that USPP SWAT was deploying two officers with pepper ball launchers onto H Street to support the civil disturbance units. At that point, the SOG Deputy Commander said that the USPP SWAT liaison officer asked him if SOG would follow the two USPP SWAT officers as officer rescue units. The SOG Deputy Commander told the OIG that because SOG’s mission was to support USPP SWAT, he made the decision to send a small SOG team to follow behind the two USPP SWAT officers sent onto H Street. The SOG team moved west on H Street toward 17th Street with the two USPP SWAT officers, following behind the HMP units. The SOG Deputy Commander remained with the rest of his element, who stayed in the park and continued moving west toward Jackson Place.

Video footage that the OIG reviewed shows that prior to the HMP units reaching 17th Street, a civilian confronted the HMP units. Video footage shows the civilian

¹³⁹ The BOP’s after-action review determined that the uses of force by its personnel at Lafayette Park were “reasonable and appropriate.” We did not analyze these or other individual uses of force for compliance with Department or component policies in our review.

approaching one of the horses until he is in front of the horse's head and then continuing to move toward the horse as it backs away. A member of a non-DOJ law enforcement agency who is on foot then engaged the civilian and appears to strike him with a baton three times. Another individual who appears to be a member of SOG then pushed the civilian with his shield. The civilian remained on his feet, and moved a short distance away from the horses. A few seconds later, the civilian turned around and again moved toward the horses. Members of the SOG team then brought the civilian to the ground and detained him for less than 30 seconds. Several members of the SOG team told the OIG that although they were initially following behind the HMP units, after the horses stopped, SOG received an order to move past the HMP units, but they were not able to identify who gave the order.

After the SOG team released the civilian, they continued west on H Street until they were on 17th Street, and then briefly turned south onto 17th Street. The SOG Deputy Commander told us that he and the rest of his element left the park and joined up with the team at 17th Street. According to the MPD Assistant Chief and as seen on MPD body worn camera footage reviewed by the OIG, shortly before SOG arrived at 17th Street, the MPD fired CS gas from 17th Street north of H Street after a firework struck an MPD officer. The SOG Deputy Commander said that the SOG team was exposed to CS gas because they were not wearing the gas masks that they had with them at the time.

The MPD Assistant Chief, who was with the MPD north of the H Street and 17th Street intersection, told the OIG that based on conversations that he and other MPD officials had with the USPP, the MPD did not expect federal law enforcement to go onto 17th Street. He said that the unexpected presence of federal law enforcement on 17th Street impeded the MPD's operations and ability to use crowd control tactics; he stated that after SOG proceeded onto 17th Street, "[n]ow we got the Marshals in the middle of it, we've got officers behind them that have riot batons, so it really limits our ability of how we could address this with them out there."

The SOG Deputy Commander said that USPP SWAT asked SOG to assist them in holding the intersection at H Street and 17th Street and that the SOG officers did so for 15 to 20 minutes. He said that when the SOG officers left the intersection, the only people still remaining in the area other than SOG were the two USPP SWAT members. In an 8:55 p.m. email, the SOG Deputy Commander advised SOG leaders that SOG was at Vermont Avenue and H Street with the DCNG, had "no issues" during its deployment, anticipated being released at 2:00 a.m., and would report to USPP headquarters the following day to continue deployment with the USPP.

ATF SRT

ATF assigned 5 SRT members to Lafayette Park to support the USPP with less lethal munitions in the event that USPP staff required such assistance. The SRT members, who included the three SRT members who had deployed to Lafayette Park on the night of May

31, arrived at approximately 3:00 p.m. on June 1 and positioned themselves behind a line of CDU officers, where they remained until after the clearing of protesters on H Street commenced. The 5-member ATF contingent was stationed in the upper eastern corner of Lafayette Park, near Madison Place. SRT Member 4 recalled protesters throwing “a lot of frozen water bottles” as well as “an occasional brick” and people sitting on top of the roof of the comfort station. SRT Member 2 told us that “this was just a protest”; he said that some people were throwing water bottles, “but it wasn’t anything like the night before, or...anything crazy.”¹⁴⁰ Like the BOP, ATF agents received little to no information regarding their mission or rules of engagement. After the clearing operation started, the SRT members followed a CDU unit onto H Street and then approximately 2 to 3 blocks north on 16th Street until they reached the corner of 16th Street and I Street. According to an ATF after-action report, ATF personnel were released at approximately 1:00 a.m. All five SRT members we interviewed reported no uses of force. An SRT after-action report completed on June 7 also did not note any uses of force.

H. President Trump Gives Speech in the Rose Garden and Walks through Lafayette Park to St. John’s Church

At approximately 6:43 p.m., shortly after the USPP operation to clear Lafayette Park was initiated at about 6:30 p.m., President Trump began a speech in the Rose Garden. As discussed above, according to the DOI OIG report, “[t]he operation to clear Lafayette Park and the surrounding areas took approximately 20 minutes from initial deployment and was completed by 6:50 p.m.”

President Trump departed the White House at approximately 7:01 p.m. and walked into Lafayette Park. The DOI OIG report described the President’s walk through Lafayette Park:

From Lafayette Park, he crossed H Street and stood in front of St. John’s Church. The USPP radio log stated that the President was at St. John’s Church at 7:09 p.m. At approximately 7:11 p.m., the President left the church and returned to the White House at approximately 7:18 p.m.

Engel told us that he, Barr and Levi watched President Trump’s speech on television from inside the White House. According to Engel, when President Trump finished delivering his public remarks, he returned from the Rose Garden and said, “Let’s go to the church.” Engel told us that he “assumed” the area had been cleared, but he had not been told and was not part of any discussion that the clearing was completed prior to leaving the White House with the President. Barr, Levi, and Engel all accompanied President Trump as he walked

¹⁴⁰ One ATF agent told us that “when they deployed the gas,” we asked if we should put on our gas masks, and we were told “we’re not allowed to use any irritants or CS right [then], because when the President and his party comes across, they don’t want them coughing and hacking.” The ATF agent could not identify from whom or from what agency he heard this information.

from the White House through the park to St. John's Church. After they arrived at the church, Barr posed for a photograph with President Trump in front of the church.

In a DOJ press conference on June 4, Barr stated that he did not know that President Trump would be walking to St. John's Church on June 1 "until later in the day after our plans were well underway to move the perimeter" and that there was therefore "no correlation" between the clearing of protesters on H Street and the President's walk to the church. Barr also stated that he believed President Trump's walk to St. John's Church was "entirely appropriate."¹⁴¹

V. Events at FBI WFO on the Evening of June 1

A. Discussions About the Security Perimeter Continue at WFO

Shortly after 7:30 p.m. on June 1, after H Street had been cleared but before the anti-scale fencing was installed, Barr, Levi, and Engel returned to FBI WFO. As described above in the DOI OIG report, the USSS contractor began installing the anti-scale fencing along the sidewalk on the south side of H Street at approximately 7:30 p.m., and completed the installation at approximately 12:30 a.m. on June 2.

At WFO, Barr and Levi, along with Bowdich, ADIC Slater, and other FBI executives, engaged in discussions about the placement of the perimeter, extending the perimeter, and protection of property in and around the White House. Information about these discussions is limited due to a lack of available contemporaneous documentation for these conversations, such as notes within the possession of former or current Department employees.

The SAC of the FBI New Haven Field Office (FBI SAC 2), who was on assignment to WFO, told the OIG that he was involved in multiple discussions about the placement of the perimeter on the evening of June 1.¹⁴² Shortly after arriving at WFO around 7:00 p.m., Barr, Wray, Bowdich, and the Secretary of the Army received a briefing on "the latest matters," and at some later point FBI SAC 2 spoke with Barr, who "made it clear" that the FBI was "to prevent another attempt to burn St. John's Church." According to FBI SAC 2, in that discussion Barr told him that his expectation was that the USPP was expanding the perimeter far enough north that St. John's Church would be included within the secured perimeter and protected from another arson attempt. After his discussion with Barr, FBI

¹⁴¹ In his book, Barr wrote that although he was aware before he arrived at the White House from WFO that President Trump was planning to visit Lafayette Park, the first time he heard that President Trump was planning to walk to St. John's Church was when he arrived at the Oval Office with General Milley after visiting Lafayette Park.

¹⁴² FBI SAC 2 came to Washington, D.C. at Bowdich's request to assist with the federal response in Washington, D.C. FBI SAC 2 had held various management positions at FBI WFO prior to transferring to Connecticut as SAC in March of 2020.

SAC 2 talked to USPP and MPD representatives present at WFO and learned that the USPP's intent was only to hold the extended perimeter at I Street long enough for the fencing to be safely installed on the south side of H Street—St. John's Church is on the north side of H Street, across the street from the newly-installed fencing—and then fall back inside Lafayette Park, behind the anti-scale fencing.

FBI SAC 2 told the OIG that in response to Barr's directive to protect St. John's Church, he and other FBI officials had discussions with senior members of the USPP and the MPD, and the FBI requested that the fence be moved further north to contain St. John's Church within the security perimeter. According to FBI SAC 2, the USPP and the MPD both declined to move the position of the fence. FBI SAC 2 stated that the MPD had "no interest in restricting...protest movement" and "locking down [those] city streets," and the USPP told the FBI that Lafayette Park was USPP's jurisdiction and responsibility. FBI SAC 2 stated that once moving the fence was no longer an option, the FBI began planning how to provide security in that area to address Barr's concerns. FBI SAC 2 explained that after internal discussions with senior FBI leadership, the FBI, the USPP, and the MPD agreed that the USPP and the MPD would provide some "presence," and the FBI would deploy "some plain-clothed agents" in the vicinity of Lafayette Park in order to intercede if any attempt was made to commit arson at the church.

We were unable to determine when and how Barr learned that the fencing would be installed at H Street, rather than I Street where he thought the USPP had agreed to install the fencing. As discussed in Chapter Five, on June 3, Barr directed the FBI to coordinate an operation to establish a second security perimeter 1 block north at I Street.

B. The FBI Deploys Approximately 500 Special Agents in Washington, D.C. on June 1

FBI WFO began successively deploying its Special Agents in D.C. in squads of 25 starting at approximately 7:30 p.m.¹⁴³ By late evening, FBI WFO had deployed approximately 500 of its Special Agents in D.C. As discussed above, Bowdich sent an email at 5:28 p.m. telling his Chief of Staff to direct Slater and the CIRG AD to prepare to deploy agents. At approximately 6:00 p.m., the SAC of the Counterterrorism Division at WFO sent an email to WFO ASACs instructing them to forward an email to "[a]ll WFO Special Agents" informing them that "WFO Executive Management" had activated the office's Crisis Response Plan and that all WFO Special Agents were "immediately recalled to WFO Headquarters City" and should arrive with "all assigned equipment."¹⁴⁴ By shortly after 9:00 p.m., all the WFO FBI squads had been deployed.

¹⁴³ WFO agents are located in both Washington, D.C. and in the Northern Virginia area.

¹⁴⁴ As early as 5:00 p.m., Special Agents received emails instructing them to "take a full accounting of their gear and assigned equipment" and be "prepared to report for immediate recall."

The FBI did not send agents to Lafayette Park on June 1 but rather deployed them to other locations in Washington. According to a log of the personnel assignments maintained by the FBI, on June 1 teams of agents were sent to locations including the Martin Luther King, Jr. Memorial, the National Law Enforcement Officers Memorial, and the National Museum of African American History and Culture. Other teams were sent to Constitution Avenue between 15th and 18th Streets or designated as “roving.” Below we describe the confusion and concerns that resulted from the decision to deploy such a large number of agents in the span of a few hours to perform duties outside of the FBI’s traditional role as an investigative agency.

Shortly after the agents were recalled, Slater directed a WFO Acting SAC (FBI SAC 3) to prepare an operational plan and the WFO Chief Division Counsel (CDC) to prepare and give pre-deployment legal briefings to the agents as they left WFO to complete their assignments. The CDC told us that there were “a lot of logistical issues,” as well as legal issues, to figure out, but at approximately 7:30 p.m., the CDC and FBI SAC 3 began briefing the agents in “an assembly line,” by squad, because there was not a room large enough at WFO to hold hundreds of agents at the same time.¹⁴⁵ In some instances, FBI SAC 3 gave the operational briefing first and then the agents “funneled out into the hallway” where the CDC (or an attorney on her staff) gave them the legal briefing, and other times the CDC gave the legal briefing first. A WFO ASAC (FBI ASAC 2) assisted FBI SAC 3 with the briefings and the deployment of the WFO agents.

According to several witnesses, there was confusion about what the WFO agents had been legally authorized to do while they were protecting federal monuments and property. The FBI Domestic Investigations and Operations Guide (DIOG) provides that “[a]gents are authorized to make warrantless arrests for any federal crime (felony or misdemeanor) committed in their presence. Agents also have authority to make warrantless felony arrests for a crime not committed in the presence of the agent if there is probable cause to believe the person to be arrested committed a federal felony.” DIOG § 19.3.1. With respect to non-federal crimes, “[a]s a general rule, an agent should only make an arrest for a state crime if a serious offense (felony or violent misdemeanor) has been committed in his or her presence and immediate action by the agent is necessary to prevent escape, serious bodily injury, or destruction of property.” DIOG § 19.3.3.

The CDC told us that she had heard from multiple people within the WFO command post that the Attorney General had verbally authorized an expansion of the FBI’s arrest authorities, but, according to the CDC, she never saw any document describing the

¹⁴⁵ The CDC attributed the “logistical issues” to the fact that the FBI does not normally have all its agents in the building at one time and that a large portion of WFO personnel are normally assigned to physical spaces other than the main WFO building. The WFO Crisis Response Plan provides for employees to report to the office in three rotating shifts (either 12-hour or 8-hour shifts), not all at the same time.

purported authorization.¹⁴⁶ The CDC told us she was uncertain of the scope of the new authorities, or its legal basis, and that she “was trying to figure out...what exactly [wa]s being asked of these agents” in order to brief them properly. According to the CDC, she asked the FBI SACs present and Acting U.S. Attorney Sherwin what Barr had authorized, but no one could provide her with any additional information. The CDC explained that sometime around 7:30 p.m., she had a conversation with Slater, Director Wray, and FBI SAC 3 in which Slater asked with urgency why the agents had not yet been deployed. The CDC explained to Wray and Slater that she had not been told what the agents were authorized to do and was still looking for some clarity regarding the Attorney General’s authorization. According to the CDC, during this conversation Wray asked her, “[I]sn’t verbal authority sufficient?” The CDC responded that it was, but she still did not know “what that verbal authority [wa]s for.” According to the CDC, at that time, Slater stated that he did not want the agents to engage in curfew enforcement, but that “[e]verything else [was] fair game,” which she understood to mean that agents could make arrests for any crime, to include misdemeanor violations of the D.C. Code, except for curfew violations. According to the CDC, Slater directed her to “Get them briefed. Get them on the street.”

