Confidential Recorded Interview Transcript

Interview Date: **07/31/24**
IPR Case #: **2023-B-0069 and 2023-B-0070**
IPR File Name: **SgtMcDaniel Interview1 07-31-24 and SgtMcDaniel Interview2 07-31-24**
Complainant:

Investigator: **Internal Affairs Sergeant Eric Koppang**
Interviewed: **Sergeant Jeffrey McDaniel**

(PART 1 OF 2)
BERRY: Start recording. I think we're rolling.
KOPPANG: Good? Okay. My name is Internal Affairs Sergeant Eric KOPPANG. The date is July 31st, 2024. The time is approximately 9:03 A.M. and we're located within the Internal Affairs large conference room. The persons present are Sergeant Jeffrey MCDANIEL, DPSST number 35716, PPA Union President Aaron SCHMAUTZ and IPR Investigators Casey CLITHERO, and Andrew PEASE, and Eric BERRY. We're here in regards to IPR case numbers 2023-B-0069 and 2023-B-0070, which covers multiple PPB case numbers. Sergeant MCDANIEL has been advised that his conduct and/or the conduct of any other Bureau members present during various 2020 civil unrest events is a subject of this investigation. Sergeant MCDANIEL has reviewed information necessary to be reasonably apprised of the nature of the allegations in the complaint. Sergeant MCDANIEL has been informed that he is a witness member in the case and that IPR Director Ross CALDWELL is in charge of the investigation. I have advised Sergeant MCDANIEL that he could have representation present during the interview and Sergeant SCHMAUTZ is here in that capacity. Sergeant MCDANIEL has been provided a copy of the rights notification form and has signed it. Sergeant MCDANIEL, under the authority of IA Captain Chris LINDSEY, I am ordering you to answer all questions fully and truthfully. If you fail to respond fully and truthfully, you may be disciplined up to and including dismissal. Do you understand, sir?
MCDANIEL: Yes.
KOPPANG: I will now turn this interview over to IPR Investigators CLITHERO and PEASE.
BERRY: Okay. All right. Well, actually, I'll get started here and then I'll turn it over to them. I've got some general interest questions to start. Sergeant MCDANIEL, thanks for coming in today. I appreciate your time. I want to start with just some kind of basic background questions, and then we'll get into kind of the more specific things.
MCDANIEL: Okay.
BERRY: Thank you. So, at the top, how long have you been with the Portland Police Bureau?
MCDANIEL: A little over 23 years.
BERRY: 23 years. And when did you first join RRT?
MCDANIEL: I joined it as an officer. I believe it was in the fall of 2009.
BERRY: 2009, okay. So, do I remember right, looking, you had been around for about eight years by then, something like that?
MCDANIEL: I don't know exactly when I started, but sure.
BERRY: Something like that?
MCDANIEL: Roughly about there.

