



IN REPLY REFER
TO:

United States Department of the Interior

NATIONAL PARK SERVICE UNITED STATES PARK POLICE

Headquarters
1849 C St. N.W.
Washington, D.C. 20240

June 7, 2023

IN REPLY REFER TO:
DOI-NPS- 2020-001345

Via Electronic Mail: FOIA@AMERICANOVERSIGHT.ORG

Austin Evers
1030 15th St. N.W. Suite B 255
Washington D.C. 20005

Subject: Response to Freedom of Information Act (FOIA) Request DOI-NPS- 2020-001345

Dear Mr. Evers:

This letter is in response to your Freedom of Information Act (FOIA) request dated June 2, 2020, in which you requested:

All records reflecting an order or directive to use of force, including the use of tear gas, concussion, grenades, rubber bullets, and physical charges on protestors gathered in Lafayette Park in front of the White House June 1, 2020, et.

Upon review, your request has been granted in full. Attached are 1 Special Review consisting of approximately 41 pages, which are being released to you in their entirety.

Additionally, The United States Park Police did not begin wearing body worn cameras until 2021 and therefore there are no records responsive to video requests ("all records").

Also, as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. See [5 U.S.C. 552\(c\)](#).

You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510

8601 Adelphi Road - OGIS
College Park, MD 20740-6001

E-mail: ogis@nara.gov
Telephone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

Additionally, because the National Park Service creates and maintains law enforcement records, we are required by the Department of Justice to provide the following information, even though it may or may not apply to your specific request. Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See [5 U.S.C. 552\(c\)](#). (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that we are required to give all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Please do not hesitate to contact me, as the person responsible for processing your request, with any further questions or concerns. I can be reached at opt_foia@nps.gov. Additionally, the Department's FOIA Public Liaison can be reached by emailing doifoiapublicliaison@sol.doi.gov.

Sincerely,



Kimberly Small
Information Branch Officer for the Office of Public Trust (OPT)
National Park Service Visitor and Resource Protection



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Review of U.S. Park Police Actions at Lafayette Park

This is a revised version of the report prepared for public release.



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

JUN 08 2021

Memorandum

To: Deb Haaland
Secretary of the Interior

From: Mark Lee Greenblatt 
Inspector General

Subject: Special Review – *Review of U.S. Park Police Actions at Lafayette Park*
Case No. OI-PI-20-0563-P

This memorandum transmits the report of our review of the actions the U.S. Park Police (USPP) took to disperse protesters in and around Lafayette Park in Washington, DC, on June 1, 2020. Our report offers two recommendations to help the USPP improve its policies and communications related to similar operations and to promote operational consistency.

The DOI's response to our recommendations stated that it has addressed or will be addressing our recommendations and set forth action items with target implementation dates for each recommendation. We consider both recommendations open and will monitor implementation of the DOI's planned actions.

The information in this report will be included in our semiannual report to Congress. In accordance with the IG Empowerment Act of 2016, we intend to publish this report on our website, in redacted form, no later than 3 days from the date we issue it to you. This version of the report contains information protected by the Freedom of Information and Privacy Acts and should not be made public.

If you have any questions or need further information concerning this matter, please contact me, or your staff may contact Matthew Elliott, Assistant Inspector General for Investigations, at 202-208-5745.

Attachment

cc: Lawrence Roberts, Chief of Staff, Office of the Secretary
Robert Anderson, Principal Deputy Solicitor

Review of U.S. Park Police Actions at Lafayette Park

Results in Brief

What We Reviewed

At the request of then Secretary of the U.S. Department of the Interior David Bernhardt and Members of Congress, we reviewed the actions the U.S. Park Police (USPP) took to disperse protesters in and around Lafayette Park in Washington, DC, on June 1, 2020. Our review focused on events that occurred in and around the park from May 29 through June 3 amid the ongoing Black Lives Matter protests. We sought to describe what occurred primarily from an operational perspective, including how and when the USPP, in coordination with its law enforcement partners, developed and executed its plan to clear the park and the USPP's reasons for dispersing protesters from the area. We also sought to determine whether the warnings the USPP provided to protesters before it executed the plan complied with applicable guidance. We did not review as part of this project individual uses of force by USPP officers; these actions are the subject of separate inquiries or ongoing lawsuits.

What We Learned: Summary of Factual Findings

Protests began in and around Lafayette Park on May 29, 2020. On May 30, the USPP and U.S. Secret Service established a unified command to coordinate the law enforcement response to the protests. From May 30 to 31, at least 49 USPP officers were injured while policing the protests, and Federal and private property was vandalized.

On the morning of June 1, the Secret Service procured antiscale fencing to establish a more secure perimeter around Lafayette Park that was to be delivered and installed that same day. The USPP, in coordination with the Secret Service, determined that it was necessary to clear protesters from the area in and around the park to enable the contractor's employees to safely install the fence. The USPP planned to implement the operation as soon as the fencing materials and sufficient law enforcement officers arrived at the park. Six other law enforcement agencies assisted the USPP and the Secret Service in the operation to clear and secure areas near the park.

The operation began at 6:23 p.m. and was completed by 6:50 p.m. Shortly thereafter, at 7:01 p.m., President Trump walked from the White House through Lafayette Park to St. John's Church. At 7:30 p.m., the contractor began

assembling and installing the antiscale fence and completed the work by approximately 12:30 a.m. on June 2.

What We Found: Analysis of Factual Findings

We found that the USPP had the authority and discretion to clear Lafayette Park and the surrounding areas on June 1. The evidence we obtained did not support a finding that the USPP cleared the park to allow the President to survey the damage and walk to St. John's Church. Instead, the evidence we reviewed showed that the USPP cleared the park to allow the contractor to safely install the antiscale fencing in response to destruction of property and injury to officers occurring on May 30 and 31. Further, the evidence showed that the USPP did not know about the President's potential movement until mid- to late afternoon on June 1—hours after it had begun developing its operational plan and the fencing contractor had arrived in the park.

We also found that although the USPP used a sound-amplifying long-range acoustic device to issue three dispersal warnings to the crowd on June 1, not everyone could hear the warnings. Furthermore, we found that the USPP does not have a detailed dispersal warning policy applicable to operations like the one that occurred on June 1 and that this may have led to the ineffective warnings issued to the crowd that day.

Finally, we found that the USPP and the Secret Service did not use a shared radio channel to communicate, that the USPP primarily conveyed information orally to assisting law enforcement entities, that an assisting law enforcement entity arrived late and may not have received a full briefing on the rules of engagement, and that several law enforcement officers could not clearly hear the incident commander's dispersal warnings. These weaknesses in communication and coordination may have contributed to confusion during the operation and the use of tactics that appeared inconsistent with the incident commander's operational plan.

What We Recommend

Given the lack of a specific policy, we recommend that the USPP develop a detailed policy for protests and other events of the type that occurred on June 1 and improve its field communication procedures to better manage multiagency operations.

I. SCOPE AND METHODOLOGY

On June 1, 2020, amid ongoing protests across the country, the U.S. Park Police (USPP) conducted an operation with several law enforcement partners to disperse protesters from Lafayette Park in Washington, DC. Lafayette Park is managed by the National Park Service (NPS) and patrolled by the USPP, a unit of the NPS. At the request of then Secretary of the U.S. Department of the Interior David Bernhardt and Members of Congress, we initiated this review to examine the USPP's operations on June 1. We specifically looked at the actions the USPP took to protect the park during protests that spanned from May 29 through June 3. We did not focus on individual uses of force by USPP officers; these actions are the subject of separate investigations or ongoing lawsuits.¹ Appendix 1 includes a timeline of events discussed in this report.

As part of our review, we interviewed more than 20 USPP and NPS officials involved in policing the protests in and around Lafayette Park on June 1, including then USPP Acting Chief of Police Gregory Monahan, the USPP incident commander, the USPP operations commander, and the USPP deputy operations commander.² We also reviewed the USPP's administrative record, emails, text messages, and video footage from observation posts. Finally, we reviewed U.S. Department of Interior (DOI) and USPP policies and procedures, open-source videos, media articles, and congressional testimony.

Our oversight obligations are focused on the DOI, and our authority to obtain documents and statements from non-DOI entities is more limited. We nonetheless obtained radio transmissions from the Metropolitan Police Department (MPD) related to its policing of the protests on June 1 and body camera video from an MPD liaison officer in Lafayette Park. At MPD's request, we also interviewed an MPD assistant chief of police. We obtained videos from the Secret Service's observation cameras positioned throughout the Lafayette Park area. The Arlington County Police Department (ACPD) also provided documents and radio transmissions related to its assistance at the park on June 1, and three ACPD members consented to voluntary interviews. We interviewed a DC National Guard (DCNG) major who served as the DCNG's liaison to the USPP during the June 1 operation and testified before Congress regarding the events at Lafayette Park. We also received emails and other documents from the fencing contractor through the Secret Service and conducted voluntary interviews of the fencing contractor's president/cofounder and project manager. The Secret Service also provided us with documentary evidence, such as operational timelines, documents and emails related to the procurement of the antiscale fencing, emails between Secret Service officials and USPP officials, and radio transmissions from the radio channel used by the Secret Service unit that deployed onto H Street.

¹ Because our review focused on the operational actions of law enforcement, we did not seek to interview protesters for this review. We did, however, review the complaint and related documents in *Black Lives Matter D.C. v. Trump*, No. 20-cv-01469 (D.D.C. June 4, 2020), and testimony from the hearings held by the House Committee on Natural Resources on June 29, 2020, and July 28, 2020.

² Although we describe the respective roles of different entities and individuals in more detail below, we note at the outset that the USPP incident commander directed and coordinated the operation along with his Secret Service counterpart. The USPP operations commander and the USPP deputy operations commander operated under the authority of the incident commander and were to ensure the USPP captains and lieutenants carried out their assigned responsibilities under the operational plan. The USPP acting chief of police was in Lafayette Park on June 1 serving in his role as the chief of police, but he did not direct the unified command.

As noted above, we focused on the USPP's conduct, so we sought interviews and information from individuals outside of the USPP when doing so would provide us with information about the USPP's activities. Accordingly, we did not seek to interview Attorney General William Barr, White House personnel, Federal Bureau of Prisons (BOP) officers, MPD personnel, or Secret Service personnel regarding their independent decisions that did not involve the USPP. We note, however, that the U.S. Department of Justice (DOJ) Office of Inspector General (OIG) and the U.S. Government Accountability Office have stated they are reviewing the law enforcement response to the protests that occurred throughout the United States during this time, including the protests in Washington, DC. The U.S. Department of Homeland Security (DHS) OIG advised us that it was also reviewing DHS' law enforcement response to protests that occurred during this time in Portland, Oregon, and that if DHS law enforcement responded to protests in other cities, it would consider opening additional reviews in those cities. We also understand that the MPD investigated its law enforcement response to the events on June 1. We coordinated our review with the Government Accountability Office and the DOJ and DHS OIGs. We provided information of potential investigative interest to the DOJ and DHS OIGs and the MPD.

In preparing this report, we considered and, as appropriate, incorporated comments from the DOI.³ In addition, we provided relevant factual sections of this report to the DOJ and DHS OIGs and to other law enforcement entities discussed in this report, namely the Secret Service, the BOP, the ACPD, and the MPD. As with the DOI, we considered and incorporated responses and additional information as warranted.