The CDC told us that she did not have time to prepare a script for the briefings, but she read the deadly force policy verbatim to the agents. She stated that during the relevant briefing, she reminded the agents of FBI policy and legal authorities, solicited questions from the group, and provided clarification and guidance regarding any issues raised. She also told them “I understand, from the ADIC [Slater], that the Attorney General has authorized us to take action for anything, except curfew violations.” The CDC described the briefings as “a rough conversation with folks” because “they had a lot of questions” and “[a] lot of concern,” including personal liability issues, given that “this is not something that any of us had ever been tasked to do.” She told us the agents “didn’t understand...what they were being asked to do,” were “not trained for” this type of patrolling, and did not have the necessary equipment to patrol streets during civil unrest. The CDC stated to us that the FBI does not supply its Special Agents with helmets, shields, gas masks, or any less lethal munitions appropriate for a riot situation; deployed Special Agents had their handguns, and some also had expandable batons and pepper spray. WFO executives attempted to purchase ballistic helmets during the week of civil unrest, but the helmets did not arrive until the following week. The CDC also told us that the FBI discussed obtaining gas masks and shields at some point, but noted the officers had no training on how to use that equipment.

¹⁴⁶ The CDC said she sought guidance from FBI OGC concerning Barr’s authorization and that she tried to obtain written documentation of the authorization later in the week, but never received it. During the subsequent week, FBI OGC attempted to determine what Barr had authorized with respect to FBI arrests on June 1 but was unable to obtain any additional clarifying information. The CDC said that FBI OGC did provide guidance generally on the Attorney General’s legal authority to issue such an authorization.

FBI SAC 3 also told us that it was “not an easy few hours” organizing and planning the deployments and that the agents were confused regarding their role. FBI SAC 3 told the OIG that his understanding of their mission was based on conversations with Slater as well as discussions that occurred at the 5:00 p.m. meeting at WFO. FBI SAC 3 also told the OIG that his briefing of the FBI’s legal authority was based on his own understanding of the authority. FBI SAC 3 stated that he orally briefed the agents from handwritten notes he created because there was not sufficient time to draft a written operations plan.¹⁴⁷ When we asked FBI SAC 3 why it was necessary to deploy the agents prior to performing the normal preparations such as drafting an operations plan, he told us that he did not know “what drove the timeline” but that it was “clear it needed to happen,” and that Slater told him and the CDC that “the Attorney General said we would do it, so we will.” FBI SAC 3 told us that he briefed the agents that their mission was to “have law enforcement presence due to violence in the city” and advised the agents that they could make probable cause arrests of people committing violent felonies in their presence. FBI SAC 3 further told the OIG that he did not brief the agents that they could arrest for misdemeanor violations of D.C. Code. FBI SAC 3 said he “never heard” that the Attorney General had authorized the FBI to make misdemeanor arrests. FBI SAC 3 said that he recalled the CDC raising “authority issues” with Slater in his presence and that Slater told her “the Attorney General said to,” but he was not aware that this was a reference to FBI agents having misdemeanor arrest authority. FBI SAC 3 also stated that he instructed the agents not to become involved in crowd control and that if there was “violent activity,” they should report it back to the command post. In addition, he said that he advised the agents to “call 911” if there was a medical emergency because that was “the best we [could] do,” given there was no time to prepare a medical plan.

FBI ASAC 2, who assisted FBI SAC 3 in executing the deployment of the agents, also told us that he understood the mission was “to give a presence” and ensure the protection of federal property “in the heart of” Washington, D.C. but did not recall discussions about authorizing or making misdemeanor arrests. FBI ASAC 2 stated that during and after the briefings agents expressed safety concerns and that both agents and managers raised those concerns with Slater in subsequent meetings.

FBI SAC 3 stated that in order to minimize the danger to the agents, he and Slater decided to group the agents into teams of approximately 25 and assigned each group to report to particular locations around Washington, D.C. According to FBI SAC 3, they purposely sent the agents out “in really big numbers” because if an agent or agents encountered a dangerous situation, WFO did not have another group of agents—a quick reaction force—to support them. According to FBI SAC 3, he decided which agents to assign to which location, but the specific deployment locations were given to him by FBI

¹⁴⁷ Ordinarily written operations plans are prepared when the FBI deploys large numbers of resources.

ASAC 2. FBI ASAC 2 told the OIG that the specific deployment locations were made by Slater and other FBI executives, not by FBI ASAC 2 himself.

Two senior FBI OGC attorneys, as well as an FBI OGC attorney who was then serving as the Special Counsel to the Deputy Director, told us that legal uncertainty did not arise from the DIOG or current FBI policy, but rather from the FBI being asked by DOJ leadership to perform roles outside of the FBI's traditional missions. The attorneys were concerned that the non-traditional assignments could result in agents engaging in conduct that exceeded the FBI's authorities and also could implicate the personal liability of the agents who were deployed. The Special Counsel to the Deputy Director explained that these non-traditional assignments resulted in a lot of questions from staff, to the effect of "What is our role?" and "Do different rules apply?" She stated that one of OGC's goals was to dispel that idea and remind the staff that the "normal rules" found in the DIOG and the Constitution still applied.

The Special Counsel also told us that some of the confusion associated with these non-traditional assignments stemmed from the fact that the assignments were not communicated in writing. She stated that in her experience, it is not recognized that a given communication is unclear until somebody attempts to write it down. The CDC similarly told us the lack of clear communication and guidance she received made it difficult to brief agents before deployment. The CDC stated that she and her team "struggled" and were "put in an absolutely horrible position" to have to interpret limited guidance and direction on a new authority that they never saw in writing and was not expressly communicated to the legal team. One of the senior OGC attorneys described the situation as "a mess" and told the OIG that, even after June 4, FBI OGC was "trying to figure out" whether Barr provided the FBI with additional authorities to make arrests on June 1. She told the OIG that "nobody could articulate for [OGC] exactly what may have been directed." No witness could confirm to the OIG what directive Barr gave to the WFO agents on the evening of June 1.

The FBI's deployment of its WFO Special Agents continued throughout the week. In Chapter Five, we discuss the continued confusion and concerns regarding these deployments as well as the FBI's attempts to improve its planning and coordination for them.

CHAPTER FIVE: DOJ LAW ENFORCEMENT DEPLOYMENTS AFTER JUNE 1

In this chapter, we detail the further deployment of DOJ law enforcement resources throughout the remainder of the week. We first describe Attorney General Barr's and other Department officials' roles in the Department's June 2 decision to create a second security perimeter further north of the USPP-installed anti-scale fencing and encompassing St. John's Church, as well as their roles in the deployment of FBI HRT and WFO SWAT agents to protect the church overnight between the evening of June 2 and the morning of June 3. We then discuss the June 3 deployment of more than 800 federal officers, including approximately 530 officers from the Department, and nearly 600 DCNG members for a DOJ-initiated interagency operation to establish the second, agent-held security perimeter that extended north to I Street and included St. John's Church within its boundaries. We also discuss the continued deployment of WFO FBI Special Agents that, as discussed in Chapter 4, began on June 1.

I. Further DOJ Law Enforcement Deployments to Lafayette Park and Surrounding Areas After June 1

Once law enforcement cleared Lafayette Park and H Street on June 1, USPP officers, the DCNG, and other law enforcement officers that had participated in the clearing operation temporarily extended the security perimeter to I Street in order to provide a buffer for the fencing contractor to install the fencing on the edge of Lafayette Park along H Street. In accordance with the USPP's operational plan, because the extension of the security perimeter beyond H Street was a temporary measure for the protection of the fencing contractor, the USPP reopened the streets in the area shortly after the contractor completed installing the fence at approximately 12:30 a.m. Although from the beginning the USPP intended to maintain the security perimeter with anti-scale fencing at H Street and not to further extend it, Barr, as discussed in Chapter 4, believed that law enforcement had agreed to move the line of officers forming the security perimeter to, and to maintain them at, I Street, in part to include St. John's Church within the perimeter. When Barr realized on the evening of June 1 that the security perimeter had not been maintained at I Street and that St. John's Church was no longer within the security perimeter, he expressed his dissatisfaction and directed FBI WFO leadership to protect St. John's Church, a non-federal property.¹⁴⁸ By the end of the night on June 1, FBI WFO officials had discussed

¹⁴⁸ As discussed below, at Barr's directive, on June 3 the Department did initiate and coordinate an operation to establish a second perimeter that encompassed St. John's Church. In comments that Barr provided to the OIG after reviewing the draft report, Barr described the purpose of this operation:

[T]he operation on June 3rd and 4th [to establish a second perimeter] was not merely undertaken to protect St. John's Church from further arson attacks. It was directed at putting an end to this cycle of violence and protecting the White House complex and, more generally, the federal government's functioning throughout the city. This was to be accomplished by

(Cont'd.)

Barr's directive with MPD and USPP officials, but those officials were opposed to moving the perimeter further north.

Below we describe, beginning on June 2, Barr's further pressing of the FBI, the USPP, and others to establish a second security perimeter that would encompass St. John's Church, the execution of the plan to deploy approximately 1,300 federal officers and DCNG members (460 BOP officers, 30 DHS agents, 30 Federal Air Marshals Service personnel, 120 Customs and Border Protection (CBP) officers, and 580 DCNG guardsmen) to form a second perimeter on June 3, and the contemporaneous safety concerns and command and control issues raised by FBI personnel involved in the operation.¹⁴⁹ However, we identified information gaps regarding certain key aspects of the operation due to the absence of a written operations order for the interagency operation that deployed more than 800 federal officers, as well as the decision of the three most senior FBI officials responsible for the management of this interagency operation—Deputy Director Bowdich, WFO ADIC

keeping crowds off of H Street and north of [Lafayette Park]. Until we were satisfied that violence had abated, crowds would be allowed to congregate on 16th Street (north of St. John's Church) and on Connecticut Avenue, but not allowed to move onto H Street itself and inside the [park]. In my judgment, this approach would curb and deter violence because the crowds would be smaller, separated, interacting with law enforcement on a much narrower front, and within a more contained environment where violent actors and agitators could be readily identified.

While the main reason for the June 3rd operation was to stop violent rioting and better protect the federal government presence in the city, the status of St. John's Church also militated for conducting the operation. The first arson attack on the church, followed by the clearing of Lafayette Square and President Trump's visit to the church, threatened to make St. John's a symbol. There was a clear and present danger that rioters would launch another arson attack on the church in order to show the world that federal law enforcement was incapable of establishing order in the immediate vicinity of the White House. We believed that such an attack would inspire more violence not just in Washington, D.C., but around the country. Further, if the church was attacked again, federal elements had to be prepared to sortie outside the Lafayette Park fence line to deal with it in emergency conditions. The potential for such a state of affairs undermined the stability of the existing perimeter. The movement of the perimeter a short distance up 16th Street beyond St. John's secured the church and enhanced stability by bringing it within our perimeter.

With regard to Barr's concern about the need to provide additional protection to the White House Complex, as we discuss below, senior officials from the USSS and the USPP, which have primary responsibility for the security of the White House Complex and Lafayette Park, respectively, told the OIG that they believed that the installation of the anti-scale fencing on H Street on June 1 had sufficiently de-escalated the situation and that they did not believe that establishing a second perimeter outside the anti-scale fencing was necessary.

¹⁴⁹ In addition to the deployed personnel, an additional 100 officers from DHS agencies and 400 DCNG personnel were staged offsite as a quick reaction force.

Slater, and the AD of the Critical Incident Response Group (CIRG)—to decline our interview requests.¹⁵⁰

Finally, we discuss the FBI's continued deployment of agents to patrol streets in Washington, D.C., described by multiple witnesses as a "show of force" or a deterrent presence, which resulted in many FBI employees and managers contemporaneously raising safety concerns similar to those raised on the evening of June 1 when FBI agents were deployed.¹⁵¹ We then discuss the FBI's attempts to improve interagency coordination and better establish command and control including in connection with an interagency response to a large protest event that was expected to take place on June 6.

A. The Department Prepares to Establish a Second Security Perimeter at I Street

As discussed in Chapter 4, FBI SAC 2 told us that based upon direction he received from Barr, he and other FBI officials had requested on the evening of June 1 that the USPP and the MPD move the fence further north, but that the USPP and the MPD had declined. FBI SAC 2 told us that on June 2, he continued conversations with the MPD Assistant Chief and the USPP Major about providing additional security in the area surrounding St. John's Church, including by possibly creating a second perimeter 1 block north, which would have potentially required another clearing operation to move protesters in the area. According to the FBI SAC 2, the MPD and the USPP both continued to oppose adding a second perimeter at I Street and indicated that they were not willing to support DOJ in doing so. He explained that the MPD and the USPP opposed blocking off the streets around Lafayette Park to pedestrians.

The USPP Deputy Chief, who had returned to the FBI WFO command post on June 2, told us Barr asked to meet with him and wanted to know how much support the USPP could provide to protect St. John's Church. The USPP Deputy Chief stated that he told Barr that the church was not located on Park Service property, and therefore protection of the church was "not [the USPP's] concern." According to the USPP Deputy Chief, Barr then remarked, "If the President says this is a concern, then we need to protect it." Later that day, according to the USPP Deputy Chief, he participated in an interagency meeting that included Barr, Wray, and representatives from the USSS and the MPD in the FBI mobile

¹⁵⁰ In contrast to this absence of a written operation order for the post-June 1 deployment of federal officers near Lafayette Park, we found operations orders for the deployment of FBI personnel that week to protect the FBI WFO building and the FBI Headquarters building. We also found the equivalent of an operations order for the June 2 and June 3 WFO SWAT deployments discussed in Section I.B, and a written operations order for the anticipated law enforcement deployments on June 6 discussed in Section II.B. The FBI Domestic Investigations and Operations Guide generally requires agents to draft an operations order for high-risk search warrants and arrests as well as drug purchases and surveillance operations. See Forms FD 1057; FD-888.

¹⁵¹ The BOP did not raise similar safety concerns regarding their deployment of BOP personnel to Lafayette Park on June 3. BOP Correctional Services Administrator 3 told us that he thought the BOP staff were trained properly to deal with crowd control in a prison situation and adapted to crowd control in a civilian situation very well.

command center where expanding the perimeter was discussed again. The USPP Deputy Chief told us that at this meeting Barr again requested USPP assets to assist the Department with adding a second perimeter at I Street, and the USPP Deputy Chief declined Barr's request for a second time. The USPP Deputy Chief also alerted USPP Acting Chief Monahan to Barr's requests, and Monahan participated in later discussions with FBI officials and others about the Department's continued effort to create a second perimeter. The USSS Deputy Chief told us that once the anti-scale fence was installed at H Street she was satisfied with the perimeter and thought it was an effective de-escalation technique. She stated that she was aware of some requests to move the perimeter or add a second perimeter from other agencies, but she was not aware of any USSS personnel that advocated for changing or augmenting the perimeter.

A BOP Correctional Services Administrator (Correctional Services Administrator 3) also participated in a meeting in the FBI mobile command center on June 2.¹⁵² According to Correctional Services Administrator 3, while he was deployed to protect the FBI building, then BOP Director Carvajal asked him to come to the FBI mobile command center. According to Correctional Services Administrator 3, at the meeting he was asked how he would secure the area around St. John's Church while he and others looked at a map of the area.¹⁵³ Correctional Services Administrator 3 could not identify who was at the meeting other than Carvajal and Bowdich, but he told us that Barr was not present. He told us that he recommended that the BOP arrive in buses and clear the area in an "organized and slow" manner that would "let the people that were getting moved actually have an exit area." After briefing his plan, Correctional Services Administrator 3 told us that the BOP officers were transported to the Lincoln Memorial area, where Carvajal and Bowdich discussed different plans for clearing H Street.¹⁵⁴ Correctional Services Administrator 3 also told us that he, along with Bowdich, spoke with a USPP officer who informed him that if the BOP attempted to clear H Street that evening, the USPP would not provide any support, and that BOP officers would not be able to retreat through the gate in the USPP-installed anti-scale fencing. Correctional Services Administrator 3 stated that he was later

¹⁵² Correctional Services Administrator 3 arrived in Washington, D.C. after Lafayette Park and H Street had been cleared by federal law enforcement and did not deploy to Lafayette Park on June 1.