BERRY: All right. And when did you come off the team, when did you leave RRT?
MCDANIEL: It was May or June of 2018.
BERRY: Okay. So, that was before there was kind of a mass resignation on June 16 of '21, you weren't a part of that while you were on the team?
MCDANIEL: No, I wasn't.
BERRY: Okay, excellent. So, you were actually - it sounds like you were off of RRT before you started working all these - section chief (inaudible - 00:02:40).
MCDANIEL: Correct.
BERRY: Okay. Thank you. And what training have you received regarding the Incident Command System, and/or NIMS, if that relates?
MCDANIEL: It's the ICS 100, 200, 300, 400, 800. I can't remember what the specific names of the courses were, it's just -
BERRY: That's fine.
MCDANIEL: - I remember, like, the numbers, that kind of stuff.
BERRY: Kind of the basics? We did the (inaudible - 00:03:10) -
MCDANIEL: Yeah. There was a more advanced one. I believe it was an Ops Chief course, or something, something more specific. I don't remember the exact title of the course, but it was more in depth for people that were doing, like, Ops Chief type stuff, if I recall correctly.
BERRY: Okay. Well, so, I hope to kind of benefit from your understanding of ICS. Can you please describe your understanding of the roles and responsibilities of the CMIC, Crowd Management Incident Commander?
MCDANIEL: So, they are - they put out, like, the overall objectives and goals for the day, set, like, the general parameters of, you know, how we're going to operate that day. They usually put that stuff out a lot of times, depending on the events. If there's a lot of time to plan for the events, they'll get together with their Operations Chief and, you know, Logistics Chief, all that kind of stuff, to make sure everybody's on the same page of how it's kind of working, to take their input on how to do things. 2020 was a little different, because it was just day, after day, after day.
BERRY: Right.
MCDANIEL: So, rinse and repeat kind of stuff. Generally, that's it, and then they would lead the daily briefing that we had in 2020. So, the - he would go over his - whoever the Ops - or, excuse me, the CMIC was that day would go over their objectives and their goals and parameters, talk about - like, as we got into the second half, when we had the TROs implemented by the judges, they would cover the TROs. And then, they would come over to me, as the officer, or whoever was Ops that day, to talk about various things, a little bit more specific type things of where we were going to stage people, and things like that. That was more an Operations Chief kind of thing.
BERRY: Mm-hmm.
MCDANIEL: But that's generally what they did, in a nutshell.
BERRY: Excellent. That's great. And kind of along those same lines, what's your understanding of the duties of the Operations Section Chief?
MCDANIEL: So, Operations Section Chief is basically - kind of as I've described it to people in a general sense, it's kind of like moving the chess pieces around the chess board as the game's going on, you know, they make a move, you make a move, kind of thing, and that's generally it. Obviously, I'm in communication with the CMIC. Also communicating with, like - I'm drawing a blank. Like, communications you see - like, for sound truck, we're going to have sound truck do announcements, things like that, talking with him or she -
BERRY: Mm-hmm.
MCDANIEL: - or, him, and the CMIC about what those messages were going to be, directions we wanted people to go, things like that. Stuff like that, make decisions based on what the CMIC had put out ahead of time, trying to make decisions about how we were going to handle things, where we wanted - how long we were going to let people stay in certain places, what level of destruction we may let them cause before we were going to start taking action. And so, it was kind of my job to kind of monitor that and listen to what - the feedback people were giving

me. And if we had video up, that we could see, watch the video, see what's going on, to make the best-informed decisions that I could.

BERRY: And are you able to kind of draw a distinction between the responsibilities, or the authority of the CMIC and the responsibilities and authority of the Ops Sections Chief? Like, how are the jobs different, is what I'm asking you.

MCDANIEL: Well, the CMIC is in charge of the overall event. The Operations Chief, Logistics Chief, whatever, we all have our own kind of lane -

BERRY: Mm-hmm.

MCDANIEL: - if you will. Sometimes, depending on the workload of one of the other, that we may cross over a lane or two, just to give them a little bit of help but, generally speaking, we're kind of in our lane, underneath - it's like, I can't remember the name of the diagrams for what - like, the president up top, and then underneath is the vice president, and then -

BERRY: Org chart?

MCDANIEL: Yeah.

BERRY: Yeah.

MCDANIEL: You know, and things branch out, it's like that. It's, the CMIC is at the top. If there's a deputy CMIC, they'll be right underneath them. And then, underneath, you've got, like, your Ops Chief, your Logistics Chief, your Communications Chief, all that kind of stuff would be in that next tier down.

BERRY: Would you say that the CMIC, do they have more authority to direct the actions to be taken when officers take actions? In that they're in charge of the -

MCDANIEL: I mean, they're in charge of it, but, I mean, ultimately, the - generally speaking, the specific, like, say, uses of force, or anything like that, are going to be left up to the members that are out on the street. We would authorize - or, the CMIC would authorize certain tools such as CS gas, they would authorize that. We would pass our - normally, it would be me, as the Operations Chief, pass it on that that was authorized, and then it's up to the squad leaders and the people deploying the CS to make sure that they're - you know, they're deploying it properly, it's within policy, it's in the right spot, that kind of stuff.

BERRY: And so, we've - as part of our training and responsibilities, we had to go through the very basic introduction to ICS and NIMS classes through that LMS system. So -

MCDANIEL: Mm-hmm.