II. RESULTS OF REVIEW

A. Background

1. Events Leading Up to the Protests

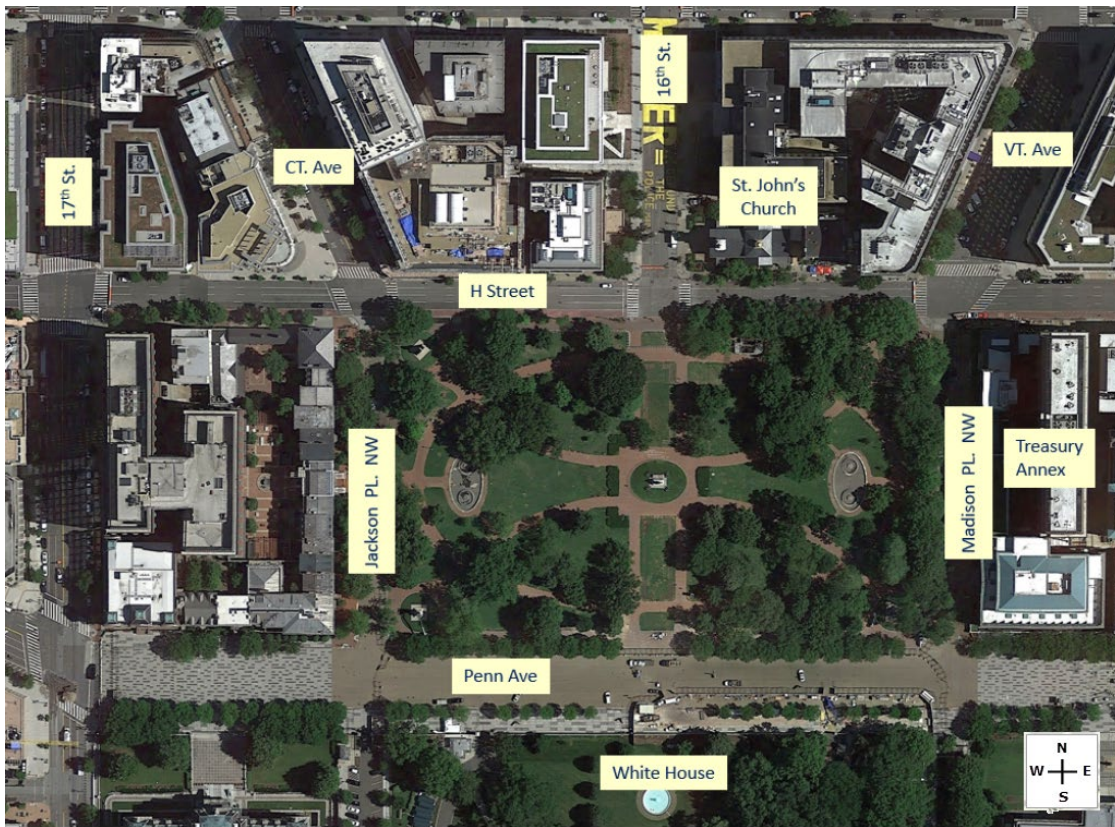
On May 25, 2020, George Floyd, a 46-year-old African American man, died while in police custody. Floyd's death, as well as the broader Black Lives Matter movement, resulted in protests across the United States, including at Lafayette Park in Washington, DC.

2. Lafayette Park

Lafayette Park, a federally owned 7-acre property managed and maintained by the NPS, is bounded by H Street on the north, Jackson Place on the west, Madison Place on the east, and Pennsylvania Avenue on the south (see Figure 1). The park is located between Pennsylvania Avenue and H Street, directly north of the White House's north lawn, making it a frequent site for tourism and First Amendment activities throughout American history.

³ The full text of the DOI's response is included as Appendix 2.

Figure 1: Map of Lafayette Park and Surrounding Areas



Source: Google Earth. (The DOI OIG overlaid the legend, street, and building names on the image for illustrative purposes.)

B. Factual Findings

1. On May 29, 2020, Protests Began in Washington, DC

Protests in response to Floyd's death began in Washington, DC, on May 29, 2020, and included crowds of protesters marching to the White House.⁴ USPP Acting Chief of Police Gregory Monahan and the USPP incident commander told us, and other evidence confirmed, that acts of violence occurred in and around Lafayette Park on the evening of May 29 into the morning of May 30. Specifically, the Treasury Annex building was vandalized; officers were assaulted with projectiles, such as bottles and bricks; and a brick struck a USPP officer in the head, resulting in the officer's hospitalization.

The protests continued on May 30 and 31 and were mostly peaceful during the day. Similar to May 29, however, acts of violence increased in the late afternoon and evenings. USPP officers reported that some protesters threw projectiles, such as bricks, rocks, caustic liquids, frozen

⁴ On May 13, 2020, the NPS stated it would not grant permits for demonstrations or special events on park lands in Washington, DC, through June 8, 2020, to limit the spread of COVID-19. As a result, the protests that occurred in Lafayette Park through June 8 did not receive permits from the NPS as required by Federal regulation. See 36 C.F.R. § 7.96(g)(2).

water bottles, glass bottles, lit flares, rental scooters, and fireworks, at law enforcement officials. A DCNG major, who served as the DCNG liaison to the USPP on June 1, told us that “Saturday [May 30] . . . had been rather violent . . . [and] it was riotous” and “Sunday [May 31] . . . was what I expected . . . people throwing bottles, hurling [objects], shooting fireworks . . . at officers.” Overall, 49 USPP officers were injured during the protests from May 29 to May 31, including one who underwent surgery for his injuries. The Secret Service and the DCNG also reported injuries to their personnel during this time.

Damage to both Federal and private property also occurred during the protests. With respect to Lafayette Park, historic statues were vandalized with graffiti, and on May 31, the park’s comfort station⁵ was set on fire (see Figures 2 and 3). A fire was also set in the basement at St. John’s Church on May 31. Nearby stores and businesses were looted.

On May 31, Washington, DC Mayor Muriel Bowser ordered an 11 p.m. curfew, finding that “in the downtown area of the District of Columbia, numerous businesses and government buildings were vandalized, burned, or looted. Over the past nights, there has been a glorification of violence particularly in the later hours of the night. . . . The health, safety, and well-being of persons within the District of Columbia are threatened and endangered by the existence of these violent actions.”⁶ The USPP incident commander and the USPP acting chief of police told us that the curfew was ineffective in stopping the unrest in Lafayette Park.

Figure 2: General Tadeusz Kościuszko Statue in Lafayette Park on June 1, 2020



Source: NPS.

Figure 3: Fire at Lafayette Park Comfort Station on May 31, 2020



Source: USPP.

⁵ This is a small building on the north end of the park near the intersection of 16th and H Streets. The building houses two public restrooms (closed at the time of the protests) and a breakroom for NPS maintenance staff.

⁶ Mayor’s Order 2020-068, “COVID-19 Public Emergency and Declaration of a Second Public Emergency – District-wide Curfew” (May 31, 2020).

2. *On May 30, 2020, the USPP and the Secret Service Established a Unified Command*

On May 30, the USPP and the Secret Service established a unified command—which, according to the USPP incident commander, operated under the principles of the National Incident Management System⁷—to coordinate the law enforcement response to the protests near the White House and Lafayette Park. Under a unified command, each agency is of equal rank regarding decision making and actions but maintains independent authority, responsibility, and accountability for its personnel and other resources.

The commander of the Icon Protection Branch in the USPP’s Homeland Security Division served as the USPP incident commander. He directed and coordinated the assisting law enforcement agencies along with his counterpart, a Secret Service Uniformed Division White House Branch (UD WHB) deputy chief. The USPP incident commander told us he managed the operational command in Lafayette Park but that he and the Secret Service UD WHB deputy chief shared control and made decisions for each of their missions. That is, while the USPP and the Secret Service coordinated its law enforcement response to the protests, each remained answerable to its respective agency. USPP officers and assisting law enforcement agencies received direction through the USPP incident commander, and the Secret Service received direction through its chain of command.

The USPP operations and deputy operations commanders followed the direction and authority of the USPP incident commander and managed tactical activities on his behalf. The USPP operations and deputy operations commanders were to ensure that USPP captains and lieutenants implemented the USPP incident commander’s directions. USPP captains and lieutenants, in turn, supervised the USPP officers and served as liaisons to the assisting law enforcement partners (see Figure 4).

On June 1, the ACPD, U.S. Marshals Service, Federal Protective Service,⁸ and DC National Guard (DCNG)⁹ operated as assisting agencies under the unified command at the request of the USPP. At the USPP’s direction, these agencies assisted in implementing the operational plan. The Bureau of Prisons (BOP) was also dispatched to Lafayette Park. The USPP acting chief of police and the USPP incident commander told us they did not request the BOP’s assistance and did not know who dispatched them to Lafayette Park on June 1. Regardless, the evidence showed that, once there, the BOP operated as an assisting agency under the USPP’s direction. The ACPD provided personnel trained in advanced civil disturbance tactics and equipped with specialized

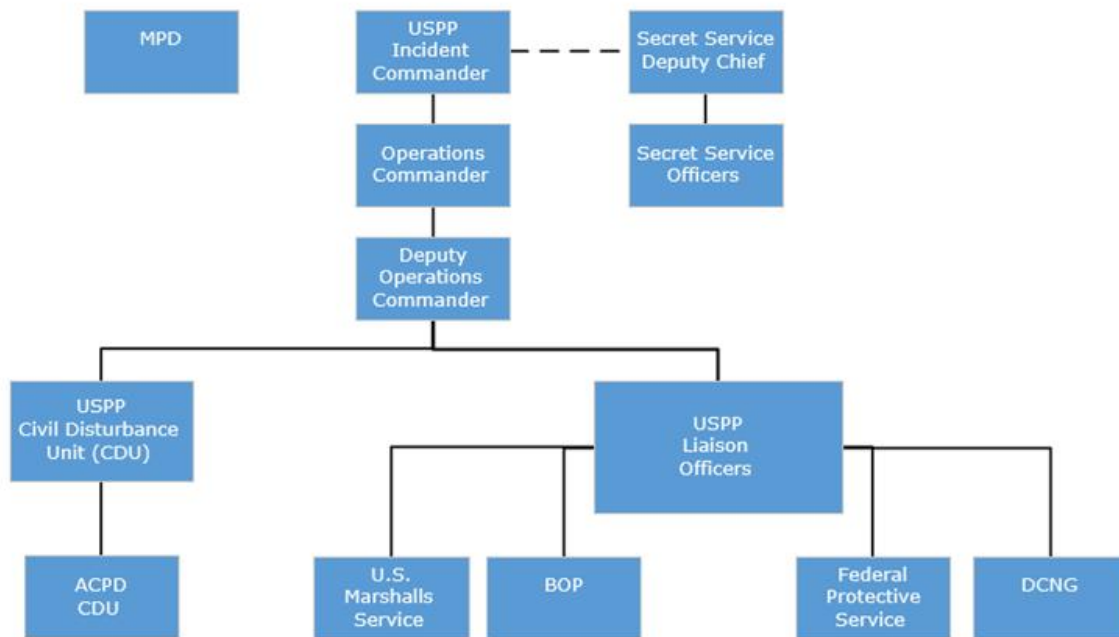
⁷ The National Incident Management System is a core set of concepts, terminology, and organizational processes intended to enable efficient and collaborative management of incidents. See Department of Homeland Security, National Incident Management System (Oct. 2017) <https://www.fema.gov/national-incident-management-system> (last visited Feb. 26, 2021).

⁸ On May 31, 2020, the USPP acting chief of police requested assistance from the ACPD pursuant to an Emergency or Public Service Event Law Enforcement Support Request and under a December 12, 2016 Interagency Agreement between the USPP and the ACPD. The USPP acting chief of police told us he requested assistance from the U.S. Marshals Service and the Federal Protective Service under the Greater Metropolitan Washington Area Police Mutual Aid Operational Plan.

