

INTERNAL INVESTIGATION REPORT

To: [REDACTED], Contracting Officer's Representative

From: [REDACTED] – AUS, National Archives & Records Administration (NARA) Contract

Date of Report: 02/14/2023

Predication: Internal investigation was initiated on 02/07/2023 upon receipt of information from David Adams, Chief of Security, National Archives Building, indicating that a complaint had been filed by the American Center for Law and Justice (ACLJ) regarding building access.

Date/Time/Location of Alleged Incident: 1/20/2023 between the hours of 10:00 and 11:00, Constitution Ave Lobby and the Rotunda.

Names/Titles of AUS Employees Implicated in the Alleged Incident:

1. Capt. [REDACTED] Site Supervisor
2. Lt. [REDACTED], Rotunda Supervisor
3. Sgt. [REDACTED], Lead Officer
4. Officer [REDACTED]
5. Officer [REDACTED]
6. Officer [REDACTED]

Investigative Steps Taken:

Beginning on 02/07/2023, a meeting was held with David Adams and [REDACTED] who provided the following information from the ACLJ's complaint:

According to the Civil Case filed, at approximately 10:00 am on January 20, 2023, the visitor entered the building with approximately 35 other people from their Catholic school group. The group was wearing various Pro-Life attire, including shirts, hats, and buttons. Once in the Rotunda, the group was approached by the Rotunda Supervisor, who instructed them to remove all pro-life attire. At approximately 10:20 am another group entered with around 8 people and were asked to remove pro-life attire, or they would be denied access into the building. The complaint also states that visitors wearing pro-choice attire weren't asked to remove their attire. At approximately 10:45 a visitor entered with her granddaughter and observed 12 "burly-looking" security officers at the checkpoint They were all dressed in black and what appeared to be a black leather jacket with patches. They were told that her clothing was offensive, and they must zip up their coats or remove the shirts. They both complied and continued to enter the building. The visitor states that as she went to the elevator on the left side of the lobby, she witnessed a large group being

approached by officers and were ordered “All of you must remove your shirts and hats or cover them up, or you must leave the building.

Beginning on 02/08/2023, interviews of the following AUS Employees that were working were undertaken to yield the following information:

1. [REDACTED] was interviewed on 02/08/2023 and stated that while on Post in the Rotunda, she wasn't told or aware of any directions provided for any visitors.
2. [REDACTED] was interviewed on 02/09/2023 and stated that she didn't ask any visitor to remove or cover any clothing, and she didn't hear any Supervisor give any instructions about any protestors.
3. [REDACTED] was interviewed on 02/09/2023 and didn't tell anyone to remove any clothing nor was he instructed.

The above interviews were conducted by [REDACTED] before he was implicated in the incident on 02/11/2023.

Beginning on 02/10/2023, available video of the alleged incident(s) was reviewed by me and/or in the presence of [REDACTED] and revealed the following:

1. At 1021 hours, a group arrives and approaches screening. The group had on white hats. Ofc. [REDACTED] has a conversation with them and motions over to Lt. [REDACTED], who was behind the X-ray machine. Lt. [REDACTED] is observed speaking with the group, at this point the group is seen removing their hats.
2. At approximately 1030 hours, Lt. [REDACTED] is observed speaking with a group in the Rotunda.
3. At 1037 hours, a female wearing a white coat walks through the magnetometer. Sgt. [REDACTED] is observed speaking with this visitor. The visitor opens her coat so the shirt she was wearing could be seen. Shortly after, she zips up her coat.
4. At 1049 hours, 2 males wearing dark-colored sweatshirts walk through the magnetometer. I observe Ofc. [REDACTED] speaks to both visitors and shortly after, they both remove their hats.
5. Between the hours of 1050-1100, there wasn't any evidence of any interaction with an officer asking a visitor to zip up a jacket or remove any other article of clothing. Many visitors removed their jackets and placed them in the bin for screening.
6. Lt. [REDACTED] is observed returning to the Constitution Lobby and speaking with Sgt. [REDACTED] 1052.