¹⁵³ In comments that Carvajal provided to the OIG after reviewing portions of the draft report, Carvajal stated that he asked for Correctional Services Administrator 3's input because he was an experienced and knowledgeable tactical planner. Carvajal said that the conversation was for his own benefit, as he wanted input on how the mission could possibly be executed in case Barr or other command staff asked for his input. Carvajal said that he did not recall being asked to or providing the input he received from Correctional Services Administrator 3 to anyone in particular, as Carvajal said that he was not involved in the decision making.

¹⁵⁴ In comments that Carvajal provided to the OIG after reviewing portions of the draft report, Carvajal stated that he did not recall speaking directly with Bowdich or any specific discussions the two of them may have had regarding this operation. Carvajal said that he did recall speaking "briefly and informally" with an FBI official who had been delegated authority to conduct planning for the operation "regarding number of personnel, possible tactics, use of BOP [b]uses, etc.," though he noted that those discussions were "in passing out in the field, not in a formal planning meeting."

informed that the clearing plan was delayed until the next morning, but he did not know who made this decision.

According to USPP Acting Chief Monahan's memorandum summarizing events during this time, on June 2 Monahan had multiple conversations with FBI WFO ADIC Slater regarding what Monahan described as the FBI's "marching orders" to "move the crowd" and create a second perimeter at I Street.¹⁵⁵ Also, according to Monahan's memorandum that describes conversations with Slater, by June 2 the Department's plan had progressed to deploying 300 BOP officers to West Potomac Park adjacent to the National Mall and only a few blocks from the White House.¹⁵⁶ Monahan noted that he then participated in a meeting with Wray, Bowdich, USSS Director Murray, and "other DOJ officials" and suggested to this group that the Department delay its clearing operation to add a second perimeter further out, in part because the crowds had been peaceful. Monahan further stated that the Department officials at this meeting agreed to wait until 5:00 a.m. on June 3 to begin the operation to add a second perimeter. We did not obtain any FBI or BOP documents that discussed this meeting or plans for June 2.

After these discussions, the Department continued planning its operation to create a second perimeter north on I Street. Bowdich's Chief of Staff told us that he and Bowdich went to Lafayette Park late in the evening on June 2 and viewed the perimeter, and that while there Bowdich commented to him about protecting the church and noted that the last five Presidents had attended services there. He told us that the protesters at Lafayette Park were "out in full force," "very loud," and that the environment was "not for the weak of heart." At approximately 1:00 a.m. on June 3, a USPP representative at the WFO command post emailed an update on violence occurring in front of Lafayette Park, stating, "Protesters on H St[reet] began throwing fireworks and projectiles at the line. Pepper ball has been deployed." A few minutes later, the USPP representative updated the information, stating, "Protesters are continuing to throw rocks, OC and pepper ball deployed on East side of the [comfort station]" and "Agitators are behind [comfort station]. [Rubber ball] rounds deployed."

¹⁵⁵ Slater's phone records show 10 contacts between Slater and Monahan between 6:00 p.m. and 9:30 p.m. on June 2.

¹⁵⁶ Correctional Services Specialist 2, who was one of the BOP supervisors who deployed to Lafayette Park on June 1, told us that at approximately 5:00 p.m. on June 2, while he was deployed at RFK for building security, his unit received instructions from the BOP Command Center for he and other BOP staff to meet at FBI Headquarters for a deployment at Lafayette Park and to bring "as many shields as [they] could gather." According to Correctional Services Specialist 2, "a couple hundred" BOP officers boarded buses at FBI Headquarters, but they never made it to Lafayette Park and were diverted to another location near the Lincoln Memorial where they remained until 1:00 a.m. on June 3. Correctional Services Specialist 2 told us that he did not know why they were diverted from their original destination of Lafayette Park.

B. FBI SWAT and HRT Deploy to Protect St. John's Church on the Evening of June 2

Sometime after Bowdich and his Chief of Staff's trip to Lafayette Park on the evening of June 2, the FBI deployed approximately 8 WFO SWAT agents to the area in plain clothes. At 11:17 p.m., the WFO SWAT Senior Team Leader (STL) sent his supervisor an email with the subject line "Op Order" documenting his understanding of the mission and how it was to be executed. The WFO SWAT STL told us that he did not have time to draft a formal operations order but included the same information in the email that he would normally have included in an operations order: the situation, mission, and execution plan.¹⁵⁷ His email concerned only the deployment of the 8 WFO SWAT officers on the evening of June 2. According to the WFO SWAT STL and emails we reviewed, the operation was verbally approved by ADIC Slater. In the email, the WFO SWAT STL described the "Situation" as "concern unauthorized individuals have gained entry into [St. John's Church] potentially defacing the building or [destroying it]." He wrote that the mission was for "WF[O] SWAT and [Hostage Rescue Team] Silver [to] secure[] St. John's Church at 16th and H St[reet,] NW, [Washington, D.C.] to ensure a safe secure environment in the vicinity of Lafayette Park." The WFO SWAT STL told us that he recalled being told that protection of St. John's Church was "very important to the Attorney General" and that there was a "specific concern with arson to the church," but he could not recall specifically who told him this information.

According to the HRT STL, he and approximately 20 other HRT members deployed to the same area early in the morning of June 3 as a quick reaction force for the SWAT agents in plain clothes in case they needed assistance. The HRT STL understood from communications with the WFO command post that the WFO agents were there to assess the threat to St. John's Church and prevent any attempted arson. He stated that after he and his team arrived at Lafayette Park, it did not "seem like there was anything going on," and HRT parked their vehicles in front of the church as "an overt presence" until sunrise when he directed the HRT agents to leave. The WFO SWAT STL told us that when the SWAT agents arrived at the church, "a minimal number of people" were in the area, "there appeared to be no threat to the church," and after being out there for several hours, the SWAT agents left because "there [wa]s nothing going on [t]here." According to the HRT STL, he learned from communications with the HRT representative in the WFO command post, before he returned to FBI Headquarters, that the Department was planning to put "a

¹⁵⁷ The WFO SWAT STL stated that in circumstances where he receives short notice for a SWAT deployment and does not have the time to draft a formal written operations order, as he told us was the case for the June 2 and June 3 SWAT deployments, he will give an oral operations brief providing the situation, mission, execution, and other information verbally, and then after the fact he will document the information in the form of an electronic communication. For the SWAT deployments on June 2 and June 3, the WFO SWAT STL did draft an electronic communication documenting, among other things, the SWAT team deployments to the Lafayette Park area.

human line” to “enclose” the area around St. John’s Church and other nearby buildings, including a federal building and a hotel.

While the FBI was protecting St. John’s Church, the BOP prepared for deployment on June 3. BOP Correctional Services Specialist 2 told us that at approximately 2:00 a.m. on June 3 he attended a meeting at the hotel where BOP officers were staying and that they were informed they would be deployed to Lafayette Park before protesters arrived and were directed to meet in the hotel lobby at 5:00 a.m. on June 3. Around this same time, a member of the USSS Presidential Protective Division emailed others within the USSS providing “preliminary info for tomorrow’s push to I Street plan” for “visibility and access control,” stating that the BOP and the DCNG would arrive in the vicinity of the White House at 5:00 a.m. on June 3, “push to I Street and hold at [approximately] 0600 hours,” and “[h]old at I [S]treet until directed otherwise.”

C. The Department Coordinates the Deployment of Over 1,300 Federal Officers and DCNG Members to Establish a Second Security Perimeter around St. John’s Church on June 3

On June 3, beginning at approximately 5:30 a.m. and continuing until approximately 1:00 a.m. on June 4, the Department initiated and coordinated the deployment of approximately 1,300 federal officers and DCNG members, including approximately 460 BOP officers, 50 FBI WFO agents, 18 WFO SWAT agents, 180 DHS personnel, and 580 DCNG members to the vicinity of Lafayette Park for the purpose of establishing a second security perimeter 1 block north of the park at I Street, the same location that Barr suggested for the original perimeter at the 2:00 p.m. SIOC meeting on June 1. In comments that Barr provided to the OIG after reviewing this draft report, he stated that “[s]enior FBI officials were involved with [him] in planning the operation and provided command and control for the operation[, b]ut the actual operation was carried out by BOP SORT teams and National Guard police units.”¹⁵⁸

According to witness testimony and documents we reviewed, FBI personnel assumed the following roles: ADIC Slater was the On-Scene Commander but stayed at FBI WFO; the CIRG AD deployed to Lafayette Park and had overall command and control of the deployed assets, including non-DOJ assets such as DHS personnel; and FBI SAC 2 and an FBI Section Chief alternated (in 12-hour shifts) as tactical advisors.¹⁵⁹ The Section Chief remained at the WFO command post, and FBI SAC 2 deployed to Lafayette Park. Bowdich

¹⁵⁸ In his comments, Barr did not identify which FBI officials he spoke with, but he did note that the BOP SORT and National Guard personnel were “among the best trained and equipped to deal with civil disturbance.”

¹⁵⁹ The Section Chief’s shift ended at 2:00 p.m. on June 3, but due to the ongoing operation, he remained at WFO to assist. He also told us that although he was referred to as a “tactical commander” in emails regarding the June 3 operation, he did not think that title accurately reflected his role because Bowdich and Barr were planning and directing the use of FBI assets.

also deployed to Lafayette Park at approximately 1:00 p.m., made calls to the Section Chief and Barr's Chief of Staff Levi while there, provided direction to the CIRG AD and others, and remained at Lafayette Park until approximately 4:45 p.m.

In comments that the FBI provided to the OIG, the FBI described the June 3 operation as a BOP operation in which the FBI had a lead coordinating role and assisted with personnel, but did not have command and control over other agencies' personnel. We were unable to determine the FBI's precise role in this operation because three senior FBI leaders who played key roles in overseeing the operation—Bowdich, Slater, and the CIRG AD—declined our interview requests. However, in addition to Barr's comments that "[s]enior FBI officials" were involved in planning and provided command and control for the operation, the FBI and BOP personnel we were able to interview and who were involved with the operation told us that the FBI was the lead agency for the operation. For example, FBI SAC 2 told us that the FBI was the lead agency, that the CIRG AD had "overall command" of all FBI and non-FBI assets on the ground, and that other agencies were "assisting FBI operations" and were not "working autonomously or unilaterally," though he also noted that the FBI's input into the operations of non-FBI elements was "limited" because those elements had their own senior personnel and commanders present who were coordinating with the FBI leaders on scene. BOP Correctional Services Administrator 3, who deployed with and helped manage the BOP personnel for the June 3 operation, stated that he was told that the FBI was in charge and that the BOP was acting as "just an arm of the FBI." He stated that a senior FBI official on scene told him that the BOP's role was to hold the lines and asked him for his plan on how the BOP would accomplish that mission.¹⁶⁰

¹⁶⁰ The precise role played by the FBI in other deployments of DOJ and non-DOJ assets in the days following this June 3 operation is unclear. DHS assets continued to be deployed through the WFO command post after June 3, but we found no documentary evidence establishing how command and control worked in these instances. Wray told us that, in his view, the FBI did not assume control over or management of other agencies' work forces. Wray stated the FBI played a "coordinating role" and the purpose of working through the WFO command post was to ensure that agencies were talking to each other and sharing information. However, then BOP Director Carvajal had a different understanding of the FBI's role. He told us that his understanding was that all BOP assets were under the command and control of the FBI, that the FBI "was coordinating Justice law enforcement [components]," and that the BOP was "assigned tasks" by WFO. In comments that Carvajal provided to the OIG after reviewing portions of the draft report, Carvajal clarified that BOP continued to monitor and support its deployed personnel, but that all "taskings" for the BOP came from WFO or DOJ as appropriate. The ATF WFD SAC told us that after June 1, the FBI had a meeting where the FBI tried to "tell all the DOJ agencies...what to do, [and] where to be," which he said was accomplished in a very collegial and cooperative way, but most of the agencies already had fixed assignments. According to the ATF WFD SAC, since ATF had already been assigned to support the USSS, he viewed ATF assets as under the command of the USSS. The ATF WFD SAC further stated that throughout the first part of the week, at the WFO command center a "command structure...was starting to coalesce with the Attorney General sort of being the lead."

1. 200 BOP Officers Deploy to Form Shield Lines at Approximately 5:30 a.m.

Based on evidence we obtained, the decision to establish a second perimeter at I Street on June 3 was made sometime on the evening of June 2, after the previously described conversations between Monahan and FBI and other federal officials, and preparations for the operation continued through the early morning hours of June 3. By 1:30 a.m. on June 3, the Department had determined that BOP officers and the DCNG would deploy as part of the operation. We also learned that FBI personnel had determined that physical barriers, in addition to law enforcement personnel, would be necessary to maintain the perimeter once it had been created at I Street with shield lines.¹⁶¹

As part of this FBI-coordinated operation, BOP officers deployed first. According to BOP documents we reviewed, at 5:30 a.m. approximately 200 BOP officers deployed to the intersection of H Street and 16th Street, just north of Lafayette Park.¹⁶² The BOP officers formed a shield line and moved north on 16th Street to I Street. BOP personnel proceeded to form shield lines blocking off four intersections north of Lafayette Park, creating a second perimeter that encompassed St. John's Church and the Department of Veterans Affairs building. Correctional Services Administrator 3 told us that when the BOP arrived at Lafayette Park, there were some media present and fewer than 10 people to clear from the streets. As the day progressed, additional non-DOJ assets deployed to assist with maintaining the second perimeter, and the BOP consolidated their personnel to form three shield lines and non-DOJ assets held a fourth shield line. According to Correctional Services Administrator 3, DCNG members were intermingled with the BOP officers on the shield lines. Correctional Services Administrator 3 also told us that the BOP shield line originally established at 16th and I Streets was moved closer to the church some time that afternoon.