⁹ On May 30, 2020, Secretary of the Interior David Bernhardt sent a letter to the Secretary of Defense requesting assistance from the DCNG to provide security around the White House and National Mall on May 30 and 31. Bernhardt stated in the letter that “DCNG personnel will be serving in a civil disturbance and security role, therefore we require that all DCNG personnel providing support to the USPP for this mission be designated as ‘Special Policemen,’ pursuant to D.C. Code Ann. § 5-205 (2001) and 54 U.S.C. § 102701. As such, DCNG personnel will have law enforcement authority to act on Federal park land.” On May 31, the Secretary of the Interior requested an extension for DCNG support through June 7.

personal protective gear. The Federal Protective Service, the BOP, and the U.S. Marshals Service primarily provided tactical support from inside Lafayette Park, while the DCNG provided personnel to assist in securing the expanded perimeter.

Figure 4: Organizational Chart of Unified Command Structure



Source: DOI OIG.

As shown in Figure 4, the MPD was not under the control of the unified command and did not participate in the clearing of Lafayette Park. The MPD did, however, have a representative in the park who attended the USPP incident commander's briefings for coordination purposes and situational awareness.¹⁰

3. *Beginning on May 30, 2020, the USPP and the Secret Service Decided To Establish a More Secure Perimeter Around Lafayette Park*

The USPP acting chief of police and the USPP incident commander told us that due to the acts of violence on the evening of May 29 into the morning of May 30, they, along with the Secret Service Uniformed Division (UD) chief and UD WHB deputy chief, decided on May 30 to establish a more secure perimeter around Lafayette Park and discussed procuring an antiscale fence. The NPS liaison to the White House, who oversees the park, agreed to the USPP's and the Secret Service's request to close the park that same day, and two rows of bike-rack fencing spaced approximately 15 yards apart along the north side of Lafayette Park were installed to

¹⁰ The MPD assistant chief of police told us that the focus of the MPD's operation in the early evening on June 1 was enforcement of the Mayor's curfew.

create a buffer between the protesters and law enforcement officers¹¹ (see Figure 5). On the evening of May 30, individuals at the protests threw projectiles at the officers and ultimately breached the first row of bike-rack fencing, thereby eliminating the buffer between the protesters and law enforcement officers. The USPP, the Secret Service, and the assisting law enforcement agencies pushed the protesters from the area and reestablished the buffer zone.

Figure 5: USPP Officers Stand Between the First and Second Rows of Bike-Rack Fencing Installed To Secure the Park Perimeter



Source: USPP.

The fencing contractor told us and emails we reviewed confirmed that on May 30, the assistant division chief of the Secret Service's Procurement Division discussed with the contractor how quickly the contractor could deliver antiscale fencing to Lafayette Park. These discussions continued through June 1, when the contractor told the Secret Service that it could install the fencing that same day and requested that its employees have a safe environment in which to work. The contractor requested that because of the current environment at the park, installation of the fence occur before nightfall and that its crews be protected by a police presence.

Even though the NPS had closed Lafayette Park on May 30, protesters remained at the edge of the park on the north sidewalk and on H Street between Jackson Place and Madison Place. The USPP incident commander told us that after 16 USPP officers were injured and fires were set to the park's comfort station and the basement of St. John's Church on the evening of May 31, he

¹¹ Lafayette Park was closed pursuant to 36 C.F.R. § 1.5, which permits closing park land to maintain public safety and protect cultural resources. On June 3, 2020, the USPP and the Secret Service submitted a formal request to the Acting Regional Director of the NPS' National Capital Region to close the park until June 10, 2020, which was granted that same day. *See* U.S. Department of the Interior, National Park Service, Notice to the Public (June 3, 2020) (advising that all of Lafayette Park would be closed to the public on June 4, 2020, until June 10, 2020).

and his Secret Service counterpart determined the only way to safely install the fence along the north sidewalk of the park would be to clear the protesters from the area.

4. Before 10 a.m. on June 1, 2020, the USPP and the Secret Service Began Developing a Plan To Install the Antiscale Fence and Clear Lafayette Park

The USPP incident commander told us that before 10 a.m. on June 1, he spoke with the Secret Service UD WHB deputy chief, who advised him that the contractor would deliver the antiscale fencing that afternoon. The USPP incident commander told us that during this call, he and the Secret Service UD WHB deputy chief discussed clearing and securing H Street to allow the contractor's employees to build the fence. At 10 a.m., the USPP incident commander had a conference call with USPP command staff and said the fence might be installed later that day. The USPP acting chief of police, the USPP incident commander, the USPP operations commander, and multiple other USPP officials told us the USPP developed plans to clear the park so the contractor could safely install the fence.

At 11:50 a.m. on June 1, the USPP incident commander told USPP commanders that he had briefed the Secret Service and the MPD on the plan to clear and secure H and 16th Streets to install the fence. The USPP incident commander then advised USPP command staff that the Secret Service agreed to provide law enforcement assistance to the USPP to secure the intersection at H Street and Vermont Avenue at the northeast corner of the park. At approximately 12 p.m. on June 1, the Secret Service issued the contractor orders to proceed with installing the fence. At 12:38 p.m., according to the USPP acting chief of police, the Secret Service UD chief confirmed that the fencing would arrive later that afternoon, perhaps as early as 2 p.m.

The USPP incident commander told us the USPP did not determine a specific time to begin clearing the park and its surrounding areas. Rather, he said, 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 USPP incident commander told us he would have secured the perimeter that morning if he had had enough officers to do so, but many officers were not reporting for duty until that afternoon because of the long hours they had worked over the past 2 days. For example, DCNG officers were not scheduled to report to the DC Armory for transport to Lafayette Park until approximately 4 p.m., so the USPP determined it could not begin the clearing operation until late afternoon. The USPP incident commander told us he did not consider waiting until the citywide 7 p.m. curfew to clear Lafayette Park and H Street.¹² He explained, "We were not enforcing the Mayor's curfew. We're a Federal entity. We don't work directly for the Mayor." The USPP acting chief of police stated it was the USPP's priority to install the antiscale fence as soon as possible to ensure the safety of Federal officers and property. The USPP acting chief of police and the USPP incident commander both explained that, based on their observations, the protesters did not comply with the Mayor's curfew order on May 31 and that acts of violence tended to increase in the late afternoon and evening irrespective of the curfew; they likewise did not believe protesters would comply with the Mayor's June 1 curfew order or that waiting would necessarily reduce unrest.

¹² The Mayor issued an 11 p.m. curfew for May 31, 2020. During a June 1 press conference at approximately 11:30 a.m., the Mayor announced a 7 p.m. citywide curfew for that evening.

5. *At 2 p.m. on June 1, the USPP Operations Commander Attended a Meeting With Attorney General William Barr and Other Officials*

Around 12:30 p.m. on June 1, the USPP operations commander went to the DC Armory and met with representatives of the DCNG and the U.S. Department of Defense. The USPP operations commander told us that representatives of the DCNG and the Department of Defense asked him to accompany them to a 2 p.m. meeting at the FBI headquarters in Washington, DC. According to the USPP operations commander, attendees at the meeting included the Attorney General, the then MPD Chief of Police, the Secret Service Director, the then Secretary of the Army, and other high-ranking Department of Defense officials. The USPP operations commander told us that the

[REDACTED]

When asked, the USPP operations commander told us the USPP's plan to clear Lafayette Park was underway before the 2 p.m. meeting. He stated that the Attorney General did not address him during this meeting and that the Attorney General did not mention a potential presidential visit to the park. The USPP operations commander said that after the meeting, he briefed the USPP acting chief of police and then went to Lafayette Park to meet the USPP incident commander.

6. *At Approximately 2 p.m., the Fencing Contractor's Project Manager Arrived in Lafayette Park To Assess the Site*

The fencing contractor's project manager told us that she learned on May 31 that the Secret Service had contacted the fencing contractor about an antiscale fence. The project manager told us that she learned the project was approved on the morning of June 1 and that the Government needed the fencing installed as soon as possible. She stated she spent the morning working on the logistics of supplying the fencing and that by 2 p.m. the company had started loading the trucks and assembling its labor team. The project manager told us she arrived at the White House complex at approximately 2 p.m. on June 1 to assess the site and meet with her Secret Service site contact.

7. *Between 3 and 5 p.m. on June 1, 2020, the USPP Learned From the Secret Service That the President Might Visit Lafayette Park*

The USPP incident commander told us he was in Lafayette Park around 2 p.m. on June 1 and that he met with the Secret Service UD WHB deputy chief and a USPP civil disturbance unit commander to discuss strategies for clearing protesters from the northern edge of Lafayette Park and H Street. He said he discussed these strategies with the USPP acting chief of police and other law enforcement partners throughout the afternoon. The USPP acting chief of police and the USPP incident commander both told us that they discussed potential options for clearing the area before finalizing the plan. They said they considered having the USPP Horse Mounted Patrol unit and regular uniformed officers enter H Street, advise the crowd in a nonadversarial manner that the area was closed, and direct the crowd to depart. They also discussed using officers from

the USPP and the ACPD trained in advanced civil disturbance tactics and equipped with specialized personal protective equipment if some protesters within the crowd were noncompliant or combative. Regardless of the scenario, they said, the cleared areas would be secured by uniformed USPP officers and the DCNG so the contractor could safely construct the antiscale fence.

The USPP incident commander told us that around mid- to late afternoon, the Secret Service UD WHB deputy chief informed him of the President's potential unscheduled movement to Lafayette Park. The USPP incident commander said the Secret Service UD WHB deputy chief told him that the President's visit would likely occur later that day or in the evening, after protesters had been removed from the area. The USPP incident commander told us that he could not recall the specific time he learned about the President's potential visit to Lafayette Park. When we interviewed the USPP acting chief of police, he told us the USPP incident commander told him sometime between 3 and 5 p.m. about the President's potential visit to assess the damage to the park; although he could not identify precisely when during that 2-hour period he obtained this information, he confirmed that he learned of the potential visit before the DCNG arrived in Lafayette Park at approximately 5 p.m. The USPP acting chief of police's notes for his testimony before the House Committee on Natural Resources on July 28, 2020, reflect that the Secret Service advised the USPP incident commander at 4:50 p.m. on June 1 that the President would make an unscheduled visit at some point that day to assess the damage. The USPP acting chief of police told us he could not recall the source for the time in his notes.

Both the USPP acting chief of police and the USPP incident commander stated they were not told a specific time for the President's potential arrival and that learning this information did not change their operational timeline. The USPP acting chief of police said, "I can tell you with 100 percent certainty that the Secret Service and the Park Police . . . timeline did not change the entire day."

The USPP acting chief of police also told us that [REDACTED]

[REDACTED]. The USPP acting chief of police told us the official did not provide him with a reason for the request. He said he rejected the request and reiterated to the official the USPP's operational plan and stated the clearing operation would begin once all law enforcement officers under the command of the USPP were in place.

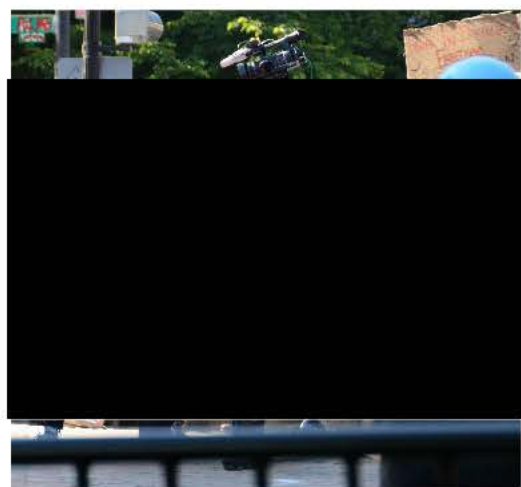
8. Between 4 and 5 p.m. on June 1, 2020, the USPP and the Secret Service Agreed on and Implemented a Final Operational Plan To Clear Lafayette Park

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 (see Figures 6 and 7).¹³ Because of the increased unrest and intelligence reports the USPP received of armed individuals in the crowd—

¹³ No USPP officers reported sustaining injuries on June 1 before the operation to disperse protesters began. During the operation, one USPP officer suffered a facial laceration, and one Federal Protective Service officer was kicked in the groin.