Additional investigation determined the following:

On January 20, 2023, Lieutenant [REDACTED] had a briefing, notifying the officers that there was going to be a March on Washington involving Pro-Life and Pro-Choice groups and to be aware of the situation. After opening the doors, he was called down to Constitution Lobby by Sgt. [REDACTED] and Officer [REDACTED] about the visitors entering the building and their attire. He told the officers to stand by, so he could call his supervisor for guidance, and he would notify them shortly. Lt. [REDACTED] called Capt. [REDACTED]; he told him that there were “Pro-Life Matter” visitors, and he was not sure how to handle their attire in this situation. He told Capt. [REDACTED], they have “Pro-Life Matter” shirts, hats, and pins on. A couple of the visitors also had signs. Capt. [REDACTED] informed Lt. [REDACTED] to let the visitors know that they will have to remove their hats and pins and that they are not allowed to bring signs into the building. After telling the visitors that they

will have to remove their hats and pins and there were no signs allowed in the building, one of the visitors stepped outside and put the sign outside. Lt. [REDACTED] went back to the Rotunda, and he noticed there were more people with hats and pins on. He approached the visitors and stated, "be mindful that you are not allowed to wear the "Pro-Life" hats in the building at this moment." While in the rotunda, he observed the other group that was Pro-Choice enter the Rotunda. Lt. [REDACTED] contacted Capt. [REDACTED] again, advised him what he observed, and he felt something wasn't right about the situation because they have two different groups, and they were telling one to cover up and one not to. Captain [REDACTED] asked Lt. [REDACTED] if there was any profanity on their pins/hats or anything derogatory and he told him no. Captain [REDACTED] decided to lift his previous instructions and Lt. [REDACTED] went around and told all the officers not to deny anyone with hats or pins or ask them to remove the hats. He told them the only thing to remember is not to allow any signs in the building.

I asked Capt. [REDACTED] if he received 2 calls on the morning of January 20, 2023. He stated no, he only spoke with him around 1040 hours. I asked Capt. [REDACTED] to check the call log of the Post [REDACTED] company-issued cell phone. He reported that there were 2 calls but the first call at 1004 hours was only 3 seconds. I asked Capt. [REDACTED] after speaking to Lt. [REDACTED], why wasn't BX notified or an Incident Report completed. He stated that Lt. [REDACTED] never informed that they stopped visitors from wearing hats or pins.

I asked Lt. [REDACTED] and Capt. [REDACTED] to check the Post [REDACTED] cell phone and provide a screenshot of the call log and the details for each call. The details for the call history for the entire day of 1/20/2023 were missing from the phone. The call log show (2) calls at 1004 and another call at 1037 to Capt. [REDACTED]

Two other officers in the Constitution Lobby confirmed that Lt. [REDACTED] called the Supervisor at the opening to get guidance on how to handle the protestors.

I re-interviewed all officers assigned to the Museum and asked them all to provide statements.

Lt. [REDACTED] statement follows the timeline of the complaint received from the ACLJ.

A memo was issued to all officers/supervisors to acknowledge and sign on Procedures for Protestors/Demonstrators while on the property. This information was taken directly from the post-order book.

Suspension(s) Pending Investigation Utilized During Investigation & Justification(s)(if any):

The following Suspension Pending Investigation was utilized during the course of the investigation with commensurate justification:

Capt. [REDACTED] was suspended pending investigation on 2/12/2023 based upon his unclear and unjustified instructions to subordinate Supervisors ordering Pro-Life visitors to remove hats and pins while allowing opposing opinion visitors to enter and because of evasive answers to questions from [REDACTED] regarding pertinent phone calls.

Investigative Conclusions:

1. It is readily apparent that there was a communication breakdown between Capt. [REDACTED] and Lt. [REDACTED] regarding how to handle visitors/groups wearing opposing politically-oriented clothing and accessories as well as a flawed assessment of a potential threat of conflict between two competing groups.
2. Post orders and policy procedures for visitor clothing and signs were not adequately addressed by Capt. [REDACTED].
3. Lt. [REDACTED] and other subordinates Security professionals were not adequately trained on procedures or provided proper direction from AUS Supervisors.
4. There is no indication that the flawed guidance provided to Lt. [REDACTED] and other subordinate Security Professionals was, in any way, politically motivated.
5. Capt. [REDACTED] conflicting directives to Lt. [REDACTED] ignorance of post orders, and evasiveness in his responses to inquiries by [REDACTED] are problematic and not conducive to having confidence in his abilities to lead.

Contract Portfolio Manager Recommendation(s):

Based on the investigative results obtained, I make the following recommendations for administrative actions:

1. All staff will be re-trained on proper procedures and post orders when handling visitors wearing and displaying political slogans and accessories.
2. Captain [REDACTED] will be removed from his duties at NARA.

Administrative and/or Client Liaison Actions Remaining to Close-Out Matter:

1. Meeting scheduled with NARA at 1200 hours for final disposition.
2. Coordination with AUS Human Resources.