The locations of the three BOP shield lines and the line held by non-DOJ assets are depicted in the map reproduced in Figure 5.1 below.¹⁶³ The handwritten markings, lines,

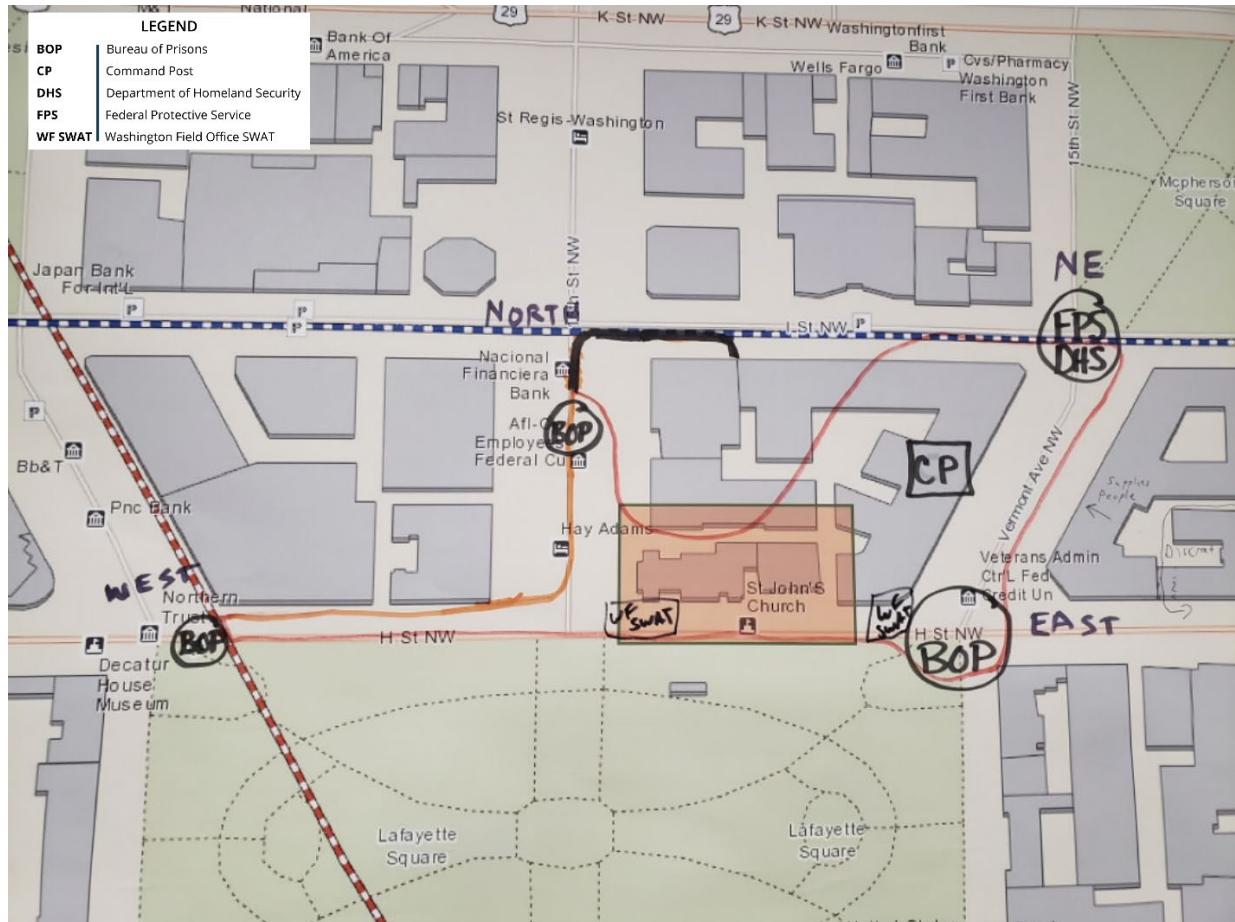
¹⁶¹ The Section Chief explained that physical barriers are a "more practical solution" to maintain a perimeter for two reasons. First, barriers alleviate the need to find sufficient personnel to form the lines as well as the need to rotate and relieve those personnel for as long as necessary to maintain the perimeter. Second, a physical barrier does not attract protesters to interact with it in the same manner as a person deployed to man a security line. Based on evidence we obtained, the FBI had not identified a single type of barrier for the operation and explored obtaining concrete barriers, bike racks, and anti-scale fencing.

¹⁶² It is unclear how many officers were deployed at any given time due to the fact that officers were rotating shifts and being relieved during the course of the day. For example, Correctional Services Specialist 2 told us that he was relieved at approximately 10:30 a.m. on June 3 by other BOP officers.

¹⁶³ Correctional Services Administrator 3 told us that while the map depicted in Figure 5.1 was generally correct, the BOP did make some minor adjustments to their positioning to ensure that individuals could not funnel through alleyways to avoid the BOP shield lines.

and notes on Figure 5.1 were on the document when it was produced to us. No witness could tell us who made these markings, lines, or notes.

Figure 5.1: Map Documenting June 3 Operation to Move the Perimeter North



Source: FBI photo of map attached to FBI email, with FBI modifications to map. Legend added by the OIG.

At approximately 6:00 a.m., after the BOP officers had already deployed, the Section Chief, who manned the FBI command post at WFO as a tactical advisor for the operation, sent ADIC Slater and the CIRG AD a “sitrep” informing them of significant “gaps” in the plan to deploy several hundred law enforcement officers and the DCNG to create the second perimeter. The “gaps” identified by the Section Chief included that the DCNG (whose assistance had been deemed necessary to maintain sufficient presence) had not received authorization to participate and that the FBI had not obtained the necessary barriers to maintain the perimeter once it had been established by the BOP. Slater responded that Wray and Bowdich were aware and “working the problem.”

We were unable to determine how or by whom it was decided that 200 BOP officers would be deployed. FBI SAC 2 told us that he was not involved in the BOP deployment decision. FBI SAC 2 explained that when he arrived at WFO, the deployment was already in “an operational phase,” and he did not recall having knowledge that the BOP was going to

block off certain streets. The Section Chief told us that he and other WFO personnel were receiving directives from FBI Headquarters and that FBI WFO executives “were not involved with the process.” The Section Chief explained that during this operation, he received requirements such as “we need...X number of personnel to assist with this [task] or X number of personnel to assist with that [task],” but these decisions were not being made at WFO. BOP Correctional Services Administrator 3 told us that when the BOP officers departed from the hotel on buses early in the morning on June 3, it was unorganized, and he did not know “the plan” yet. Correctional Services Administrator 3 stated that, with respect to the BOP, there was no “official” person in charge, so he took that role on “unofficially.” Correctional Services Administrator 3 also stated that he did not know who decided or how it was determined that 200 BOP officers should be deployed, and he could not recall if he was instructed which intersections the BOP was to secure or if he made that determination himself.

2. After Deployments Begin, Barr, Wray, Bowdich, and Bowdich’s Chief of Staff Visit Vicinity of Lafayette Park and Continue Discussing the Addition of the Second Perimeter

Bowdich’s Chief of Staff told us that in the early afternoon of June 3 after the BOP had been deployed but before FBI personnel were deployed a few hours later, he returned to Lafayette Park with Bowdich where they met up with Wray and Barr, as well as the CIRG AD. According to Bowdich’s Chief of Staff, “not a lot of protesters” were present while they were in and near the park. He explained that by the time he arrived at the park, he was already aware that the Department intended to move the perimeter out with officer-held lines and that the USPP anti-scale fence would remain where it had been installed at H Street. According to Bowdich’s Chief of Staff, while at Lafayette Park Bowdich talked to a DCNG brigadier general about “support for maintaining the area,” and Bowdich pointed at the church and emphasized that it needed to be protected. A picture of Bowdich at Lafayette Park behind the BOP shield lines is depicted in Figure 5.2.

Figure 5.2: Photograph of BOP Shield Lines and Deputy Director Bowdich on June 3



Source: FBI. Individual faces blurred by the OIG for privacy.

Shortly after 1:00 p.m., Bowdich made three calls from Lafayette Park to the Section Chief at the WFO command post in which he requested information about the availability of FBI and CBP personnel as well as additional BOP resources, asked for between 100 and 150 FBI agents for the operation, and directed the Section Chief to communicate Bowdich's resource questions about availability of FBI agents to ADIC Slater. After speaking with Bowdich, the Section Chief relayed to Slater Bowdich's directives about deploying WFO FBI agents. The Section Chief also spoke with the BOP and CBP representatives at the WFO command post regarding additional resources, and both CBP and the BOP agreed to supply personnel. The Section Chief told us that during these conversations with Bowdich, he learned for the first time that some number of WFO Special Agents would be deployed to Lafayette Park. He stated that based on his conversation with Bowdich, he understood that FBI agents were going "to secure the park, or potentially stand perimeter around the park, or in Lafayette Square."

Bowdich's Chief of Staff also told us that in connection with earlier deployments of FBI agents on the streets of Washington, D.C. on the evening of June 1, many agents and others questioned why they were being deployed for tasks without the proper training and equipment. He told us that at Lafayette Park that afternoon, the CIRG AD, in a conversation with Bowdich's Chief of Staff, also questioned why the FBI was going to deploy to the area

and asked what the mission would be. According to Bowdich's Chief of Staff, based upon his counsel to the CIRG AD that he address his concerns directly to Bowdich if he was "uneasy" or did not agree with the mission, the CIRG AD had a conversation with Bowdich in Bowdich's Chief of Staff's presence and raised these concerns. Bowdich's Chief of Staff told the OIG that he did not recall Bowdich's response to the CIRG AD's concerns other than that Bowdich told the CIRG AD that the mission was "protection of property." Bowdich's Chief of Staff told us that in response to some of the concerns raised by the CIRG AD, it was agreed that someone with "good tactical crisis response" experience was needed on scene at Lafayette Park, and FBI SAC 2 was "summoned" at that time.

FBI SAC 2 told us that the CIRG AD called him and told him that he was at Lafayette Park where "the situation was very tense" and that he needed FBI SAC 2 "physically present there." According to FBI SAC 2, when he arrived a command post had not yet been established. He told us that the FBI executives started their coordination efforts on H Street, then moved into the lobby area of the Department of Veterans Affairs building on Vermont Avenue between H and I Streets. They ultimately set up a command post on an upper floor of that same building.

FBI SAC 2 stated that by early afternoon crowds were gathering, but it was not particularly violent at the time, although he was aware of the violence that had occurred over the previous days. According to emails reviewed by the OIG, around the time that FBI SAC 2 arrived at Lafayette Park, Wray returned to the FBI Headquarters building and Barr left the park to go to the WFO command post.

Barr arrived at the FBI WFO command post by approximately 2:30 p.m. The Section Chief told us that Barr asked him who was in charge at the WFO command post, and he responded that he (the Section Chief) was. According to the Section Chief, Barr then asked, "Where are we at in moving people?" and wanted a status report on the progress of establishing the second perimeter. Using a map of the Lafayette Park area, the Section Chief showed Barr his understanding of where resources had been deployed. At that point, according to the Section Chief, Barr responded with words to the effect of telling the Section Chief "what he wanted done," "how he wanted things executed, and what his intent was for the operation," and, while pointing at a map, stated, "We want people here, here, and here." According to the Section Chief, he understood that Barr's intent for the operation was to protect Lafayette Park and St. John's Church.

The Section Chief also told us that Barr specifically asked him about the status of obtaining barriers, that he informed Barr that all the agencies the FBI had contacted did not have barriers available, and that Barr replied that he "would make calls and see what he could find out." According to USPP documents, at approximately 7:00 p.m. Barr directed the USPP to place the bike racks the USPP was no longer using at the BOP shield lines.

Although the FBI obtained a pricing quote for anti-scale fencing, it did not purchase any fencing.¹⁶⁴

The Section Chief texted Bowdich, while Bowdich was still at Lafayette Park, that he had provided the briefing to Barr, but in his text he did not provide Bowdich with the specifics of what Barr had said other than to tell Bowdich that Barr had reached out to the USSS about the barriers. Phone records also show that Bowdich called Levi and had a 5-minute conversation with him shortly after the Section Chief briefed Barr.

3. WFO FBI Deploys Approximately 50 Special Agents and 18 SWAT Members to the Vicinity North of Lafayette Park

In response to Bowdich's directives to the Section Chief, ADIC Slater directed FBI SAC 3 to send 50 FBI Special Agents to Lafayette Park and instructed FBI SAC 3 that the agents were to serve as an arrest team for any potential assault on the BOP officers deployed earlier that morning. Between 2:30 p.m. and 4:30 p.m., FBI SAC 3 deployed the requested agents to H Street and Vermont Avenue northeast of Lafayette Park. In addition to the Special Agents, sometime that afternoon after the WFO Special Agents had been deployed, a WFO SWAT team of approximately 18 agents was also deployed to that same area. As discussed further below, no one could tell us whose decision it was to deploy WFO SWAT to Lafayette Park. We were also unable to determine why the number of 50 agents was chosen, even though, according to the Section Chief and as noted above, Bowdich originally sought between 100 and 150 FBI agents for deployment. The deployment of the FBI Special Agents is discussed in detail below to identify perceived deficiencies that witnesses identified to us concerning the planning and execution of the FBI-coordinated operation.

Several witnesses told us that WFO Special Agents were deployed with little or no notice and no chance to prepare. FBI SAC 3 stated that Slater told him "we need a bunch of agents up at Lafayette Square" and that he "had a very short timeline to figure out who to send." FBI SAC 3 told us that Slater directed him to send approximately 50 FBI agents for the mission; FBI SAC 3 did not decide on that number of agents and was not a part of discussions regarding how many agents to send. FBI SAC 3 said that he knew that the BOP had already deployed to the area north of the White House, and he understood from Slater that FBI Special Agents were needed on-scene to make arrests if any BOP officers were assaulted. FBI SAC 3 told us that some of the agents were "very vocal" about safety concerns and that one supervisor, after hearing the mission, refused to deploy. FBI SAC 3

¹⁶⁴ Documents show that the FBI had requested a pricing quote from a fencing contractor and had received that quote by shortly after midnight on June 4, for a scheduled installation date of June 5. Then FBI Associate Deputy Director Abbate told us that when he learned about the fencing price quote, his reaction was "no way" and that he was "completely against" the purchase because, based on his understanding of where the fencing would be installed, he believed the USSS or the USPP should be responsible for procuring the fencing. Abbate could not recall who was requesting the FBI to procure and pay for the fencing, or whether the request was from inside or outside of the FBI and stated that he refused to approve the request.

told us that he was sure he and others discussed the danger of the mission with Slater, but he told us that he did not specifically tell Slater that the FBI agents he assigned to deploy had raised safety concerns with him. When we asked FBI SAC 3 what specifically about the mission concerned him, he told us that the FBI was sending agents into a situation that “we didn’t control,” which is not normally the case when the FBI deploys its Special Agents.

FBI SAC 1, who was serving as the FBI’s Senior Executive, told the OIG that he did not have any time to prepare for the deployment and that there was no written operations order or medical evacuation plan.¹⁶⁵ According to FBI SAC 1, everything was done “[a]ll on the fly,” and they “had to figure this whole thing out because the [initial] mission was to just get out there.” The FBI WFO Chief Division Counsel (CDC) also told us the deployment “happened very quickly” and that when she was told to deploy, she did not know what the FBI was doing at the church. She ultimately understood that the FBI agents were there to take investigative steps if there had been an assault on a federal officer, although she said that “nothing happened” and no one was arrested. The WFO SWAT STL told us that when he and the WFO SWAT team deployed to the Lafayette Park area, the WFO Special Agents were already present on H Street. He could not recall who directed WFO SWAT to deploy on June 3, but he told us that he reported directly to the CIRG AD once he arrived. The WFO SWAT STL understood that in the event that a BOP officer holding the shield lines was assaulted by someone and the BOP officer arrested that individual, the WFO SWAT team’s mission was to escort both the BOP officer and the arrestee to the FBI WFO Special Agents who would determine, along with an Assistant U.S. Attorney, whether the individual would be charged.¹⁶⁶ The WFO SWAT STL told us that he did not have any knowledge that the FBI’s mission was to create a second perimeter. He also told us that WFO SWAT was not a quick reaction force for any of the personnel deployed on June 3.

4. Attorney General Barr Directs ATF SRT to Deploy to H Street with an Armored Vehicle but Changes Course after Receiving Feedback from ATF Personnel

Around the time that FBI SWAT was deploying to H Street, the ATF Washington Field Division (WFD) SAC told us that he was directed by a representative at the WFO command post, based on an order relayed to the representative by Barr, to relocate the ATF SRT team that was assisting USSS personnel with protecting the south side of the White House, along

¹⁶⁵ According to the Special Counsel to the Deputy Director, during a crisis response, the FBI may deploy a Senior Executive from FBI Headquarters to serve as an intermediary for the On-Scene Commander, the tactical teams on the ground, and FBI Headquarters. The executive is responsible for providing status updates and information to Headquarters executives during the response and communicating Headquarters’ “needs and wants” back to the On-Scene Commander during the deployment. One reason the FBI employs this model, according to the Special Counsel, is so that the On-Scene Commander is not distracted by requests for information from senior management in the midst of a crisis response.