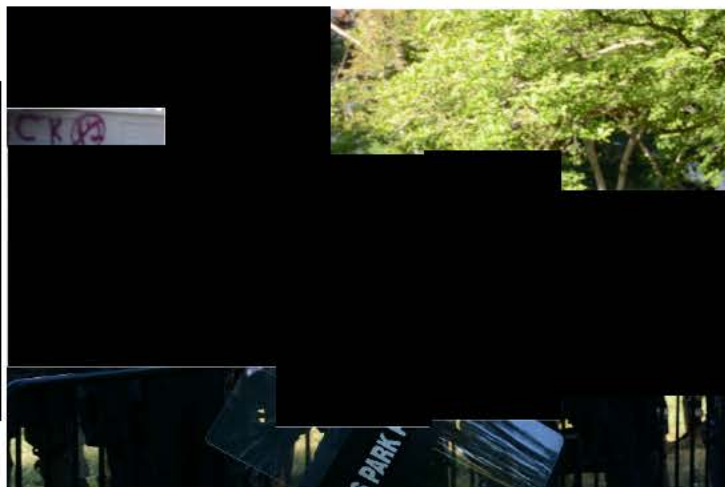
including reports of people wearing ballistic vests and carrying baseball bats—the USPP incident commander told us that he and the Secret Service UD WHB deputy chief decided to clear Lafayette Park and the surrounding areas by deploying USPP and ACPD officers trained in advanced civil disturbance tactics.

Figure 6: Protesters breaching the bike-rack fence line on June 1 at 5:36 p.m.



Source: USPP.

Figure 7: Protesters on top of the park's comfort station inside the bike-rack fencing on June 1 at 6:13 p.m.



Source: USPP.

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 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 (see Figure 8). 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.

Figure 8: Map of Operational Plan and Fencing Contractor Staging Areas



Source: NPS. (The OIG overlaid the directional arrows, trucks, and legend on the NPS' map for illustrative purposes.)

- a. *By 4 p.m., the Fencing Contractor's Employees and the First Semitruck With Fencing Materials Arrived in Lafayette Park; By 5:30 p.m., Two Additional Semitrucks With Fencing Material Were Staged on Pennsylvania Avenue*

The fencing contractor's project manager told us that all the employees building the fence arrived at the White House complex by approximately 4 p.m. She further stated that the first of three semitrucks with fencing supplies arrived on site between 4 and 4:30 p.m. and was staged on Pennsylvania Avenue near the Blair-Lee House (see Figure 8). The project manager stated she could have started unloading the truck and prestaging the materials for installation by 4 p.m., but the Secret Service instructed the fencing company to wait to unload. The remaining two semitrucks arrived at approximately 5:30 p.m. and remained on 17th Street until after law enforcement officials had finished clearing the area of protesters (see Figure 8).

- b. *Between 5 and 5:30 p.m. on June 1, 2020, the USPP Incident Commander Briefed Law Enforcement Representatives at Lafayette Park*

The DCNG arrived at Lafayette Park at 5:10 p.m. and was positioned inside the park by approximately 5:20 p.m. The DCNG major told us that when the DCNG arrived at the park, a USPP captain told him that the DCNG would provide perimeter security north from H Street to I Street for the installation of the antiscale fence. The USPP incident commander told us that at approximately 5:30 p.m., he briefed representatives from the USPP, the Secret Service, the MPD, and the ACPD in Lafayette Park on the final operational plan, communicating orally using his handwritten notes. The USPP incident commander told us that his notes were "written down

contemporaneous[ly] . . . as we were developing the rollout tactical plan.” 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.

The USPP incident commander said that during his briefing, he told the law enforcement representatives the rules of engagement for the use of force during the operation. According to USPP policy, a “use of force” can “take the form of verbal commands, persuasion, warnings, directives, bodily contact, use of baton or other nonlethal weapon, or the use of deadly force.” 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.¹⁴ CS gas—a volatile aerosol solvent often used as a riot control agent—is considered a higher level of force and contains a stronger chemical irritant than pepper spray and the other methods the USPP incident commander authorized.¹⁵ The USPP incident commander said he transmitted this same instruction over the USPP radio. He also told the 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 expected the representatives to communicate this information to their assigned squads in their respective law enforcement organizations.

Numerous USPP officers’ reports reflected that either their commanders told them, or they heard over the USPP radio, that the USPP incident commander did not authorize CS gas for this operation. Expecting that CS gas would not be used, most USPP officers did not wear gas masks. The DCNG major also told us that the USPP liaison to the DCNG told him that CS gas would not be used; the major said he transmitted this information to the DCNG over the DCNG’s radio channel.

The USPP incident commander told us that the BOP dispatched officers to Lafayette Park. The USPP liaison to the BOP told us that these officers arrived late, almost an hour after they were expected and shortly before the operation began. A USPP officer met the BOP officers around 6 p.m., after the USPP incident commander had already given his final briefing to law enforcement representatives. The USPP liaison to the BOP briefed the BOP officers orally on the rules of engagement after they arrived in the park. He said he advised them that their role was to maintain the perimeter, but he could not recall what he told them regarding the use of pepper ball guns from inside the park.

c. Between 5:50 p.m. and 6:10 p.m. on June 1, 2020, the USPP Prepared for Deployment and the Attorney General Arrived at Lafayette Park

Evidence showed that at approximately 5:50 p.m., the USPP incident commander instructed the USPP Horse Mounted Patrol unit and the USPP and ACPD civil disturbance units to prepare for

¹⁴ The USPP incident commander previously authorized the use of CS gas on May 30 and 31 to disperse the crowd after individuals within the crowd engaged in acts of violence and destroyed property. In this report, when discussing the types of nonlethal force used, we refer to the specific munitions by name rather than using colloquial terms, such as “tear gas,” which can have varied meanings.

¹⁵ Pepper spray and pepper balls contain chemical irritants and produce physiological effects similar to CS gas, including intense irritation to the eyes, skin, and lungs, but are not as toxic as CS gas.

deployment onto H Street. At 6:04 p.m., the USPP incident commander drafted the dispersal warning on his mobile phone.

At approximately 6:10 p.m., news video showed the Attorney General entering Lafayette Park with his security detail and other White House staff members. Protesters in the crowd recognized the Attorney General and began shouting at him. The USPP operations commander heard the change in the crowd, saw the Attorney General, and walked over to him. News video showed the USPP operations commander speaking with the Attorney General and then hanging his head, while another unidentified official patted the USPP operations commander on the back.

When we asked the USPP operations commander about this exchange, he stated he told the Attorney General the area was unsafe and asked him and the other officials to move away from the line of officers. The USPP operations commander told us the Attorney General then asked him why the crowd was still on H Street and said he thought they would be gone by that point. The USPP operations commander told us he advised the Attorney General that they were getting into position to move the crowd. He stated he again advised the Attorney General that the Attorney General was not in a safe area and should move further from the crowd. The USPP operations commander said the Attorney General asked him, “Are these people still going to be here when POTUS [President of the United States] comes out?” The USPP operations commander told us he had not known until then that the President would be coming out of the White House and into Lafayette Park. He said he replied to the Attorney General, “Are you freaking kidding me?” and then hung his head and walked away. The Attorney General then left Lafayette Park. The USPP operations commander denied that the Attorney General ordered him to clear Lafayette Park and H Street.

The USPP operations commander told us he informed the USPP acting chief of police of the Attorney General’s question regarding whether the protesters would still be there when the President came out. The USPP operations commander said the USPP acting chief of police told him he did not know what the Attorney General was talking about. The USPP operations commander said he did not speak with the USPP incident commander, who was preparing to issue the dispersal warnings to the protesters at that time, and he did not know whether the USPP acting chief of police spoke with the USPP incident commander before the USPP incident commander executed the operational plan. When we interviewed the USPP acting chief of police, he did not recall the specifics of what the USPP operations commander relayed to him about the conversation with the Attorney General.

The USPP incident commander and the MPD assistant chief of police both told us they spoke to each other on the telephone shortly before the USPP began clearing Lafayette Park. During their conversation, which telephone records show occurred at approximately 6:12 p.m., the USPP incident commander told the MPD assistant chief of police that the USPP was preparing to begin the clearing operation and that the Attorney General was in the park. The MPD assistant chief of police told us he asked the USPP incident commander to delay the clearing operation until the Mayor’s 7 p.m. curfew when the MPD believed it would have clear authority to arrest protesters who failed to comply with the curfew. He also stated, though, that he knew from communications he had with the USPP throughout the day that the USPP planned to begin the operation once the fencing materials arrived and law enforcement personnel “were ready to go.”

According to both the USPP incident commander and the MPD assistant chief of police, the USPP incident commander responded that the USPP would not wait for the curfew and would begin the operation shortly. The MPD assistant chief of police stated that although the USPP incident commander told him the Attorney General was in the park, he could not say this was the reason the USPP began its operation when it did, and he said he had no information suggesting that the Attorney General ordered the USPP to clear the park. He also said the USPP incident commander did not suggest that the USPP had to clear the park for a potential Presidential movement, stating “[h]e didn’t say that the President was a reason that they [the USPP] were doing anything.”

Both the USPP incident commander and the USPP operations commander told us the USPP initiated the operational plan before the Attorney General arrived in Lafayette Park and that the Attorney General’s presence in the park had no influence on the USPP’s timeline for the operation. The USPP incident commander explained the USPP wanted to clear the area “as early as possible and [as] safely as we c[ould]” to erect the fence and de-escalate the situation. He added that the Attorney General was “not in his chain of command” and that clearing the park had “nothing to do with [him] or the President wanting to come out.” He stated, “This plan doesn’t get developed in 2 minutes . . . [The Attorney General] might be a very important guy in the Government, he’s just not my boss. [REDACTED].”¹⁶

d. At 6:16 p.m. on June 1, 2020, the Secret Service Exited Madison Place and Entered H Street Before the USPP’s First Dispersal Warning

At approximately 6:16 p.m., contrary to the operational plan and before the USPP gave the first dispersal warning, the Secret Service entered H Street from Madison Place. The USPP civil disturbance unit commanders told us that the Secret Service met significant resistance from the crowd and protesters threw water bottles and eggs at the officers. USPP video we reviewed confirmed this account and showed the Secret Service responding by deploying pepper spray. The Secret Service retreated closer to the construction fence on H Street in front of Madison Place and ultimately cleared and secured the area in front of the gate onto H Street from Madison Place (see Figure 8). A USPP civil disturbance commander told us and USPP video we reviewed showed that the Secret Service’s early deployment drew additional protesters to the east end of H Street, increasing tensions between law enforcement and the protesters. The USPP and ACPD civil disturbance unit commanders told us they were surprised when they saw the Secret Service enter H Street before the USPP had given any dispersal warning, but they said they did not follow the Secret Service onto H Street at that time.