¹⁶⁶ The WFO SWAT STL stated that he was told that SWAT was chosen for this mission because they had gas masks and so could still see if the BOP released tear gas in the time period surrounding an arrest.

with their armored vehicle, to “join up with FBI [SWAT]” on H Street and have a “joint tactical command.” In response, the ATF WFD SAC told us he left ATF headquarters and traveled to the Lafayette Park area because he wanted to “put eyes on the situation.” The ATF WFD SAC told us that when he arrived on scene, he was informed that it was not possible to relocate the armored vehicle and the ATF personnel to H Street without either taking down the anti-scale fencing to drive through Lafayette Park or, alternatively, going through the crowds on the street, which could result in the vehicle being swarmed and attacked. The ATF WFD SAC told us that while at Lafayette Park, he also talked to the USSS team leader, who asked the ATF WFD SAC not to relocate the SRT team and its armored vehicle because the USSS still needed the personnel and vehicle to assist with protecting the White House.

The ATF WFD SAC told us that he then called Acting ATF Director Lombardo and told her that moving the armored vehicle to H Street was a potential “Tiananmen Square moment” that could create a “horrible” situation for ATF. The ATF WFD SAC said that he told Lombardo that there was not a safe way to relocate to H Street and that the USSS needed them to continue their deployment on the south side of the White House. Lombardo told us that after speaking with the ATF WFD SAC and hearing his concerns, she told him that the ATF personnel should remain on the south side of the White House and that the armored vehicle should not be moved. The ATF WFD SAC told us that he subsequently asked to speak directly with Barr and that after he relayed his concerns to Barr and explained that shifting the assignment of the SRT would leave the White House vulnerable to attack, Barr said he understood and had “no issues” with the SRT continuing to assist the USSS with protecting the White House. The ATF WFD SAC told us that “there was no disagreement” from Barr or DOJ leadership once he advised them of the situation on the ground.¹⁶⁷

5. FBI Personnel Deployed to Lafayette Park Raise Safety Concerns and FBI Lawyers Raise Legal Concerns within WFO and to the Deputy Director’s Office

As noted previously, FBI SAC 2 advised us that the FBI was the lead agency for the second perimeter operation; that ADIC Slater was the On-Scene Commander, but stayed at FBI WFO; and that the CIRG AD had overall command and control of the assets, including non-DOJ assets. FBI SAC 2 explained that senior personnel from assisting agencies were

¹⁶⁷ The ATF WFD SAC also told us of a different request to ATF by Barr and ADIC Slater, after the fire at St. John’s Church but before the order on June 3 to move the armored vehicle, to move ATF’s National Response Team truck, which ATF uses to investigate arsons, from the south side of the White House to right in front of St. John’s Church. The ATF WFD SAC told us that he understood the reason for the request was to give the federal agencies a mission to protect federal property. Lombardo told us that after discussing the request with ATF’s AD of Field Operations, she advised Barr and Slater that ATF was going to keep the truck on the south side of the White House.

present and commanding their personnel, but the senior personnel were reporting to, as well as cooperating and collaborating with, the CIRG AD, who had “final say.”

The Section Chief stated that the FBI had “overall” operational control of the entities that fell under DOJ, but with respect to non-DOJ entities, each agency retained the autonomy to determine whether or not their agency was “able and willing” to supply personnel for the operation. The Section Chief told us that once the non-DOJ entities were deployed, in his view there was not a well-established chain of command at Lafayette Park. When asked who was providing instructions to the agents, FBI SAC 1 told us that Bowdich was giving direction to the FBI leaders and commanders on-scene. BOP Correctional Services Administrator 3 similarly stated that that “FBI was in charge” and that the BOP was “just an arm of the FBI” during their deployment. Correctional Services Administrator 3 stated that before the deployment, he was not given an estimate of how long the BOP would be deployed at Lafayette Park, and he said that the BOP made their own decisions about relief cycles once they arrived at the park.

FBI SAC 2 told us that the first thing he did when he arrived in front of Lafayette Park on the afternoon of June 3 was assess “what things looked like on the ground, size of the crowds, attitude of the crowds, the space, the perimeter and...where the church sat, what else was in there,...and what we had for resources.” He stated that as part of his assessment, he identified two issues with the deployment that concerned him. First, he did not have the appropriate resources for the operation. FBI SAC 2 explained that based on his experience, he did not believe that he had enough people equipped and trained in crowd control. Conversely, he had too many highly trained people, such as SWAT teams and other tactical agents, that were trained and equipped for officer rescue but were not appropriate for maintaining a static perimeter. FBI SAC 2 noted that this staffing “may have looked like a very appropriate number” to others who may not have discerned the difference between the capabilities of the different types of personnel.

FBI SAC 2 told the OIG that his second concern was whether the agents would be able to retreat should it be necessary. He told us that he talked to the USPP Major, who was behind the anti-scale fence at the edge of Lafayette Park, about the FBI’s desire to be able to retreat through the anti-scale fencing gate and into the park if necessary.¹⁶⁸ According to FBI SAC 2, the USPP Major told him the USPP would not open the gate for the

¹⁶⁸ According to Monahan’s memorandum memorializing the events of May 29 through June 6, 2020, on June 2, on the evening of June 2 Monahan and senior FBI and DOJ officials “talked through a myriad of concerns that included a fence plan, medical plan, work/rest cycle” and other issues, and Monahan was told the Department “would consider” all of them. According to Monahan’s Memorandum, during a separate and later discussion with Slater on June 2 he advised Slater that the fence along H Street would be secure and that there would not be an opportunity for personnel to move from H Street into Lafayette Park.

FBI due to safety and security concerns.¹⁶⁹ FBI SAC 2 told the OIG that not being able to retreat behind the USPP fence in the event of an emergency left the FBI in a “fairly untenable” and unsafe position. In particular, FBI SAC 2 noted the lack of physical barriers between DOJ personnel and the crowds, which were growing larger and had a history of becoming violent. According to FBI SAC 2, from that point the goal for both he and the CIRG AD was to de-escalate the situation by sending away non-DOJ tactical assets deployed through the WFO command post, shifting FBI SWAT assets already on scene and dressed in tactical gear to locations where protesters could not see them, and then, if they could, moving away from holding those streets (which would have needed approval from others).

The WFO SWAT STL told us the inability to retreat posed a significant safety risk to the deployed agents and described it as “an extremely uncomfortable position” that he never thought he would be put in as an FBI agent. FBI SAC 1, FBI SAC 3, and the CDC also told the OIG that they became increasingly concerned for their agents’ safety upon learning that the agents would not be able to retreat through the gate of the USPP fence on H Street in the event of an emergency.¹⁷⁰

BOP personnel did not raise similar safety concerns regarding their deployment to Lafayette Park on June 3. Correctional Services Administrator 3 told us that he thought the BOP staff were trained properly to deal with crowd control in a prison situation and adapted to crowd control in a civilian situation very well.

In addition to FBI officials’ safety concerns about the deployment, FBI Associate Division Counsel and operational personnel raised legal concerns regarding the deployed FBI agents’ authority to the Special Counsel to the Deputy Director. Specifically, the

¹⁶⁹ FBI SAC 2 told us that the USPP Major was concerned that if they opened the fence, they would be compromising their secure posture and potentially could be overrun. FBI SAC 2 said that he “completely understood” those concerns.

¹⁷⁰ In comments that Barr provided to the OIG after reviewing the draft report, Barr dismissed these safety concerns as “handwringing” by “lower-level FBI officials whose roles—and coign of vantage—in the actual operation were extremely limited, or non-existent.” Barr stated that these officials’ criticisms “relate principally to the limited supporting role played by 50 FBI agents (whose assignment was to standby to help make and process arrests if agitators attacked the shield line) and an FBI SWAT team (whose assignment was to standby in case something happened—such as a shooting incident—that required a tactical team). These agents were not on the shield lines facing the demonstrators.” Barr further stated, “although no law enforcement officers securing the city were altogether free from exposure, these agents were not placed in a particularly exposed position, especially compared to the many hundreds of federal officers and Guardsmen dispersed across the city in small and relatively isolated groups, performing traffic control, guarding monuments, and protecting federal facilities.” Barr added that it “was exceedingly unlikely that demonstrators would be able to overwhelm this force and endanger the FBI agents.... No one was going to stand by and allow this group to be overrun.”

The OIG notes that the FBI officials who raised these safety concerns included senior FBI officials and those who were either present on scene for these events, had significant tactical experience, or both, and included the WFO SWAT Senior Team Leader, FBI SAC 2 (who previously served as an HRT Team Leader), and the Section Chief (who previously served as the HRT Deputy Commander). Indeed, Bowdich had personally requested FBI SAC 2 and the Section Chief to assist due to their extensive experience with crisis response.

operational personnel sought clarification of the basis for FBI agents to be present outside of Lafayette Park for the purpose of protecting non-federal property. After being made aware of these concerns, the Special Counsel at 5:45 p.m. on June 3 emailed ADAG 1 stating that “WFO ha[d] established, per the direction of the A[ttorney] G[eneral], a presence on 1[6]th between I and H street” and asking, “Can OLC please provide clarity regarding the FBI agents’ role and authorities in the location as authorized by the A[ttorney] G[eneral] at this time? [St. John’s C]hurch that abuts it is privately owned, and the location of the agents does not appear to be federal ground at this time.” About an hour later, the OLC Principal Deputy Assistant Attorney General (PDAAG) replied to the Special Counsel’s email and provided two legal bases for the FBI to be present outside of Lafayette Park. First, OLC reasoned that the federal presence “help[ed] protect federal property” because the federal agents were currently working to protect Lafayette Square and the White House Complex based upon a determination that the security perimeter should be moved further north. Second, a federal presence on that block would also deter or prevent potential federal crimes. According to the PDAAG’s email, given the prior fires in that area, the continued public attention to that location increased the chances that the church and other buildings on the block could again be targeted, which would likely be a federal crime, notwithstanding private ownership, because it is a federal crime to attempt to damage or destroy, by means of fire or explosives, any real property used in interstate commerce.

The Special Counsel told us that this exchange with OLC was “a good illustration” of a circumstance where “direction was not clearly conveyed or was conveyed, missing key relevant facts for the analysis” and that the miscommunication resulted in legal concerns. She told us that her understanding of the deployment directive was that the Special Agents were to serve as crowd control, and it had not been articulated to her or others that she talked to that the deployment was to protect federal personnel and property. She stated that once OLC articulated this framework, her legal concerns were resolved.

The next day, on June 4, the Special Counsel sent an email to OLC staff. In this email, she requested that the FBI receive “authorizations, departures, and directions” in writing prior to their issuance to FBI personnel or memorialization of such instructions after-the-fact in an emergency situation. In her interview, the Special Counsel attributed a lot of the confusion to the fact that directives and expectations were not being clearly communicated down to those responsible for implementing them. She explained that principals such as the Deputy Attorney General and the Attorney General “may feel as though they are communicating something very clearly and they might be communicating something very clearly,” but those directives do not necessarily get “translated and passed out clearly” to those that have to implement the directives.

According to FBI SAC 2, after being made aware of OLC’s position, the discussion changed from “we should or should not be doing this” to how do we continue to de-escalate tensions with the protesters, keep all the personnel safe, and ultimately return to WFO without compromising public safety in that area. FBI SAC 2 explained that based

upon his personal experience, the presence of personnel in SWAT gear and displays of force that “look almost exclusively like lethal force” increase, rather than diminish, tensions between crowds of protesters and law enforcement. FBI SAC 1 told us that employees from DHS and other federal agencies told him and other FBI employees that the FBI had escalated the situation because the FBI had put a SWAT team in tactical gear in the area. According to the WFO SWAT STL, WFO SWAT officers were originally stationed at two intersections: the eastern corner of H and 16th Streets and the western corner of H Street and Vermont Avenue. He told us that shortly after he arrived, he consolidated the SWAT team officers in one location and positioned them all on H Street between the two intersections with an armored vehicle because he viewed it as safer for the agents. FBI SAC 2 also told the OIG that officers dressed and equipped like WFO SWAT were generally the “wrong tool” for crowd control. FBI SAC 2, the CIRG AD, the WFO SWAT STL, and FBI SAC 1 made a “joint decision” to withdraw FBI personnel from H Street on the afternoon of June 3 and place them in the basement of the Department of Veterans Affairs building. The WFO SWAT STL told us that he advocated that the WFO Special Agents be moved inside the building because he could not protect them if one of the shield lines was overrun, and he said that “taking them off the street...eliminate[d] a potential boiling point” by removing some law enforcement from the sight of the protesters. According to FBI SAC 1, after the FBI agents withdrew into the Department of Veterans Affairs building, “the energy died down quite a bit,” and the crowds began to dissipate. Correctional Services Administrator 3 told us that BOP officers remained deployed in shield lines until approximately 12:00 a.m., at which time they departed the area.¹⁷¹

The WFO SWAT STL told us that in his view, FBI SWAT was placed in an “extremely bad situation” by being deployed to that area on June 3 and that the deployment posed significant safety concerns for the WFO Special Agents and the public. He explained that FBI SWAT lacked training on responding to or de-escalating unrest, that they were equipped with only lethal capabilities, and that he had serious concerns that if protesters broke through the shield lines, FBI SWAT agents could potentially be put in the situation of needing to use deadly force. He added that FBI policy prohibits FBI SWAT teams from engaging in crowd control, which he told us also contributed to his concerns about the deployment and its lawfulness.¹⁷² The WFO SWAT STL and a WFO SWAT officer told us that if one of the shield lines broke, the SWAT team’s plan was to station themselves inside their armored vehicle to remain out of sight and allow for a timely evacuation. With respect to

¹⁷¹ Correctional Services Administrator 3 also recalled employees from DHS expressed concern that law enforcement agents in tactical gear were escalating the situation. He told us that he thought the BOP CPD AD directed him that the BOP could leave and that there had been discussions with FBI leadership prior to the BOP officers departing.

¹⁷² The FBI Special Weapons and Tactics Policy Guide states, “FBI field SWAT teams must not be used for the sole purpose of assisting federal, state, local or tribal L[aw] E[nforcement] organizations in crowd-control operations.” Federal Bureau of Investigation, *Special Weapons and Tactics Policy Guide*, § 4.5.6 (April 16, 2018).

the WFO Special Agents, the WFO SWAT STL told us that their plan in the event that the lines broke down was to stay in the Department of Veterans Affairs building, lock the doors, and shelter in place until everything calmed down. When we asked the WFO SWAT STL whether he raised any of his concerns to the CIRG AD, he told us that he did not because “it was made perfectly clear” to him that the mission was going to occur and, therefore, he did not “try to challenge” it. The WFO SWAT STL stated that instead of challenging the directives, he sought to make decisions that maximized the safety of the SWAT team members and other FBI personnel that were deployed that day.¹⁷³

At some point during the evening of June 3, after the FBI agents had moved inside the Department of Veterans Affairs building, the FBI officials on-scene at Lafayette Park briefed FBI executives, including Wray, Bowdich, and Slater, as well as Barr, on the unsafe situation and recommended that they reevaluate the deployment and leave once the crowds subsided. Bowdich’s Chief of Staff told us that the CIRG AD called FBI Headquarters “in the early evening” and told the group that “we are in an unsafe place, we can’t hold this line,” and that the FBI agents had moved inside of the building. FBI SAC 2 did not specifically remember the call, but he did remember that safety concerns had been raised on calls back to WFO, and he told us that he had advocated to the CIRG AD that he convey to Slater and others that “we have real problems here,” including that they did not have the proper personnel, that partner agencies had advised them they would not provide assistance, and that if crowds became very violent, they “had limited ability to do something about that.”

FBI SAC 1 was also present with the CIRG AD at Lafayette Park and stated that he and the CIRG AD conveyed that the FBI’s presence had escalated the situation and that other law enforcement agencies had recommended that the FBI “de-escalate it.” According to FBI SAC 1, “the theme essentially was, we brought this situation upon ourselves by being out [t]here.” FBI SAC 1 told the OIG that Barr “wasn’t angry” and “just kind of accepted” the FBI’s recommendation that they should seek to “exit” this area. However, according to the CDC, who said she was also present with the CIRG AD at Lafayette Park for the call, the safety issues “did not seem to be a concern” to Barr, and she told us he essentially said, “You’re federal agents, do your job.” Bowdich’s Chief of Staff stated that upon receiving the call from the CIRG AD, Bowdich said to him, “I told you that’s why we should have never left,” which he understood to mean that the decisions about what resources were necessary would have been different if Bowdich had remained at Lafayette Park.

At 10:00 p.m., an FBI agent who was deployed to Lafayette Park emailed Slater and the CIRG AD informing them that Bowdich had just arrived at Lafayette Park and that he

¹⁷³ The WFO SWAT STL told us that on June 1, he had raised concerns about the deployment of the WFO Special Agents to patrol certain areas within Washington, D.C. He stated that he told both his supervisor and FBI ASAC 1 that the FBI should not be deploying agents because the agents are neither equipped nor trained to deal with civil disturbance, and that deploying these agents in the midst of violent protest could cause “a bigger problem.”

had briefed Bowdich on what assets were in place. The agent advised Slater that Bowdich intended to call him and also to have "one more" conversation with Barr. We were unable to determine if Bowdich spoke to the CIRG AD, FBI SAC 1, FBI SAC 2, or any other FBI employees while he was at Lafayette Park for the second time on June 3. Bowdich's phone records show that Bowdich did have conversations with Slater, FBI SAC 2, and OAG Counselor Sofer during this time period, but do not show that Bowdich attempted to call Barr directly.

The FBI agents eventually returned to WFO around 12:30 a.m. or 1:00 a.m. on June 4. The CDC told us that after arriving at WFO, she told Slater that she believed that the FBI deployment was not appropriate because it was unsafe. FBI SAC 3 recounted that he learned from talking with those deployed that "it was a bad situation" and that no arrests had been made. FBI SAC 1 told us it was his view that the WFO Special Agents were "potentially in harm's way" for the limited purpose of making arrests for assaulting a federal officer or destroying federal property, and he said that the FBI can do that without deploying by investigating after the fact. He characterized the FBI's mission as "very, very small," and he told us that the agents "didn't need to be out there" and that ultimately the "juice [was not] worth the squeeze." According to FBI SAC 1, "This shouldn't happen again." According to texts exchanged between Slater and Acting U.S. Attorney for the District of Columbia Sherwin early on the morning of June 4, assets were moved back "behind [the USPP's] original fence" line and St. John's Church was secured from "the inside." According to Slater's text, the MPD agreed to station plain clothes officers and "fire assets" inside the church moving forward. Correctional Services Administrator 3 told us that on June 4, BOP officers deployed south of the White House inside the secure perimeter, where they and DCNG personnel were "practicing maneuvers" and formulating a plan in the event that the area by St. John's Church needed to be cleared for a third time.

Several FBI officials also identified concerns regarding the FBI's command and control over the operation and FBI personnel during the deployment on June 3. Wray, then FBI Associate Deputy Director Paul Abbate, FBI SAC 1, FBI SAC 2, and the Section Chief all told us that in an FBI-led crisis response, the affected FBI field office should maintain command and control over the operation and FBI resources.

For example, the Section Chief told us that for any critical event or special event, in the normal course, FBI personnel are presented with a mission and told to "work the problem" and come up with what they believe to be the "best solution" to the problem. In this instance, according to the Section Chief, he experienced something very different; he and other FBI personnel at WFO were presented with specific tasks or actions to take rather than a mission for WFO personnel to staff, plan, and carry out. According to the Section Chief, while high-level officials normally visit deployment areas, those high-level officials do not make determinations of the number and types of resources necessary for the operation, as the Section Chief said Bowdich did on June 3. He told us that the planning for the June 3 operation deviated from normal practices as well. According to the Section

Chief, generally when the FBI deploys "significant resources," the responsible office is required to prepare a written operations order, unless there is some "absolute immediacy" necessitating quick action. He defined "absolute immediacy" as "an immediate and demonstrable threat to life." The Section Chief also told us that based on his understanding of the situation at Lafayette Park on June 3, there was "potentially a threat to property," but there was no "credible...threat to life."¹⁷⁴

Abbate similarly told us that the FBI has an "effective way" of responding to and managing critical incidents but that these "procedures and standards" were set aside during this week of civil unrest, which he attributed to the decisions of Barr and Bowdich. Abbate told us that these departures from the FBI's standard procedures were detrimental because they "resulted in a degree of confusion about...who was in charge," "broke down" the coordination between the law enforcement agencies involved, infringed on the authority and ability of the agencies with primary jurisdiction to respond appropriately, lessened the effectiveness of the response, and put people, including non-FBI personnel, in harm's way unnecessarily.

FBI SAC 1 told us that, in the normal course, the field office maintains command and control and "would feed that information back to FBI Headquarters," but he described the command and control implemented for the FBI's response to this incident as "much different." He explained that the physical presence of senior DOJ officials, FBI executives, military members, and others "caused a lot of confusion" and led to questions of "Is the ADIC in charge or the Director, Deputy or A[ttorney] G[eneral]?" and "Who is really running the office?"

The WFO SWAT STL told us that he did not participate in any planning, nor was he aware of any planning, for the operation to establish a new perimeter prior to his deployment. He stated that he did not know that WFO Special Agents had been deployed prior to his arrival on scene and did not know the mission assigned to the WFO Special Agents until he spoke directly with a supervisor on scene. He told us that he formulated the plan for SWAT personnel to assist with arrestee collection while on scene, communicated his plan directly to a BOP representative while deployed, and did not know other non-DOJ agencies (DHS and Federal Protective Service) were present and deployed on June 3. The WFO SWAT Officer, who also deployed to the area on June 3, described the scene as "an absolute disaster," noting there "was little to no command and control" visible at the scene.

On June 4, and later again on June 25, ADIC Slater, along with several of his WFO SACs, met with representatives of the Special Agents Advisory Committee (SAAC) regarding

¹⁷⁴ FBI SAC 2 told us that an operations order is an "excellent practice," especially in a tense situation with potential for violence. FBI SAC 2 stated that he was ordered to respond with minimal notice to the deployment and that he did not personally have sufficient time to prepare an operations order for the June 3 deployment.

the agents' safety concerns and other issues relating to WFO's response to protests and civil unrest in Washington, D.C.¹⁷⁵ According to two SAAC representatives we interviewed—a WFO Special Agent who did not deploy on June 3, and the WFO SWAT Officer who did deploy on June 3—and minutes of the June 25 meeting, representatives told Slater that WFO agents did not believe they were provided proper equipment and did not receive proper briefings or guidance for their deployments during the week of civil unrest.¹⁷⁶ FBI SAC 3 told us that there were a lot of "very heated" opinions from the SAAC representatives on what had happened on June 3 at Lafayette Park. The WFO SWAT Officer also told us that Slater acknowledged that the safety concerns raised by the agents were valid. When we asked the WFO SWAT Officer how Slater responded to the agents' concerns, he told us that Slater told the agents that WFO management was "just doing what they were told" and there was not "really any way for them to be able to push back." The WFO Special Agent similarly told us that Slater stated that high-ranking officials from both the Department and the FBI were present when these decisions were made and were involved in making the decisions. The WFO SWAT Officer told us this response was not well-received by the WFO agents because "the whole point" of management is that they are "supposed to be able to...tell people above them...no, this isn't something that we can or should be doing."

D. BOP Leadership Is Made Aware of Concerns about BOP Uniforms' Lack of Identifying Markings

In the days following June 1, several hundred BOP personnel were deployed in Washington, D.C., including to the area north of Lafayette Park, as discussed above, as well as to protect various Department and FBI buildings. Starting on the evening of June 2 and continuing into June 3, multiple reporters sent tweets stating that they had encountered law enforcement personnel in Washington, D.C. who did not have their agency or personal identities displayed on their uniforms. According to the reporters, when they asked these personnel which agency they were with, they either refused to answer or replied that they were with DOJ. These reporters subsequently stated that these law enforcement personnel were BOP employees, which was confirmed by the Department.¹⁷⁷ Photographs that the OIG reviewed of BOP personnel deployed to various locations in Washington, D.C. on June 2 and June 3 show personnel dressed in green or black shirts equipped with tactical gear including helmets, vests, shields, and various munitions. Correctional Services Administrator 3 told us that that the BOP uniforms were a "hodge-podge" because officers

¹⁷⁵ The SAAC "serves as a conduit between agents and executive management at WFO, and the mission is to address, prioritize, and resolve issues that affect the quality of life, agents' morale, and agents' perception of the mission at WFO."

¹⁷⁶ The witnesses could not distinguish between what was raised on June 4 and what was raised on June 25, although the June 25 meeting minutes describe that meeting as a "follow up" to the June 4 meeting.

¹⁷⁷ See Philip Bump, "[A Dangerous New Factor in an Uneasy Moment: Unidentified Law Enforcement Officers](https://www.washingtonpost.com/politics/2020/06/03/dangerous-new-factor-an-uneasy-moment-unidentified-law-enforcement-officers/)," *The Washington Post*, June 4, 2020, www.washingtonpost.com/politics/2020/06/03/dangerous-new-factor-an-uneasy-moment-unidentified-law-enforcement-officers/ (accessed June 10, 2024).

came from different prisons, which had different uniforms. Correctional Services Administrator 3 stated that BOP officers did not have markings on their uniforms other than the names of the institutions that they worked for or the SORT team that they belonged to.¹⁷⁸

Correctional Services Administrator 2 told the OIG that when he and his team were deployed on the streets of Washington, D.C. on June 3, they were repeatedly asked by people on the street who they were or what agency they were with, and that he instructed his personnel to say that they were federal law enforcement with the Department of Justice. Correctional Services Administrator 3 told us that when BOP officers moved reporters on the morning of June 3, the reporters asked what agency they were with. He said that BOP officers do not generally deal with the media and did not know how to respond, and so they did not respond to these questions. On the evening of June 3, the BOP's Chief of the Office of Public Affairs emailed the BOP CPD AD stating that she was starting to get questions about BOP employees' lack of identifying markings. The BOP CPD AD told the OIG that he first became aware that there were issues with the BOP uniforms' lack of identifying markings through the news media.

On the morning of June 4, at a press conference with Barr and DOJ component heads, BOP Director Carvajal was asked a question about reports that BOP personnel had stated that they had been explicitly told not to state that they work for the federal government. Carvajal responded that he was not aware of BOP personnel being told not to identify themselves, and that he attributed what had happened to the fact that BOP personnel typically work in institutions and do not need to identify themselves, with most of their identifying markings being institution specific. Carvajal added that he should have done a better job of making sure that BOP personnel had identifying markings with the name of the agency on them, and stated that the point was "well taken." Carvajal told the OIG that BOP personnel deployed to Washington, D.C. with their standard uniforms, which included identifying markings for the name of each officer's institution but did not clearly identify them as BOP personnel. Carvajal stated that this was an "oversight" and that as soon as BOP leadership became aware of the issue, they corrected it by obtaining and issuing uniform patches.

On the afternoon of June 4, following the press conference, the BOP CPD AD sent an email to the BOP's AD of the Information, Policy and Public Affairs Division, stating that he was working on "updating and standardizing [BOP personnel's] uniforms" to identify BOP personnel as federal law enforcement. The BOP CPD AD told the OIG that after he became aware of the lack of identifying markings, within 24 hours the BOP borrowed patches from another Department component that identified the wearer as law enforcement and then worked to purchase identifying patches from private vendors. Emails show that on June 5, the BOP obtained a proposal from a vendor for uniform patches that identified the wearer

¹⁷⁸ This was consistent with the BOP's security practices in its institutions.

as a BOP employee, which the BOP CPD AD told the OIG they purchased. He also said that subsequent to this deployment, the BOP developed standardized markers for its crisis management teams that both identifies the wearer as a member of the BOP and also has a personal identifying number for each BOP officer.

Following the failure of the BOP and other federal law enforcement officers who responded to civil disturbances during the summer of 2020 to identify themselves or wear identifying insignia, Congress amended Title 10 to require federal law enforcement officers and National Guard members to visibly display each individual's name or other unique identifier, as well as the name of the federal agency that employs that individual.¹⁷⁹

II. FBI WFO Deploys Agents Around Downtown Washington, D.C. as a Deterrent to Crime and the FBI Prepares for Anticipated Large-Scale Protests on June 6

In addition to the deployment of approximately 50 WFO agents and 18 SWAT team members near Lafayette Park on June 3, FBI WFO leadership also deployed hundreds of other WFO agents around downtown Washington, D.C. on June 2, 3, 4, and 5, initially in 8-hour shifts around the clock and later on an as-needed basis, to establish a deterrent presence. Records we reviewed indicate that approximately 450 FBI agents were deployed on June 2; 410 agents were deployed on June 3; 260 agents were deployed on June 4; and 80 agents were deployed on June 5 to various locations in downtown Washington, D.C.¹⁸⁰ FBI WFO also began to prepare for an anticipated large-scale protest on June 6. Below we discuss how, with the benefit of additional time, the planning for the deployments of Special Agents to patrol areas in Washington, D.C. improved as compared to the initial deployment on the evening of June 1 and the deployment described above on June 3. We then discuss the FBI's attempt to return to its standard procedures in the preparation and planning for anticipated large-scale protests on June 6.

A. The FBI Continues to Deploy WFO Special Agents in Washington, D.C.

Evidence we obtained shows that after approximately 500 FBI WFO agents were deployed on the evening of June 1 to various locations around Washington, D.C., on the morning of June 2, Acting U.S. Attorney Sherwin emailed OAG and ODAG staff stating that Barr wanted to "ensure that the numbers from last [night] are further surged to cover the full [Washington, D.C.] region this afternoon/evening." At noon, OAG Counselor Sofer

¹⁷⁹ 10 U.S.C. § 723; H.R. Rep. No. 116-617, at 1745-46 (2020) (Conf. Rep.). On April 13, 2022, the Department announced that it had reached an agreement to settle claims in four civil cases arising from the June 1, 2020, law enforcement response to the racial justice demonstrations in the Lafayette Park area. As part of the settlement the USSP and the USSS agreed to update and clarify their policies governing demonstrations. The updated USPP policy includes more specific requirements for visible identification of officers, including wearing fully visible badges and nameplates on outerwear, tactical gear, and helmets.