The USPP civil disturbance unit commander, the USPP operations commander, and the USPP incident commander all told us that the Secret Service lieutenant later apologized for the early entry onto H Street during the operation but did not explain why it occurred. The USPP officers we interviewed did not know why the Secret Service entered H Street before the USPP gave the first dispersal warning. Some speculated it occurred because of miscommunication between a Secret Service supervisor and his officers near the gate area. Others guessed it could have occurred because the USPP and the Secret Service did not have a shared radio channel and had no way of intercepting and resolving conflicting radio communications. The USPP acting chief

¹⁶ The Attorney General oversees law enforcement entities within the DOJ and does not have authority over the USPP.

of police, USPP incident commander, and USPP operations commander all told us they had no reason to believe that the Attorney General’s visit to the park at 6:10 p.m. influenced the Secret Service’s early deployment.

e. At 6:23 p.m. on June 1, 2020, the USPP Incident Commander Began Issuing the Three Dispersal Warnings to the Protesters

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 on May 30, 2020¹⁷ (see Figure 9). The USPP incident commander issued two 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.”

Figure 9: USPP Incident Commander Delivering Dispersal Warnings Using an LRAD on June 1, 2020



Source: USPP.

¹⁷ The USPP incident commander told us the USPP borrowed a backpack-style LRAD from the MPD. He told us that the LRAD was set to speaker mode and that he did not know if the LRAD had capabilities beyond sound amplification. The USPP deputy operations commander told us, and video evidence confirmed, that after the USPP incident commander gave the three warnings, he walked with the USPP incident commander west on H Street carrying the LRAD. (We discuss these events further on pages 25 – 26.)

Video taken from a USPP elevated observation post inside a building overlooking Lafayette Park at the intersection of H and 16th Streets showed some protesters leaving the area after the warnings began. The video also contained an audible recording of the warnings. Other open-source videos, however, appeared to show that protesters in the crowd at the intersection of H and 16th Streets could not clearly hear the warnings. Multiple officers told us they either did not hear the warnings or could not clearly hear the information conveyed in the warnings. One USPP officer told us that given the size and noise level of the crowd, he believed it was unlikely that all protesters could hear the warnings.

f. At 6:28 p.m.— Approximately 1 Minute Before the USPP Incident Commander Completed the Third Dispersal Warning—on June 1, 2020, Civil Disturbance Units Deployed

Contrary to the operational plan, the USPP and ACPD civil disturbance units deployed onto H Street approximately 1 minute before the USPP incident commander completed the third dispersal warning. USPP video evidence showed that after the second warning, a USPP civil disturbance unit commander transmitted over his radio that the Secret Service and the civil disturbance units were ready and waiting on the “go-ahead.” The USPP incident commander responded that he would give the third warning and then head to their location in a couple of minutes.¹⁸ The USPP civil disturbance unit commander replied that it was getting “a little hairy over here” and that the Secret Service was already “out there.” The USPP incident commander told us he could not recall whether he planned to order the civil disturbance units to deploy over the radio or if he intended to walk to their location and issue the order. He told us the plan was “thrown off a little bit” when the Secret Service deployed early.

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.

¹⁸ The radio channel used by the USPP on June 1 was not recorded. (We are examining this issue in a separate review.) We relied instead on video taken by the USPP, some of which includes audio of the radio transmissions.

The USPP and ACPD civil disturbance units continued to move west down H Street using various police tactics (see Figure 8). 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 (see Figure 8). 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, stinger ball grenades without irritant, and white smoke without irritant¹⁹ 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.

g. During the Clearing Operation on June 1, 2020, the BOP Fired Pepper Balls From Inside Lafayette Park as Law Enforcement Cleared H Street

Personnel from the USPP, the DCNG, the BOP, the Federal Protective Service, and the U.S. Marshals Service secured the bike-rack fence line inside the park as the USPP and ACPD civil disturbance units and the Horse Mounted Patrol unit cleared H Street. The USPP incident commander had instructed that pepper balls should be used from inside the park only if protesters breached the fence line. USPP and open-source video evidence we reviewed showed at least one BOP officer shooting pepper balls toward H Street from inside Lafayette Park but did not show protesters breaching the bike-rack fence line.

The USPP liaison to the BOP told us he did not know whether the BOP fired pepper balls from the fence line and noted that the scene was “chaotic.” He also told us he could not recall whether he briefed the BOP on the USPP incident commander’s instructions to fire pepper balls from inside the park only if protesters attempted to breach the fence line and enter the park. He said that because the USPP officers clearing H Street did not communicate over the radio when they used flash bang or stinger ball grenades, both of which emit a loud sound when used, personnel inside the park could not determine whether the noise was from munitions or fireworks set off by protesters. He speculated that the BOP may have perceived that explosions from the grenades came from the crowd instead and reacted accordingly. The liaison also told us it was difficult for him to supervise so many officers who were not familiar with the area or with the USPP.

¹⁹ Stinger ball grenades are handheld grenades that dispel rubber pellets, a bright flash of light, and a loud sound. Stinger ball pellets are intended to cause only temporary pain. Flash bang grenades are handheld grenades that emit a loud sound and bright light and are used as a distraction tactic. Smoke is a handheld canister that delivers nonirritant smoke and is a distraction tactic. Pepper balls are plastic balls that contain a pepper-based irritant powder and are dispelled through a pepper ball launcher, similar to a paintball gun, and cause irritation. Pepper spray is a vapor, derived from cayenne pepper plants, that can be dispersed through a handheld device or shoulder delivery system and causes irritation.

h. Shortly Before 7 p.m. on June 1, 2020, USPP Officers Were Surprised by the Use of CS Gas on 17th Street

When the USPP incident commander observed white smoke from his position, he confirmed with the USPP SWAT commander over USPP radio that only nonirritant white smoke and not CS gas was being deployed. Numerous USPP officers told us they were certain the USPP did not deploy CS gas while clearing H Street because they were not wearing gas masks and would have been affected to the same extent as the protesters. The USPP incident commander told us “[you] could not operate in that environment” without a gas mask if CS gas had been used.

Notwithstanding this belief that CS gas would not be used, USPP officers told us that they experienced the effects of CS gas as they approached Connecticut Avenue. USPP officers reported that to avoid becoming incapacitated, several of them stopped and put on gas masks. USPP officers said that the use of CS gas surprised them because the USPP incident commander had not authorized its use.

A news reporter stated he found a “CM Skat Shell OC” canister and a “CM Spede-Heat CS” canister on 17th Street near H Street after the area was cleared.²⁰ The USPP SWAT commander told us, and other evidence we reviewed confirmed, that the USPP SWAT does not use Spede-Heat CS canisters or Skat Shell OC²¹ canisters. The USPP SWAT commander also told us that USPP SWAT officers were not equipped with the launchers necessary to deploy these canisters while clearing H Street on June 1. The ACPD civil disturbance unit commander told us that ACPD officers were not equipped with chemical irritants other than rounds similar to pepper ball but said the ACPD did deploy inert smoke and a flash bang grenade on 16th Street during the clearing operation. The USPP SWAT commander further told us that USPP SWAT officers supporting the civil disturbance units on H Street did not go to the intersection of 17th Street but remained on H Street just past Connecticut Avenue (see Figure 8). The ACPD civil disturbance unit commander told us that his unit remained on 16th Street.

Video obtained by the USPP showed MPD officers dispersing what appeared to be CS gas on 17th Street between H Street and just south of Pennsylvania Avenue (see Figure 10). The MPD had an officer representative in Lafayette Park when the USPP incident commander gave his final briefing of the operational plan, which included oral instructions not to use CS gas. The MPD, however, was not a participant in or under the control of the USPP and the Secret Service’s unified command.²²

The MPD assistant chief of police later confirmed that the MPD used CS gas on 17th Street and told us that it did so in response to protesters who engaged in acts of violence against MPD officers after the USPP cleared Lafayette Park and began pushing protesters toward 17th Street.

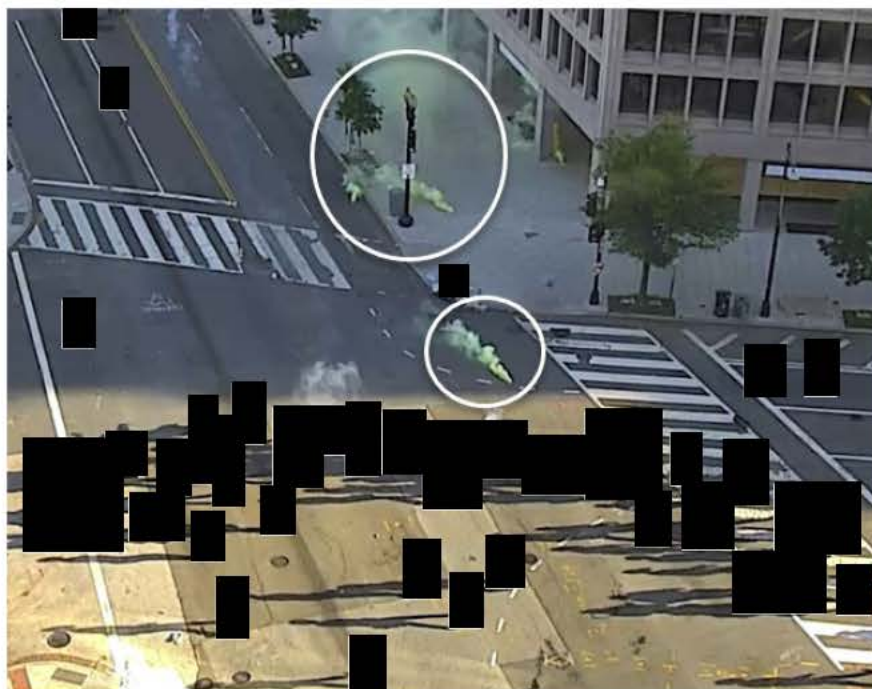
²⁰ “No law enforcement agency admits to using tear gas Monday, but tear gas canisters were found at the scene.” WUSA9 (June 5, 2020) <https://www.wusa9.com/article/news/local/dc/tear-gas-washington-dc-protests-st-johns-church/65-7e9a67c7-e40b-47a2-8060-3f7d908139dd> (last visited Mar. 25, 2021).

²¹ Oleoresin capsicum (OC) is the active ingredient in pepper spray.

²² As stated previously, the MPD operated under its own legal authority to conduct law enforcement operations in Washington, DC.

The MPD also told us that its internal investigation determined MPD officers used CS gas on 17th Street on June 1.

Figure 10: MPD Line on 17th Street and Pennsylvania Avenue, Where CS Gas (Green Smoke Circled) Appears To Have Been Fired Toward the Crowd



Source: Still photo of a video obtained from the USPP.
(White circles added by the DOI OIG.)

i. At 7:01 p.m. on June 1, 2020, the President Walked to St. John's Church

The President began a speech in the White House Rose Garden on June 1 at approximately 6:43 p.m. At approximately 7:01 p.m., he departed the White House and walked into 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.

The USPP operations commander, the USPP incident commander, and the USPP acting chief of police told us they did not know the President planned to make a speech in the Rose Garden that evening. The USPP incident commander told us he was never informed of the President's specific plans or when the President planned to come out of the White House. He said, "It was just a, 'Hey, here he comes.' And all of a sudden I turn around and there's the entourage." The USPP acting chief of police also told us he did not know about the President's plans to visit St. John's Church and that the USPP incident commander told him the President might come to the park to assess the damage at an unspecified time. The USPP acting chief of police and the

USPP incident commander told us this information had no impact on their operational plan, and both denied that the President's potential visit to the park influenced the USPP's decision to clear Lafayette Park and the surrounding areas. Numerous other USPP captains and lieutenants and the ACPD civil disturbance unit commanders also told us they received no information suggesting that the USPP cleared the area to facilitate the President's visit to St. John's Church. The DCNG major we interviewed told us that his USPP liaison appeared as surprised as he was when the President visited Lafayette Park, stating, "We [were] both kind of equally shocked."

j. At 7:30 p.m. on June 1, 2020, the Fencing Contractor Started To Install the Antiscale Fence

At approximately 6:30 p.m., the fencing contractor expressed concern to the assistant division chief of the Secret Service's Procurement Division about the delay in installing the antiscale fence and the increasing crowd size. Unbeknownst to the fencing contractor, the operational plan to clear the park was underway at that time. After the area was cleared by approximately 6:50 p.m., video obtained by the USPP showed that two semitrucks loaded with fencing materials entered the White House grounds to prepare to install the fence. The contractor began to unload the fencing materials and build the fence at approximately 7:30 p.m. USPP patrol officers and the DCNG held the secured intersections until the contractor completed installing the fence at approximately 12:30 a.m. on June 2. The red arrow in Figure 11 points to the completed fencing.

Figure 11: A View of the Antiscale Fence From Inside Lafayette Park on June 2



Source: USPP. (Red arrow added by the DOI OIG.)

k. Events That Occurred After Installation of the Antiscale Fence

The USPP reported that installation of the antiscale fence significantly reduced violence and injuries to officers. The USPP incident commander said that “the goal of the de-escalation was met” because “injuries reduced to almost nothing” after the fence was installed. The antiscale fence also protected park property from further damage while still allowing protests to continue on H Street in front of Lafayette Park.

The USPP acting chief of police said he received repeated requests from [REDACTED] and [REDACTED] officials on June 2 and 3 to again clear H Street and extend the security perimeter to I Street. The USPP acting chief of police told us he refused to move the protesters because he believed that the antiscale fence sufficiently protected his officers and park resources; he noted that senior DOI leadership supported his decision. The USPP acting chief of police also told us, however, that in the early morning of June 3, Federal law enforcement officers extended the security perimeter to I Street without the USPP’s assistance and maintained that perimeter throughout the day.

On June 2 and 3, the USPP implemented procedures to help gain organizational control over the law enforcement entities reporting to Lafayette Park. The USPP acting chief of police told us that coordination through June 1 was “a bit chaotic” and “it took probably to the 2nd [of June] to kinda get things under control.” The evidence showed that after June 1, the USPP [REDACTED]

[REDACTED] which enabled the USPP to then deploy resources specifically where needed. The USPP incident commander told us these procedures helped the USPP better track and direct the law enforcement resources that assisted in policing the protests, which continued until at least June 3.

C. Analysis of Factual Findings

Our analysis attempts to provide an accurate account of what occurred in and around Lafayette Park on June 1, 2020. Our analysis also identifies issues with the USPP’s response and operations on June 1. We recognize that the USPP was operating in a chaotic and somewhat unpredictable environment and that this operation at times required ad hoc, on-the-ground decision making. We did, however, identify certain weaknesses in the USPP’s actions and procedures, and we believe that the findings and recommendations in this report will assist the USPP in improving its response to future protests and public demonstrations.

1. The USPP Had the Authority and Discretion To Determine the Time and Method Used To Clear Lafayette Park and the Surrounding Areas

By the Secretary of the Interior's designation, the USPP is charged with maintaining law and order and protecting persons and property within the National Park System,²³ which includes Lafayette Park. In performing their duties, USPP officers may carry firearms and make arrests without a warrant for offenses against the United States or any felony cognizable under Federal law.²⁴ Moreover, in the District of Columbia, the USPP has the same powers and duties as the MPD.²⁵

As discussed above, protests had been underway in Lafayette Park since May 29. These protests resulted in injuries to Federal officers and destruction of both public and private property, including arson and graffiti in Lafayette Park.

For the safety of Federal officers, and protection of park resources, the Secret Service, in consultation with the USPP, procured an antiscale fence to secure the park. To provide the fencing contractor with adequate space and a safe environment to install the fence as the contractor requested, the USPP, with the assistance of its law enforcement partners, cleared Lafayette Park and the surrounding area of protesters. The evidence showed that after installation of the fence, injuries to Federal officers and destruction of Federal property in and around Lafayette Park were reduced significantly.

a. The USPP Was Not Required To Wait Until the Citywide Curfew Imposed by the DC Mayor To Clear the Park

The citywide curfew imposed by the DC Mayor did not begin until 7 p.m. on June 1, and some have questioned why the USPP did not wait until that time to clear Lafayette Park. We did not identify any law, rule, or policy, however, that required the USPP to wait to begin its operation and determined that it was accordingly within the USPP's discretion to decide when the operation should begin.²⁶

As discussed above, the evidence showed that at 6:23 p.m. on June 1, the USPP executed its plan to clear Lafayette Park and the surrounding areas. The USPP officials we spoke to stated they did not consider the 7 p.m. curfew when planning and executing their operation because they do not report to the DC Mayor and because the purpose of their operation was to clear the area to install antiscale fencing, not to enforce the curfew. During the procurement process, the fencing contractor requested a secure environment for its crews and that installation occur before nightfall. At approximately 6:30 p.m., the fencing contractor, whose employees and materials were onsite by 4:30 p.m., expressed concern to the Secret Service about the increasing crowd

²³ 54 U.S.C. § 102701(a)(1); Designation of Officers or Employees, 41 Fed. Reg. 44,876 (Oct. 8, 1976).

²⁴ 54 U.S.C. § 102701(a)(2).

²⁵ D.C. Code Ann. § 5-201. Under this code section, the USPP has the authority to enforce DC law.

²⁶ See *United States v. Reynoso*, No. 18-cr-253, 2018 WL 6067430, at *4 (D.D.C. Nov. 19, 2018) (stating that “DC law has no impact on the authority of Federal law enforcement officers” when they are acting in their official capacity to enforce Federal law in the District of Columbia).

size and the delay in installation. However, the operation to clear the park was already underway, and the contractor began unloading and assembling the fence by 7:30 p.m.²⁷

The USPP acting chief of police and the USPP incident commander told us that when deciding when to begin the June 1 operation, they considered the increase in acts of violence they had observed each evening since May 29 and the fact that the protesters had not complied with the Mayor's curfew on May 31. The USPP incident commander also told us he believed the crowd dynamics would not have improved after the 7 p.m. curfew, stating that the crowd continued to grow and that the previous 72 hours showed that violent acts escalated during the evenings. Referring to May 31, the USPP incident commander told us that "Sunday . . . was one of the most violent nights [he had] ever seen after 11 p.m." Accordingly, once the fencing materials arrived and they had sufficient law enforcement personnel in place, the USPP incident commander and the USPP acting chief of police concluded that waiting until later in the evening to begin the operation could make it more difficult and dangerous to complete.

b. The President's Visit to St. John's Church Did Not Appear To Influence the USPP's Operational Plan or Timeline To Clear Lafayette Park

We did not obtain evidence suggesting that the USPP cleared Lafayette Park so the President could visit St. John's Church. Instead, we found that by approximately 10 a.m. on June 1, the USPP had already begun developing a plan to clear protesters from the area to enable the contractor to safely install the antiscale fence. By approximately 12 p.m. on June 1, the Secret Service had issued an order to proceed to the contractor and notified the USPP acting chief of police that the fencing would arrive later that afternoon. We found no evidence establishing that the USPP knew of any potential movement by the President through Lafayette Park until hours later. Specifically, the evidence showed that the USPP incident commander learned about a potential visit by the President at the earliest shortly before 3 p.m. on June 1, at least 1 hour after the fencing contractor's project manager arrived at Lafayette Park to assess the site and prepare to install the antiscale fence. The notes the USPP acting chief of police prepared for his congressional testimony place this notification even later in the day, indicating that the USPP incident commander learned of this potential visit at 4:50 p.m. Regardless of the precise time they learned of the President's potential visit, both the USPP incident commander and the USPP acting chief of police told us that this information did not affect the USPP's operational plan, and the steps taken earlier in the day to procure and prepare for installation of the antiscale fencing support their statements. We further note that when asked to move up the timeline for clearing the park [REDACTED] earlier in the afternoon on June 1, the USPP acting chief of police declined to do so.

We also found no evidence that the Attorney General's visit to Lafayette Park at 6:10 p.m. caused the USPP to alter its plans to clear the park. Both the USPP incident and operations commanders told us that the USPP had initiated the plan to clear Lafayette Park before the Attorney General arrived and that his presence had no influence on the USPP's timeline or

²⁷ During testimony before the House Committee on Natural Resources, the DCNG major stated that the installation of the fence began around 9 p.m. When we interviewed the major, he told us he saw work begin around 9 p.m. and that a semitruck with fencing material was parked on H Street at that time. The DCNG major acknowledged to us, however, that he did not know where the fencing contractor started working or if more than one semitruck with fencing material was onsite.

decisions. The evidence we reviewed also confirmed that the plan to disperse the protesters was underway before the Attorney General arrived in Lafayette Park. For example, the radio logs established that the law enforcement units were moving into position at least 20 minutes before the Attorney General arrived in the park and that the USPP incident commander completed drafting the dispersal warnings approximately 6 minutes before the Attorney General arrived in the park. The USPP incident commander also explained that the operation, which involved coordinating numerous law enforcement agencies, could not have been altered in the short period of time between the Attorney General's arrival at 6:10 p.m. and the USPP incident commander's first dispersal warning at 6:23 p.m. Furthermore, the USPP acting chief of police and the USPP incident commander both stated they never learned an exact time for the President's potential movement and were unaware that he planned to give a speech in the Rose Garden that evening. Numerous witnesses, including the DCNG major and the MPD assistant chief of police, also told us it was their understanding that the USPP cleared the park to allow the contractor to build and install the antiscale fence. No one we interviewed stated that the USPP cleared the park because of a potential visit by the President or that the USPP altered the timeline to accommodate the President's movement.²⁸

2. The USPP Used an LRAD To Issue the Dispersal Warnings on June 1, 2020

The DCNG major testified before the House Committee on Natural Resources on July 28, 2020, that law enforcement used a standard megaphone, not a more powerful LRAD, to give the dispersal warnings on June 1.²⁹ As Figure 12 shows, however, the USPP (specifically, the USPP incident commander) did in fact use an LRAD when issuing the three dispersal warnings in Lafayette Park on June 1. Moreover, the USPP incident commander, the USPP acting chief of police, the USPP deputy operations commander, and several other USPP officers we interviewed confirmed that the USPP incident commander used an LRAD that day (see Figures 12 and 13). When we interviewed the DCNG major, he stood by his statement to the House Committee that the USPP did not use an LRAD on June 1 but acknowledged that he had never seen an LRAD and would not have been able to visually identify one on June 1. Overall, the documentary and testimonial evidence we reviewed supports the conclusion that the USPP incident commander issued the three warnings using an LRAD rather than a megaphone.

²⁸ As discussed in the scope and methodology section of this report, we did not interview Secret Service personnel, so we cannot assess whether the Attorney General's visit to the park or any planned movement of the President influenced the Secret Service's actions, including its early deployment on to H Street.

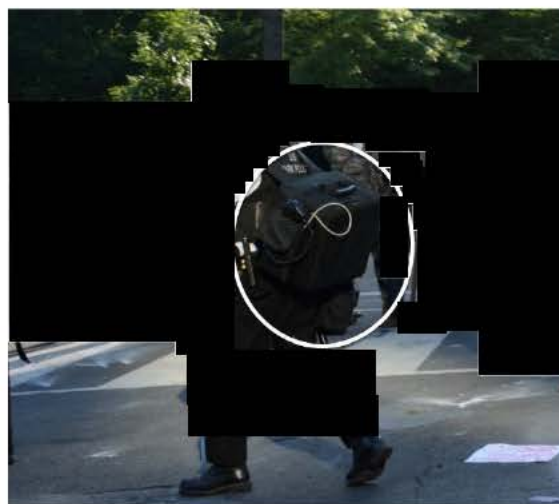
²⁹ *Hearing Before the House Committee on Natural Resources, Unanswered Questions About the U.S. Park Police's June 1 Attack on Peaceful Protesters at Lafayette Square*, 116th Congress, 2nd Sess. (July 28, 2020).