¹⁸⁰ Other documents we reviewed show slightly different calculations for the number of deployed agents, but those estimates were also in the range of hundreds of agents.

emailed Bowdich, Bowdich's Chief of Staff, and Slater asking them to provide the FBI's capability to deploy additional agents. Bowdich responded "will have it done," and shortly thereafter Slater emailed Sofer, Bowdich, and Bowdich's Chief of Staff that the FBI had an additional 200 agents (for a total of 700) available for that evening. Sofer later advised Levi and U.S. Attorney Terwilliger, for the purpose of providing the information to Executive Office of the President and WHCO, that 3,000 federal agents would be "working on maintaining law and order" in Washington, D.C. on June 2.¹⁸¹

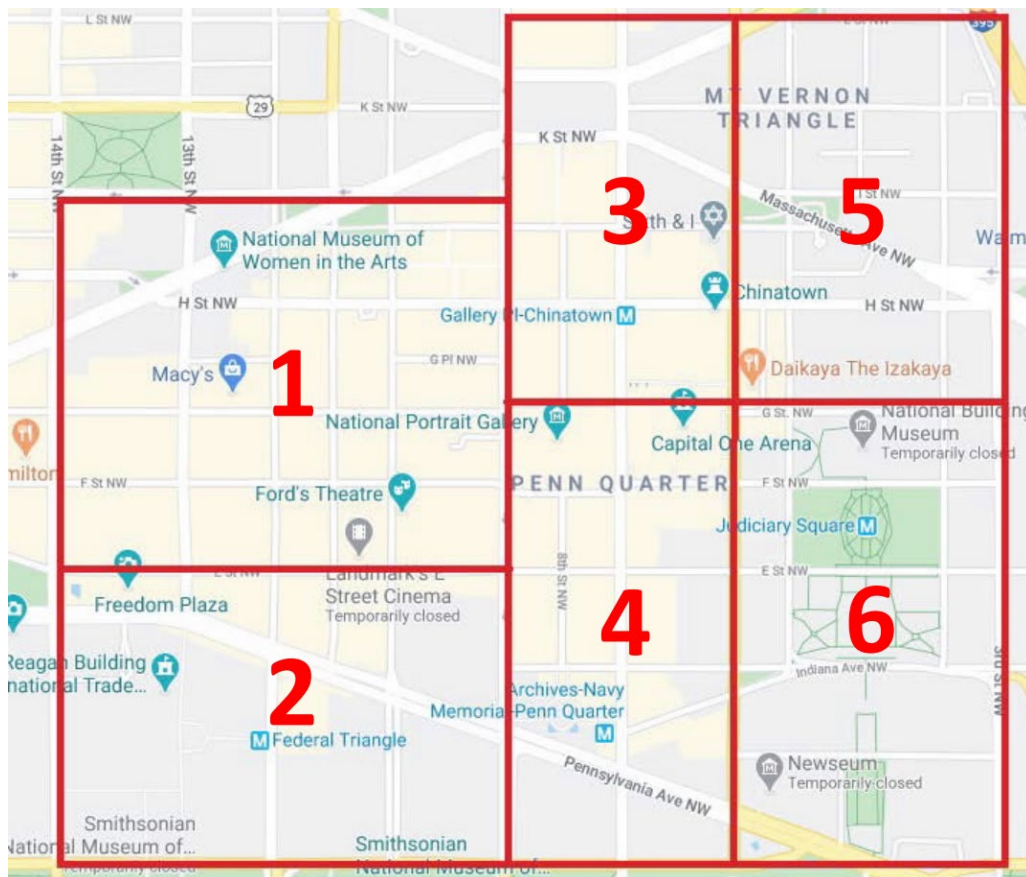
At this same time, Slater established a "24/7 posture" for the agents' deployments in the downtown area, now within a six-zone grid shown below in Figure 5.3, until the levels of violence decreased on June 5.¹⁸² Also beginning on June 2, a group of approximately 25 WFO Special Agents assisted the USSS with manning vehicle check points around the White House. FBI SAC 3 told us that implementing the grid system allowed him to maintain better accountability of the location of the deployed officers. According to FBI SAC 3, he drew the eastern boundary of the grid to exclude the area around the White House due to "cross jurisdictional issues," and both the CDC and FBI ASAC 2 told us that the areas within the grid were thought to be "colder zones" where the WFO Special Agents were less likely to encounter violence.¹⁸³

¹⁸¹ The 3,000 figure included agents from the FBI, the DEA, ATF, the USMS, the BOP, the USSS, the USPP, the CBP, the Transportation Security Administration, Homeland Security Investigations, and the Federal Protective Service.

¹⁸² The 24-hours shifts were divided into three 8-hour blocks: 6:00 a.m. to 2:00 p.m., 2:00 p.m. to 10:00 p.m., and 10:00 p.m. to 6:00 a.m.

¹⁸³ In comments that the CDC provided to the OIG after reviewing portions of the draft report, the CDC clarified that she was not aware that these "colder zones" had been identified as safe places to assign FBI personnel during the deployments, that she was not included in any operational planning discussions, and that she has no information that any decision to deploy FBI personnel to the areas within the grid was because they were "cold zones" and personnel could avoid violent confrontation with rioters there. The CDC said that her statement regarding this issue was simply the product of an after-the-fact assessment based on operational results.

Figure 5.3: Diagram of Grid Used to Deploy WFO Special Agents



Source: Google Maps, with modifications by the FBI, contained in FBI document obtained from the FBI.

FBI SAC 3 and FBI ASAC 2 also developed a more formalized script to brief the agents. FBI SAC 3 described the FBI deployments on June 2 as “more deliberate” than those on June 1. According to FBI SAC 3, with additional time to prepare, the communications and medical plan also improved.

When we asked a deployed WFO Special Agent to describe their experience during this week, the agent told us,

[It] was very unclear as to exactly what we were supposed to actually do.... I did not recall ever being given such a directive to kind of patrol [certain] areas [and] to respond to any ongoing threats or incidents that posed a significant risk to the general public. I can tell you that it was over the course of a few days that the guidance was unclear. We were also told at some point that our presence was a “show of force” for the purpose of show of force.... You know to be honest, it was a very confusing time.

The CDC told us that the WFO agents were “really concerned” and “really upset” about the deployments to various locations in downtown Washington, D.C. Another deployed agent

wrote to the CDC with agents' concerns, questioning "the lack of guidance on what was expected," as well as "the risk to both safety and [the FBI's] reputation." The deployed agent wrote,

This is a risk to the FBI employees involved and a risk, once again, to the FBI's reputation.... Currently, we are operating on verbal deputization to conduct arrests in Washington, D[.]C[.] This authority has not been provided in writing and is not very clear.... [W]e are operating as a show of force. This seems unprecedented to use FBI agents as a show of force. We are not equipped or trained for this situation. We are putting our agents and the public in a difficult situation.

During her interview, the CDC told us that concerns such as those raised by the deployed agent above were "shared by many people" within WFO. She told us that the "complete lack of equipment and training" and the "[l]ack of a clear direction and authority" also concerned her. Emails we reviewed showed agents were still confused about their roles and responsibilities for several days. When we asked FBI ASAC 2 why this confusion persisted, he stated that the FBI's role as patrol officers was "unique" and some of the agents had never experienced this type of interaction with the public.

Abbate, who as previously discussed was not directly involved in making deployment decisions given his role as the Associate Deputy Director, told us that the mission seemed to be "undefined." He stated that based on what he observed in his limited role, as well as conversations he later had with many of the FBI personnel who deployed during that time period, because FBI personnel are neither trained nor equipped to do police patrols, they should not have been deployed in this manner and "put in this terrible situation" where their safety was at risk.¹⁸⁴ Abbate, who had previously served as the ADIC of WFO, told us leadership requires "listening, thoughtful listening and thinking things through before actions are taken" rather than issuing "reactionary edicts." He told us that during the Department's response to the unrest, this type of leadership was not occurring at either the Department or the FBI. When asked whether he believed that Bowdich or Barr put pressure on ADIC Slater (the most senior executive at WFO) to disregard FBI procedures such as the WFO Crisis Response Plan, Abbate said that while he did not have specific insights into what occurred between Bowdich, Barr, and Slater, he thought it was "highly likely" that Slater "succumbed to pressure in his role...to do things that [the FBI] wouldn't otherwise have done." Abbate described the situation, based upon his observations, as "a failure of leadership" on the part of Slater, though he said that "the pressure brought to bear by [Barr] through...FBI leadership...should not have happened, either."

¹⁸⁴ Abbate did allow that FBI officials more centrally involved in these decisions, such as Bowdich and Slater, may have information unknown to him regarding their attempts to provide FBI WFO agents with clear and specific direction before this deployment.

Wray told us that he did participate in decisions about where the WFO agents would be deployed and what they would do but that it was not his idea to deploy the WFO agents onto the streets of Washington, D.C. While Wray did not recall specific conversations about deploying WFO agents to patrol Washington, D.C. streets, he told us that he participated in conversations about some areas within Washington, D.C. having a higher likelihood to “explode into violence,” having non-tactical WFO agents be “out and about” in the areas that were less likely to experience violence, and the belief that deployments in these less “high risk” areas would free up other agencies’ assets to focus on the more violent areas and would inspire public confidence that law enforcement was present. Wray said that he and Bowdich had drawn a “fairly hard line” with Barr that the FBI should not perform crowd or riot control due primarily to their lack of training and equipment but also Wray’s uncertainty as to whether FBI agents had the legal authority to engage in crowd control activities. He explained that he viewed these deployments to perform patrols as an “uneasy compromise” or “balance” of FBI agents’ training and authorities and the need to provide additional security within Washington, D.C. He further stated that striking the right balance was difficult and personnel within the FBI had very different views. Some within the FBI thought the agency should “stay in [its] lane” as an investigative agency while others thought the FBI had to get out of its “comfort zone” because the FBI’s mission included preventing violence from overtaking legitimate First Amendment activity, supporting partners, and protecting the public.

Wray also stated that throughout the period of civil disturbance he was concerned about agent safety and these concerns were a factor in the FBI’s decision not to deploy agents to engage in crowd control. Specifically with respect to the patrolling deployments that the FBI performed, Wray told us that “keeping an eye out for a situation that seemed to be turning violent” and assisting “consistent with” an agent’s duties as a law enforcement officer and the equipment they possessed involved “the same kind of judgments that we expect [FBI agents] to make” ordinarily when off-duty. Wray also told us that because he was a former prosecutor, and not a former agent like Bowdich, he felt that he needed to make sure that Bowdich was comfortable with all the tasks that the FBI performed, and his recollection was that Bowdich had reassured him that he was comfortable with everything the FBI was doing.

B. Planning for Anticipated Protests on June 6

In light of the events at Lafayette Park on June 3, on June 4 the FBI participated in a series of interagency meetings to improve coordination among both its federal partners and the MPD. Multiple witnesses described to us the FBI’s attempt to get back to “normal processes” and the need “to be more coordinated, more unified, and go back to how [the FBI knows] how to do this.” The CDC told us that she, FBI SAC 2, and representatives from the USSS, the USPP, the U.S. Capitol Police, and the MPD participated in a series of meetings to develop a coordinated approach to respond to at least 13 protest events

planned for June 6 that were identified from advertisements published across various social media platforms.

FBI SAC 2 told us that he was “heavily involved in the planning,” and WFO prepared a written operations order that was approved by ADIC Slater. As part of the operational plan, “coordinating instructions” were included to ensure that individual agencies were not taking “unilateral actions” that could cause chaos and danger. Additionally, the FBI staged assets in pre-determined locations and held them if and until FBI assistance was requested by a participating partner. According to the written operations order and FBI SAC 2’s explanation to us, assets under the command and control of the FBI included the FBI, ATF, the BOP, the Federal Protective Service, the CBP, and Homeland Security Investigations.

On June 6, FBI SAC 2 was responsible for coordinating the deployment of resources under the command and control of the FBI, and he worked out of the MPD JOCC because that location gave him “the best real time...understanding of events and communications across the entire District.” FBI SAC 2 described the coordination established in the June 6 operations order as a “good best practice” in crisis events involving violence. He elaborated that “one of the most difficult things to deal with is the self-deployment or autonomous deployment of resources in an uncoordinated fashion,” and he said that the approved plan established sound command and control so that the FBI could provide resources in a timely and efficient manner. FBI SAC 2 told us the Department’s law enforcement components are supposed to work under the National Incident Management System (NIMS) and use the Incident Command System (ICS) for command and control to mitigate the risks posed by lack of coordination between responding agencies.¹⁸⁵ FBI SAC 2 stated that the FBI’s planning for June 6 followed the NIMS and ICS approach to crisis incident management.

Multiple witness we spoke with described the FBI’s planning for possible June 6 deployments as an improvement over its planning for the prior deployments and as the preferred way of doing things. The protests on June 6 were relatively peaceful and no assets under the FBI’s control were requested for deployment that day.

¹⁸⁵ ICS is a standardized approach to the command, control, and coordination of on-scene incident management that provides a common hierarchy within which personnel from multiple organizations can be effective. ICS is used by all levels of government as well as by many NGOs and private sector organizations. Federal Emergency Management Agency, *National Incident Management System*, (October 2017 3rd ed.).

CHAPTER SIX: ANALYSIS

The OIG undertook this review to determine the Department's and its law enforcement components' roles and responsibilities in responding to protest activity and civil unrest in Washington, D.C. in late May and early June 2020. Although we sought evidence from and interviewed witnesses at other agencies, our review was limited to assessing the actions taken by the Department and Department personnel. The conduct of non-Department personnel or agencies, including actions taken by the unified command at Lafayette Park on June 1, 2020, is beyond our jurisdiction.

At the outset, we recognize that the period under review involved significant challenges for Department personnel, with civil unrest and violence unfolding in multiple cities simultaneously. With respect to Washington, D.C. in particular, then MPD Chief of Police Newsham described the rioting as the worst he had seen during his 31 years in Washington, D.C. law enforcement. Senior Department officials told us that Barr was concerned that without an adequate law enforcement presence on the streets of Washington, D.C., the violence could spiral out of control; in comments that Barr provided to the OIG after reviewing the draft report, he himself stated that the June 3 operation to form a security perimeter north of Lafayette Park was intended to “put[] an end to this cycle of violence.” Department personnel were under substantial pressure to help manage an unpredictable and constantly changing situation, and they described working long stretches of time with little sleep. Furthermore, responding to and managing civil unrest is not traditionally within the Department's mission, and witnesses discussed the challenge of assessing the Department's and its components' relevant capabilities, familiarizing themselves with the applicable policies and legal standards, and determining what role, if any, Department personnel could or should play in responding to the protests.

A significant part of our review focused on the Department's and then Attorney General Barr's role in the clearing of Lafayette Park and H Street on June 1. We found that several dozen Department law enforcement personnel—including ATF SRT, BOP SORT, and USMS SOG and DUSMs—deployed to the park to assist the USPP on the afternoon of June 1. Although approximately 90 Department law enforcement personnel assisted in varying capacities in the events of June 1, we determined that those personnel acted under the direction of the USPP and the unified command in assisting the USPP in their operation to clear the park and H Street to enable installation of an anti-scale fence. We further found that DOJ personnel did not exercise independent decision-making authority with respect to the timing or organization of the response and acted within the parameters of the USPP-directed operational plan.

With respect to then Attorney General Barr's presence at Lafayette Park on June 1, the evidence showed that Barr did not order the clearing of Lafayette Park and H Street and that he did not impact the timing of the USPP's and the USSS's clearing operation. Rather, the evidence, including time-stamped radio communications, demonstrated that

the USPP and USSS unified command had already decided to initiate the operation to clear the park and had begun preparations to do so prior to Barr's arrival in the park: the USPP Major had already briefed the plan for the clearing operation and drafted the warnings, USPP and USSS personnel had started to put on their gear and line up in preparation for the clearing operation, and the USPP had informed other law enforcement agencies that the operation would begin shortly. Additionally, the USPP official who spoke with Barr in the park told the OIG that while Barr did inquire about the USPP's timeline and mentioned President Trump's planned visit to the park, Barr did not say anything to the effect of "let's get this done" or "you need to get this show on the road," or order the USPP to move up their timeline. Two other witnesses present for the conversation confirmed that Barr did not give such an order.¹⁸⁶ Further, although President Trump had appointed Barr to lead the civilian response to the protests, we determined that no USPP or USSS personnel at Lafayette Park were aware of that when Barr was at the park. USPP and USSS personnel, including the USPP and USSS incident commanders and the USPP official with whom Barr spoke, stated that they did not view Barr as being in charge or in their chain of command, and they stated that Barr did not have any impact on the clearing operation.

Although the MPD Assistant Chief told us that when he and the USPP Major spoke on the phone at 6:12 p.m., the USPP Major stated, "the Attorney General is here, we got to go now," we did not find that statement alone sufficient to conclude that Barr impacted the timing of the operation given the documentary and testimonial evidence indicating that Barr did not impact the timing. Although the USPP Major declined to speak with us, he told the DOI OIG that he was simply providing the MPD Assistant Chief with a full picture of the current situation at the park and that Barr's presence had no impact on the timing of the operation. Further, the MPD Assistant Chief told the DOI OIG that he could not say the

¹⁸⁶ Although Ornato told the January 6 Committee in testimony on January 28, 2022, that Barr "had to take control" and "whipped" the operation at Lafayette Park when he arrived, that testimony appears to have been based not on anything Barr said or did at Lafayette Park, but rather on Ornato's understanding that President Trump had appointed Barr to be in charge of federal law enforcement; Ornato's belief that the plan to establish an anti-scale fence was "the A[ttorney] General's plan"; his belief that the fencing plan was not being executed when Barr arrived at the park; and Ornato's observation that shortly after Barr's arrival at the park, USPP began to give warnings and the clearing operation started.

However, when we interviewed Ornato a few months later, on June 23, 2022, he told us that Barr did not ask USPP to speed up the clearing, nor did Barr put any pressure on USPP to start the clearing other than asking "why isn't the anti-scale fence up yet?" Moreover, Ornato testified that he was not briefed on the clearing operation and, other than the brief conversation with the USPP Captain described previously, he was not in communication with the unified command at Lafayette Park. While at the time of his January 28, 2022, congressional committee testimony, Ornato referred to the clearing operation as the "A[ttorney] G[eneral]'s plan," and he stated that prior to Barr's arrival at Lafayette Park, "no one" was giving directions to federal law enforcement and that they "just weren't executing the plan," as described in Chapter 4, the USPP and the USSS, not Barr, developed the plan to clear H Street and install the anti-scale fence, and the evidence shows that they had already decided to initiate the operation to clear the park and begun preparing to do so before Barr arrived at the park. Given that as White House Deputy Chief of Staff for Operations Ornato was not included in the decision-making regarding the clearing operation and had a limited perspective as an observer, we did not find that Ornato's January 6 Committee testimony warranted a different finding.

Attorney General's presence was the reason the USPP began its operation when it did, nor did he have information suggesting that the Attorney General ordered the USPP to clear the park.

With regard to Kupec's statement to reporters on the night of June 1 indicating that Barr had told law enforcement officials at Lafayette Park that they needed to "[g]et [the clearing operation] done," we found that the statement was inaccurate, created the implication that Barr had personally ordered the clearing, and led to significant public confusion regarding the Department's role in the clearing operation. Both Barr and Kupec declined to be interviewed by us, and we were unable to determine based on the available documentary and testimonial evidence whether Barr or others approved of or were aware of Kupec's statements prior to their release.

In addition to reviewing the Department's role at Lafayette Park on June 1, we also reviewed the Department's overall response to the civil unrest in Washington, D.C. in the days leading up to and following June 1. We found that Barr, in an attempt to demonstrate that law enforcement could handle the civil unrest without active-duty military intervention, pressed the Department's law enforcement components to maximize the number of personnel they deployed but did so without sufficient attention to whether those personnel were properly trained or equipped for what they were being asked to do. Few Department law enforcement personnel have any training in crowd control other than BOP staff, whose training is focused on crowd control within prisons. The components' responses to these requests for personnel varied, as component leadership attempted to balance providing as many personnel as possible while also ensuring that their personnel were deployed only for assignments that were consistent with their training, equipment, and legal authorities.

We were concerned to find that the Department's command and control over its personnel during this period was at times chaotic and disorganized. Multiple witnesses described Barr as being involved in making decisions typically made by component officials, including which law enforcement assets should be deployed and where they should be deployed. We found that this at times resulted in the Department's and components' standard practices and procedures for managing and responding to crises being set aside and also led to confusion, with witnesses describing being unsure who was in charge or making decisions. Additionally, the directives to deploy law enforcement personnel to perform non-traditional missions on short notice resulted in the components' legal counsel being at times unsure as to the legal basis for deploying personnel and the scope of their authority.

We found that the lack of clear command and control resulted in several instances in which Department personnel were deployed with limited information regarding their mission to situations for which they lacked the proper equipment or training. For example, on June 1, BOP staff were ordered to deploy to Lafayette Park immediately via a one-sentence email from Barr's Chief of Staff. This email contained no guidance regarding the

BOP's mission or assignment, and they received no such guidance until after they had arrived at the park, which was less than an hour before the clearing operation began. Several BOP personnel, including the BOP supervisors, reported that they were not informed of their mission when they deployed; one BOP supervisor stated that he did not have his personnel bring shields with them, as he was unaware that they were going to be on a shield line or assisting with crowd control. We also found that BOP personnel received minimal guidance on their rules of engagement once they arrived at Lafayette Park and that they did not appear to receive an intended instruction from the USPP that they should deploy pepper balls only if protesters were breaching the bike racks.

Similarly, the FBI's deployments on June 1 and June 3 lacked adequate planning, failed to provide sufficient guidance to personnel regarding their mission and legal authorities, failed to adequately ensure the safety of FBI personnel, and, by sending armed agents to respond to civil unrest for which they lacked the proper training or equipment, created safety and security risks for the agents and the public. Multiple FBI witnesses told us that on several occasions the FBI deployed personnel to perform missions for which they lacked the proper training or equipment, such as patrolling city streets, and that these deployments jeopardized the safety of FBI personnel. For example, on the evening of June 1, following a directive from Barr to maximize law enforcement presence on the streets of Washington, D.C. and an email from Bowdich at 5:38 p.m. directing FBI WFO ADIC Slater to prepare to deploy agents within an hour, Slater ordered approximately 500 WFO Special Agents to deploy. These agents deployed on short notice—only approximately 2 hours elapsed between Bowdich's email and the first agents being deployed—and so FBI WFO did not have time to prepare a written operational plan or medical plan prior to the deployment. We found that even accounting for the short notice, FBI leadership failed to adequately prepare their personnel for the deployment or ensure their safety. FBI witnesses characterized their mission as "undefined" and stated that they deployed without clear instructions about their assignment or the scope of their legal authorities. The agents were sent out without helmets, protective gear, or less lethal munitions into a city that had experienced several days of widespread civil unrest, and FBI WFO did not have a quick reaction force available to assist if the agents who were out patrolling found themselves in danger. Additionally, WFO's Chief Division Counsel told us that she had been told that Barr had verbally authorized an expansion of FBI agents' arrest authority, but she was provided no guidance on the scope of that expansion or its legal basis, leaving her to brief agents despite being unsure as to what they were legally authorized to do.

Then, on June 3, at Barr's directive, the FBI coordinated an operation to form a security perimeter north of Lafayette Park encompassing St. John's Church. As part of this operation, Slater—once again acting at the direction of Bowdich—ordered WFO agents to the area north of Lafayette Park by St. John's Church; a WFO SWAT team also deployed to that area, though we were unable to determine who ordered that deployment. We found

that this operation also was undertaken with limited and inadequate planning.¹⁸⁷ As with the June 1 deployment, FBI witnesses said they were ordered to deploy with minimal notice and only a vague understanding of their assignments. Although Department and FBI leadership had discussed a potential deployment to this area on the evening of June 1 and throughout the day on June 2, we found that when personnel deployed on the morning of June 3 the FBI had still not put together an operational plan, written or otherwise, and there were multiple issues the FBI had not accounted for, including the inability of law enforcement personnel to retreat past the anti-scale fence on H Street, the lack of physical barriers to maintain a security perimeter, that some of the personnel deployed were ill-prepared and ill-equipped for a crowd-control mission, and that DCNG personnel had not yet received authorization to participate in the operation. Two senior FBI officials, who alternated in the role of Lead Tactical Advisor during this time period, both told us that prior to the 6:00 a.m. deployment, no one sought their input about the number of officers necessary for the mission, the skill set those officers should have, or otherwise sought their advice on how to accomplish this mission safely.

Indeed, multiple FBI witnesses, including FBI leaders who were on scene, described having significant safety concerns about the June 3 deployment, including the lack of a medical evacuation plan and the lack of an avenue for retreat if the crowd became violent. One senior FBI official described the inability to retreat in case of emergency as putting agents in an “untenable” and unsafe situation, while the leader of the FBI SWAT team described it as an “extremely uncomfortable position.” Witnesses also expressed the concern that deploying FBI agents equipped only with lethal force posed a significant safety risk to both FBI personnel and the public; if protesters had broken through the shield lines, FBI agents would have been put in the position of deciding whether to use deadly force to defend themselves given it was their only available option. Additionally, the FBI deployed agents on June 3 despite senior FBI counsel being uncertain as to whether the deployment

¹⁸⁷ In comments that Barr provided to the OIG after reviewing the draft report, Barr stated:

Senior FBI officials were involved with me in planning the operation and provided command and control for the operation. But the actual operation was carried out by BOP SORT teams and National Guard police units—over 1,000 personnel among the best trained and equipped to deal with civil disturbance.... The operation was exceptionally well executed. As far as I am aware, the senior FBI officials with whom I was working, as well the BOP and Army leaders in charge of executing the plan, all understood the plan and the reasons for it. None expressed to me any confusion over their assignments or concern about their ability to carry them out. On the contrary, they were confident they could fulfill the mission, and they did.... The operation succeeded.

As noted in the report, we do not have any evidence that in response to Barr’s directive, FBI or BOP leaders raised any concerns about the operation directly to Barr prior to the operation beginning. However, we do have evidence that at some point during the evening of June 3, FBI SAC 1 and the CIRG AD conveyed to Barr and FBI leadership that the FBI’s presence had escalated the situation and that other law enforcement agencies had recommended that the FBI “de-escalate it”; FBI SAC 1 told the OIG that Barr “accepted” the FBI’s recommendation that they should seek to “exit” the area.

was lawful; those legal concerns were not resolved until several hours after the deployment began.

We determined that this confusion involving FBI personnel continued for several days as FBI leadership continued deploying agents for patrols until June 5. Wray told us that he viewed these deployments as an “uneasy compromise” that involved a “balance” between FBI agents’ training and authorities and the need to provide additional security within Washington, D.C., and that Bowdich was comfortable with all the tasks that the FBI performed. Then Associate Deputy Director (and current Deputy Director) Abbate, who was not directly involved in managing the FBI’s response to the protests, told us that his perspective—based both on what he observed at the time in his limited role, as well as concerns raised subsequently by many FBI agents who were deployed during this time period—was that FBI personnel never should have been deployed to do police patrols, and that such deployments put FBI agents in a “terrible” and unsafe situation.

DEA, ATF, and USMS officials also had concerns about their personnel not being trained or equipped to respond to civil unrest, and those concerns informed how their resources were deployed. DEA leadership told us that their agents were not capable of engaging in riot prevention or crowd control but that they were able to coordinate with the MPD to identify a mission—assisting the MPD with controlling traffic flow—that was within the DEA’s capabilities. ATF and the USMS similarly determined that their personnel lacked crowd control training and limited their deployments to assignments such as building security and acting as arrest teams in support of other agencies, with the exception of trained tactical units—SRT and SOG—that assisted the USSS and the USPP as quick reaction forces or by providing less lethal support.

By contrast, BOP leadership believed that it had a substantial number of personnel who were sufficiently trained and equipped to be able to perform crowd control missions, and the BOP deployed several hundred SORT members and other personnel to Washington, D.C., on assignments that included establishing security perimeters, holding shield lines, and providing less lethal crowd control support. BOP witnesses recognized that their training focused on crowd control within prisons, not in response to civilian protests and civil unrest, but they nevertheless believed that their training was sufficient to prepare them for the missions they were asked to perform.

We also found that the BOP deployed personnel without uniform markings that clearly identified them as BOP employees or that could be used to identify individual BOP employees. We concluded that the lack of identifying markings was due to the fact that the BOP does not traditionally deploy outside of the prison setting. We did not find that the BOP’s failure to include identifying marking was part of a deliberate attempt to obfuscate the fact that the personnel were BOP employees, and we determined that once the lack of identifying markings was brought to BOP leadership’s attention, they acted to correct it.

Overall, we shared the serious concerns expressed to us by law enforcement personnel and were most troubled by the Department leadership's decision-making in putting DOJ law enforcement agents and elite tactical units in close proximity to the public and requiring them to perform missions for which they lacked the proper equipment and training. Multiple law enforcement witnesses told us that these deployment decisions appeared to have been made hastily and without sufficient understanding of, and priority given to, the capabilities of those deployed, and that leadership did not timely and effectively communicate their decisions to subordinates and other non-DOJ agencies involved in the response. In particular, at times Barr directed the Department's law enforcement components to supply specific numbers of personnel for deployments before establishing and communicating a mission for those personnel to perform. Law enforcement witnesses told us that law enforcement's standard practice is to determine the mission first, followed by requirements, including an assessment of the desired capabilities of the personnel necessary to accomplish that mission, and then, based on those capabilities, determine the number of personnel for deployment. This standard practice and others—including preparing an operational plan before deployment, using personnel that is trained and equipped for such a mission, briefing personnel on their roles and responsibilities for the mission, developing a medical plan to evacuate any injured personnel, and assigning a quick reaction force to protect deployed agents—are all intended, in part, to minimize risk of death or serious injury to both law enforcement personnel and the public. Directions from Department leadership—including Barr, Bowdich, and Slater—that these deployments occur "ASAP" or within a few hours led to these standard practices being set aside, resulting in law enforcement components having to compromise between following the Department's directives and ensuring that any deployments were safe and effective. While we recognize that the civil unrest following George Floyd's murder was a highly unusual situation that presented significant challenges the Department does not typically face, ensuring the safety of its personnel and the public should remain its utmost priority. In the midst of a crisis, during pressure-filled moments when leadership must make hard decisions with little time to fully assess collateral and unintended consequences, the time-tested law enforcement practices and procedures that were collectively developed, after careful and calm deliberation, can and should be the first and most trusted resource for Department leadership.