Figure 12: USPP Incident Commander With the LRAD at 6:10 p.m. on June 1, 2020



Source: USPP. (White circles added by the DOI OIG.)

Figure 13: USPP Deputy Operations Commander Carrying the LRAD on H Street at 6:42 p.m. on June 1, 2020



Source: USPP. (White circles added by the DOI OIG.)

3. The USPP's Lack of an Applicable Detailed Warning Policy Contributed to the USPP Issuing Ineffective Warnings to the Crowd

The USPP has several policies stating that officers should generally provide warnings to protesters before any physical use of force against them. Only one policy, however, contains detailed guidance on how the USPP must give these warnings: General Order No. 2108, “High Volume Arrest Procedures.”³⁰ The USPP told us that this policy applies only to high-volume arrest operations and was not applicable to the June 1 operation to clear Lafayette Park. The policy, as written, appears to apply only when the USPP is “planning and preparing for a high-volume arrest situation.” We found no evidence that the USPP intended to conduct high-volume arrests on June 1, and it did not do so.³¹

Two policies that did apply to the June 1 operation were the USPP’s “Use of Force” policy and its “Demonstrations and Special Events” policy. The “Use of Force” policy states that the USPP should give warnings to disperse when possible.³² Likewise, the USPP’s “Demonstrations and Special Events” policy states that, before the USPP acts against protesters, it should generally

³⁰ The USPP’s “High Volume Arrest Procedures” state that when the USPP executes high-volume arrests, it must first give three warnings, spaced 2 minutes apart, and ensure that the crowd can hear the warnings. The policy further states that the warnings should: (i) describe what law the group is violating; (ii) provide direction on where the crowd should exit the area; and (iii) explain the consequences for noncompliance. These requirements were added to the USPP’s policy pursuant to a 2015 settlement agreement in connection with litigation following the mass arrest of hundreds of protesters by the MPD with support from the USPP in Washington, DC, in 2002. *Barham v. Ramsey*, No. 02-cv-2283 (D.D.C. May 10, 2015).

³¹ To conduct high-volume arrests on June 1, the USPP would have had to mobilize significant resources, including more officers and buses to hold potentially hundreds of protesters. We did not find evidence that the USPP took or considered taking those steps.

³² USPP, General Order 3615, “Use of Force.”

provide people the opportunity to withdraw and disperse peacefully as well as provide an “escape route favorable to public safety needs.”³³ In contrast to the policy addressing “High Volume Arrest Procedures,” these two policies do not provide detailed guidance on the number of warnings required, the timing of the warnings, the required content of the warnings, or whether and how the USPP will ensure that everyone involved can hear the warnings.

During our review, both the USPP acting chief of police and the USPP incident commander told us that while they did not believe the “High Volume Arrest Procedures” applied to the June 1 operation to clear Lafayette Park, they did believe they were required to warn the protesters to leave the area before the USPP could use force to disperse them.³⁴ The USPP incident commander did give three dispersal warnings approximately 2 minutes apart, which is consistent with the “High Volume Arrest Procedures.” As discussed above, the USPP incident commander also used an LRAD to issue the warnings.

Other than using the LRAD, however, we did not identify any further steps the USPP took to ensure that the protesters could hear the warnings over what officers told us was a chaotic and noisy environment. While USPP and open-source video evidence showed some protesters leaving the area after the USPP incident commander began issuing the warnings, the videos also showed many protesters appearing confused about what was said, suggesting that many could not clearly hear the warnings. One USPP officer who was at the scene told us he believed not everyone in the crowd could hear the warnings; a USPP civil disturbance unit commander also reported he could not hear any of the warnings. As discussed below, that confusion may have been compounded by the fact that officers deployed while the USPP incident commander was still giving the third and final warning.

In addition, although the USPP knew that civil disturbance units were preparing to push protesters west from Madison and H Streets, the warnings did not inform protesters where to exit or provide a safe escape route that would have enabled them to avoid the approaching officers.

As the USPP incident commander was completing the warnings and law enforcement officers advanced in a line and pushed protesters back to clear the area, many protesters ran from the scene, while others fought back. USPP and open-source video evidence we reviewed showed protesters punching and throwing objects at officers and grabbing officers’ shields as well as officers rushing the crowd, pushing protesters with their shields, and deploying less-lethal munitions, including pepper balls, flash grenades, stinger ball grenades, and white smoke.³⁵

We cannot say with certainty whether providing louder and more detailed warnings would have encouraged more people to leave quickly and peacefully, but it did appear that many protesters could not hear the warnings and were surprised and confused when officers started advancing.

³³ USPP, General Order 2301, “Demonstrations and Special Events – National Capital Region.”

³⁴ See also USPP, Statement from United States Park Police Acting Chief About the Actions Taken Over the Weekend to Protect Life and Property (June 2, 2020), https://www.nps.gov/subjects/uspp/6_2_20_statement_from_acting_chief_monahan.htm (“[T]he USPP, following established policy, issued three warnings over a loudspeaker to alert demonstrators on H Street to evacuate the area.”) (emphasis added).

³⁵ As the USPP and ACPD civil disturbance units approached the comfort station near the intersection of H and 16th Streets, two USPP officers engaged in a physical encounter with a news crew. As previously noted, specific uses of force by USPP officers are outside the scope of this review, and this specific incident is being reviewed separately by our office.

Moreover, as USPP policy already notes, whether and how warnings are given is an important factor when reviewing the reasonableness of law enforcement actions.³⁶ Accordingly, in the final section of this report, we recommend the USPP develop a detailed warning policy applicable to demonstrations and protests that do not involve high-volume arrests that includes a provision to help ensure officers and protesters can hear the warnings.

4. Poor Communication and Coordination Among the Numerous Law Enforcement Agencies May Have Contributed to Confusion and Use of Tactics That Appeared Inconsistent With the USPP Incident Commander's Operational Plan

Under the USPP's and the Secret Service's unified command structure, the USPP incident commander shared command and control of the operation on June 1 with the Secret Service UD WHB deputy chief. Despite conducting a joint operation, however, the evidence showed that the USPP and the Secret Service did not use a shared radio channel to communicate, even though they were operating in a shared command environment in which the USPP incident commander primarily provided information and instructions orally to assisting agencies, USPP commanders, and USPP liaison officers. At least four other law enforcement agencies were involved in the operation at the request of the USPP, including the ACPD, the U.S. Marshals Service, the Federal Protective Service, and the DCNG. These entities operated through their respective chains of command and under the direction of the USPP.

The BOP was also involved in the operation. The USPP did not request the assistance of the BOP, which arrived late to the scene, but the BOP acted under USPP direction once in the park. The MPD had a representative in the park but, as stated previously, did not participate in the clearing of the park and acted with separate responsibilities and under its own law enforcement authority.

a. Several Law Enforcement Entities Deployed Before the Incident Commander Completed the Third Dispersal Warning

As discussed above, the Secret Service, and the USPP and ACPD civil disturbance units all deployed before the USPP incident commander completed the third dispersal warning and issued the order to deploy. The USPP officers we interviewed did not know why the Secret Service deployed before the USPP incident commander began the first dispersal warning. As noted previously, however, some USPP officers speculated that it could have been miscommunication between the Secret Service supervisor and his officers or the lack of a shared radio channel between the USPP and the Secret Service.

Regarding the early deployment by the USPP and ACPD civil disturbance units, we could not determine why they deployed before completion of the third warning, in part because the USPP did not record its radio transmissions that day and the USPP civil disturbance unit commanders

³⁶ USPP, General Order 3615, "Use of Force"; *see also, e.g.,* *Hedgpeth v. Rahim*, 893 F.3d 802, 809 (D.C. Cir. 2018) (finding force used not excessive in part because verbal order given before force was used); *Betton v. Belue*, 942 F.3d 184, 192 (4th Cir. 2019) (finding force used could be excessive in part because no verbal warning or order given).

could not agree on who issued the order to deploy.³⁷ One USPP civil disturbance unit commander told us he could not hear the USPP incident commander's warnings, which may have caused the early deployment. Deploying before completion of the third warning was contrary to the operational plan, led to confusion within the crowd, and reduced the possibility that the USPP's third and final warning would lead protesters to voluntarily clear the area.

b. Law Enforcement Entities May Have Used Tactics Inconsistent With the USPP Incident Commander's Operational Plan

As previously discussed, the USPP incident commander did not authorize the USPP or other law enforcement entities operating under the unified command to use CS gas. Further, he told the law enforcement representatives that officers in Lafayette Park should use pepper balls only if protesters attempted to breach the bike-rack fencing to enter the park. He relayed this information to law enforcement representatives during his briefings and then again to USPP officers over the USPP radio system before deployment.

i. The USPP Did Not Use CS Gas on June 1, 2020, but the MPD Did

We found no evidence that the USPP and the law enforcement entities operating under the unified command deployed CS gas during the clearing of Lafayette Park and H Street on June 1. Witnesses testified before the House Committee on Natural Resources that they could smell and feel "tear gas" during the operation to clear Lafayette Park. One witness testified and news reports indicated that spent "tear gas" canisters were also found at the scene.³⁸ When we interviewed the witness—a DCNG major—he acknowledged the canisters could have been smoke and further stated that his USPP liaison officer told him the USPP deployed smoke on H Street and did not use CS gas. In addition to this information and other documentary evidence, the USPP SWAT commander told us that the USPP SWAT team did not use the types of CS and OC canisters found at the scene and that USPP SWAT officers were not equipped with the launchers necessary to deploy these canisters. Furthermore, the USPP incident commander did not authorize CS gas for this operation, and thus, as the evidence showed, most USPP officers were not prepared for its use.

We determined, and the MPD confirmed, that the MPD used CS gas on 17th Street on June 1. As discussed above, the MPD was not a part of nor under the control or direction of the USPP's and the Secret Service's unified command structure. Near the end of the clearing operation, some USPP officers reported putting on gas masks to avoid becoming incapacitated by what they believed to be CS gas in the area. The USPP incident commander also stated over the USPP radio that officers in the area of 17th Street might want to put a gas mask on because the "MPD may be using CS gas" on 17th Street. Although the USPP's MPD liaison had notice of the USPP

³⁷ The USPP incident commander and the USPP acting chief of police stated they believed these transmissions were being recorded. The USPP discovered the radio transmissions were not recorded after it attempted to obtain the recordings as part of a review of the events on June 1. We have opened a separate review of these matters.

³⁸ A letter from the Chairman of the House Committee on Natural Resources to Secretary Bernhardt, dated October 14, 2020, stated that "two witnesses, who previously experienced tear gas as part of their military training, testified before the Committee that they smelled and felt tear gas during the clearing operation." To the extent that these accounts use "tear gas" to mean CS gas—which, as stated earlier, is a stronger irritant than pepper balls and is considered a higher level of force—we found that the USPP used pepper balls but no evidence it used CS gas.

incident commander's decision not to use CS gas during the operation or to prepare officers for its use, we could not confirm whether the MPD itself knew that the USPP and its partners were not prepared for the use of CS gas.

ii. The BOP May Have Fired Pepper Balls Into the Crowd on June 1, 2020, Contrary to the USPP Incident Commander's Instructions

As discussed above, the BOP secured the bike-rack fence line inside Lafayette Park while USPP and ACPD officers cleared H Street. During the pre-operation briefing and again over the USPP radio before deployment, the USPP incident commander stated that pepper balls should only be used from inside the park if protesters breached the fence line. USPP and open-source video evidence we reviewed, however, showed that at least one BOP officer shot pepper balls toward the crowd on H Street from inside Lafayette Park but did not show protesters breaching the fence line.³⁹

While the evidence is not entirely clear, we found 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. As previously noted, the BOP arrived late to the scene and did not hear the USPP incident commander's final operational briefing. In addition, the USPP's BOP liaison could not recall if he advised the BOP of the USPP incident commander's instructions concerning the use of pepper ball guns from within the park when he briefed them on the rules of engagement.

Moreover, the USPP's BOP liaison noted that the scene was "chaotic" and that the USPP SWAT officers did not communicate over the radio that they were deploying stinger ball grenades, which to the BOP officers may have sounded like fireworks being thrown by protesters at the officers. In sum, the BOP's late arrival, the possible failure of the USPP to fully brief the BOP on the use of pepper ball guns, the chaotic environment, and the lack of communication between the USPP and the BOP may have contributed to inconsistencies between the BOP's actions and the USPP incident commander's instructions.

c. The USPP Took Steps To Gain Organizational Control Over the Law Enforcement Entities Assisting in Policing the Continuing Protests

On June 2 and 3, the USPP implemented procedures to help gain organizational control over the law enforcement entities reporting to Lafayette Park. Specifically, the evidence showed that the USPP [REDACTED]

[REDACTED]. The evidence we reviewed showed that those actions improved law enforcement coordination and accountability during the continued protests over the next few days.

³⁹ We referred this evidence to the DOJ OIG, which oversees the BOP.

III. RECOMMENDATIONS

We recommend that the USPP:

1. Develop a more detailed policy defining procedures for operations involving protests that may require use of force but do not involve high-volume arrests. The policy should include detailed dispersal warning procedures, such as the number of warnings required, the timing of the warnings, the required content of the warnings, and how the USPP will help ensure that everyone, including all law enforcement officials and the individuals they are trying to disperse, can hear the warnings.
2. Improve its field communication procedures to better manage multiagency operations and to promote operational consistency among law enforcement organizations working jointly with the USPP.

IV. DOI RESPONSE SUMMARY AND OIG REPLY

The DOI's response set forth action items with target implementation dates to address each recommendation made in our report. The DOI's response can be found in its entirety in Appendix 2.

We consider both recommendations open and will monitor implementation of the DOI's planned actions.

Appendix 1: Timeline of Events

May 29, 2020

Protests begin in Washington, DC, in and around Lafayette Park

May 30, 2020

Protests continue throughout the day and evening

USPP and Secret Service establish a unified command to coordinate law enforcement response

NPS closes Lafayette Park and bike-rack fencing is installed on the north side of the park; USPP and Secret Service begin discussions to procure an antiscale fence to establish a more secure perimeter; Secret Service contacts fencing contractor requesting information on available fencing

Protesters throw objects at officers and breach bike-rack fencing; at least 20 USPP officers sustain injuries

May 31, 2020

Protests occur throughout the day and evening; DC Mayor announces an 11 p.m. curfew, but protests continue after that time; 16 USPP officers are injured; fires are set to the park's comfort station and the basement of St. John's Church

June 1, 2020

10 a.m.	USPP command staff holds a briefing and notifies officers of possible fence installation later in the day
11:30 a.m.	Mayor Bowser announces 7 p.m. citywide curfew
11:50 a.m.	USPP incident commander briefs MPD and Secret Service on plan to secure H Street and surrounding areas so contractor can install antiscale fence
12 p.m.	Secret Service issues fencing contractor order to proceed with fence installation
12:30 p.m.	USPP operations commander attends meeting with DCNG and Secretary of the Army at DC Armory
12:38 p.m.	USPP acting chief of police receives confirmation from the Secret Service chief that fencing will arrive that same day, perhaps as early as 2 p.m.
2 p.m.	USPP incident commander meets with Secret Service deputy chief and USPP civil disturbance unit commander in Lafayette Park; USPP operations commander attends meeting at FBI headquarters with Attorney General, Secretary of the Army, and other law enforcement officials; fencing contractor project manager arrives at Lafayette Park
3 – 5 p.m.	USPP incident commander learns of possible presidential visit to Lafayette Park
4 p.m.	DCNG reports to DC Armory

Appendix 1: Timeline of Events

4 – 4:30 p.m.	Fencing contractor's employees arrive at Lafayette Park; first of three semitrucks with fencing material arrives inside the White House complex
5:10 p.m.	DCNG arrives in Lafayette Park
5:30 p.m.	Second and third semitrucks with fencing material arrive on 17th Street; USPP incident commander provides final briefing on operational plan
5:50 p.m.	USPP incident commander issues order to USPP Horse Mounted Patrol and USPP and ACPD civil disturbance units to prepare for deployment
6:04 p.m.	USPP incident commander drafts dispersal warnings
6:10 p.m.	Attorney General visits Lafayette Park
6:16 p.m.	Secret Service deploys onto H Street before dispersal warnings
6:23 p.m.	USPP incident commander starts first dispersal warning
6:26 p.m.	USPP incident commander starts second dispersal warning
6:28 p.m.	USPP incident commander starts third dispersal warning
6:28 p.m.	USPP and ACPD civil disturbance units deploy onto H Street before third dispersal warning is complete
6:30 p.m.	USPP and its law enforcement partners begin clearing Lafayette Park
6:43 p.m.	President Trump begins speech in Rose Garden
6:50 p.m.	Lafayette Park, H Street, and surrounding areas have been cleared
6:55 p.m.	Second and third semitrucks with fencing material enter the White House complex
7 p.m.	Citywide curfew begins
7:01 p.m.	President Trump departs the White House
7:09 p.m.	President Trump visits St. John's Church
7:18 p.m.	President Trump arrives back at the White House
7:30 p.m.	Contractors begin installing antiscale fence
June 2, 2020	
12:30 a.m.	Contractors complete installation of antiscale fence



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 26 2021

The Honorable Mark L. Greenblatt
Inspector General
U.S. Department of the Interior
Washington, DC 20240

Dear Mr. Greenblatt:

Thank you for your report, "Review of U.S. Park Police Actions at Lafayette Park," dated April 28, 2021, regarding the actions taken by the United States Park Police (USPP) on June 1, 2020. I understand that reviews were requested by my predecessor, former Secretary David Bernhardt, as well as several Members of Congress.

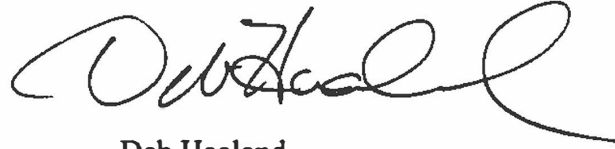
I understand your review of the events that occurred between May 27, 2020, through June 3, 2020, was limited in scope as set forth in your report. The enclosed memorandum from the National Park Service (NPS) provides a more detailed response to the Office of Inspector General (OIG) report and identifies some of the actions NPS and USPP will implement to address OIG's specific recommendations. In addition to those actions, we also recognize this as an opportunity to look comprehensively at the Department of the Interior's (Department) policies related to body-worn cameras and use of force, and also to consider additional policies and training related to crowd management.

It is worth noting that the Department's law enforcement programs are charged with protecting some of the Nation's most cherished resources and their visitors. Our officers selflessly serve and provide a diverse range of emergency services in a variety of unique settings that often extend beyond that of traditional law enforcement agencies. The challenges our officers face every day are many, and the need to coordinate closely across jurisdictions in a manner that promotes transparency, accountability, and public trust is paramount.

It is crucial that our law enforcement officers and programs understand that their leadership supports them in their efforts to implement the highest standards for protecting the public and will work to ensure they have the resources they need to be successful in maintaining public trust and protecting the resources under our care. To that end, I am directing my leadership team to establish a task force, led by the Department's Office of Law Enforcement and Security, to review and identify opportunities for improvement in our Bureaus' law enforcement programs. This task force shall be collaborative in their approach and include, at a minimum, each Bureau law enforcement program in the review. I will ask this task force to focus on ways to ensure trust and legitimacy exist in our law enforcement programs, appropriate policy and oversight is in place, and supportive resources are available for officer mental health, wellness, and safety.

We look forward to continuing to work with OIG as your team undertakes the important work of evaluating the Department's programs and operations to promote accountability and integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "Deb Haaland", with a large, sweeping flourish at the end.

Deb Haaland

Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, NW
Washington, DC 20240

Memorandum

To: Office of Inspector General

From: Deputy Director, Operations **SHAWN BERGE**
Exercising the Delegated Authority of the Director, National Park Service

Subject: National Park Service Response to Office of Inspector General Report entitled *Review of U.S. Park Police Actions at Lafayette Park, Case No.:*
OI-PI-20-0563-P

Digitally signed by
SHAWN BERGE
Date: 2021.05.26
17:43:34 -04'00'

The National Park Service (NPS) and the United States Park Police (USPP) have reviewed the Office of Inspector General (OIG) report entitled, *Review of U.S. Park Police Actions at Lafayette Park* dated April 28, 2021. The NPS and the USPP appreciate the thorough analysis of the facts and circumstances surrounding the actions taken by the USPP on June 1, 2020. Furthermore, we appreciate the opportunity to respond to the referenced report. Below are the responses to the specific recommendations, including steps the NPS and the USPP has taken or will be taking to address the concerns raised.

Recommendation 1: Develop a more detailed policy defining the procedures for operations involving protests that may require use of force but do not involve high-volume arrests. The policy should include detailed dispersal warning procedures, such as the number of warnings required, the timing of the warnings, the required content of the warnings, and how the USPP will help ensure that everyone, including all law enforcement officials and the individuals they are trying to disperse, can hear the warnings.

NPS Response: The USPP/NPS have addressed or will be addressing the specific items listed above to include the following:

- In November 2020, the USPP acquired a new Long Range Acoustic Device (LRAD) that will be beneficial in communicating effectively with members of the public and law enforcement. Additionally, the USPP is currently in the process of acquiring a second LRAD.
- The USPP has drafted a guideline manual for their Civil Disturbance Unit which is currently in their planning process and is being reviewed internally and by the Solicitor's Office.
- The USPP will also evaluate the relevant policies and general orders to address operations involving protests that may require use of force but do not involve high-volume arrests. This evaluation will include guidance and direction that is inclusive of detailed dispersal warning procedures, such as the number of warnings required, the timing of the warnings, the required content of the

warnings, and how the USPP will ensure the intended audience can hear the warnings.

Target Date of Implementation: 120 days (September 1, 2021)

Responsible Official: Chief, USPP

Recommendation 2: Improve its field communication procedures to better manage multiagency operations and to promote operational consistency among law enforcement organizations working jointly with the USPP.

NPS Response: The USPP/NPS have addressed or will be addressing the specific items listed above to include the following:

- The USPP/NPS have adjusted their operational planning efforts in response to lessons learned from the civil unrest in May/June 2020. As an example, for large special events or demonstrations that involve the assistance from partners agencies, the USPP has implemented procedures that ensure the full accountability of personnel who are staged off-site and deployed to areas/incidents based on their specific skill set.
- Given the criticism outlined within the report regarding the state of the USPP radio system, the USPP will consider submitting a PMIS project and budget request to eliminate inefficiencies within their dispatch operations infrastructure.
- The USPP also acknowledges the interoperability concerns addressed within this recommendation and they will explore options to bridge this gap.

Target Date of Implementation: 120 days (September 1, 2021)

Responsible Official: Chief, USPP

If you should have any questions or need additional information, contact Chief Pamela Smith, United States Park Police at 202-619-7350.

Report Fraud, Waste, and Mismanagement



Fraud, waste, and mismanagement in Government concern everyone: Office of Inspector General staff, departmental employees, and the general public. We actively solicit allegations of any inefficient and wasteful practices, fraud, and mismanagement related to departmental or Insular Area programs and operations. You can report allegations to us in several ways.



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