BERRY: - I cribbed off my notes a little bit, for that, for part of this. And in the material review, they talk about the Incident Commander identifying objectives and strategies, and then the Ops Chief is responsible for determining, kind of, appropriate tactics to carry out those objectives. Is that kind of -

MCDANIEL: Yeah, that's -

BERRY: - accurate, that's what you've been saying.

MCDANIEL: Yeah, that type of -

BERRY: All right. So, general interest question that I'm asking, because our reports are read by a lot of audiences, some of whom don't know a lot about police work or ICS. Are you able to describe the difference between a strategy and a tactic?

MCDANIEL: Well, so -

BERRY: Sorry. It's, like, a -

MCDANIEL: That's an interesting question.

BERRY: Yeah. More of -

MCDANIEL: So, a strategy, to me, is, like, an overall goal of - like, we want this to be the ultimate goal at the end, and so this is kind of how we want to structure things, so we go in that general direction.

BERRY: Mm-hmm.

MCDANIEL: A tactic would be kind of a subset of that. So, there may be multiple tactics that make up that strategy. So, we're going to have people in a line formation, that's - and we're going to have a line formation on three sides of this intersection because we want people to go that way. So, that's a tactic. A second strategy may

be, well, we may have - we want them to go, say, six blocks in the same direction, so we may put two squads on each side of the next intersection, so that way, when the crowd got there, the crowd will continue to move. So, there's a tactic at this intersection, there's a tactic at the next intersection. Well, maybe, if the crowd stopped moving as much, maybe we take the squad that was on the end of that, really, and say they start doing, like, a movement forward, kind of like a plunger, if you will, that's another tactic. So, your strategy - you know, your goals is, like, we want to get them to go that way six blocks. Your individual tactics are the little, different things that you're doing in order to make that happen at the end.

BERRY: I understand.

MCDANIEL: I guess, that's my definition of it.

BERRY: Yeah, that's great. Thank you. So, and I think you touched on this already, and I just want to make sure I understand that - so, in terms of the specific tactics that are employed -

MCDANIEL: Mm-hmm.

BERRY: Who's responsible for - in a crowd control situation, who's responsible for determining the tactics that the squads are carrying out?

MCDANIEL: The specific tactics, like, in the moment is going to be on, like, your squad leaders -

BERRY: Mm-hmm.

MCDANIEL: - and assistant squad leaders. As an Ops Chief, I would, like, say, hey, we want the crowd away from the side of the justice center, here. Okay. It's - you know, we want them to go south. We let the squads - because it may take two or three squads. And so, we let the squad leaders communicate with each other about how they feel would be the best way to position their folks in order to be effective at moving the people away and moving them the direction that they want to go.

BERRY: Makes sense. All right. Thank you for all of that. Just a couple other questions about RRT-specific positions. Are you able to describe your understanding of the duties of the RRT Field Commander?

MCDANIEL: Kind of like the - so you're probably talking about, like, what we would refer to as, like, Redacted or Lincoln 2, or whatever?

BERRY: Yeah.

MCDANIEL: Is that what -

BERRY: Yeah, Redacted.

MCDANIEL: Okay. So, generally speaking, they're kind of coordinating the whole thing, making sure that all the squads are on the same page. A lot of times, they'll be the ones that are kind of leading that coordination that I just talked about, like, moving people away from here using three or four different squads. He's kind of the coordinator of all that. Also, if there needed to be - a lot of times, they would be the one that I was directly communicating with, as the Operations Chief. Sometimes, it was specific squad leaders, but a lot of times it was whoever the RRT Field Commander was, or sometimes there was two or three of those guys, so, listen to them. Also, if there was, like, side conversations that needed to happen, like discussing, like, future tactics or what plans were going to be, like, an hour from that, or whatever, they were usually the ones that would, like, say, do a phone call. So, it was, you know, kind of offline, hey, what are our thoughts if they go do this? So, you know, getting input from either, like, saying, hey, this is my idea, what do you think, get their take on how things are looking at there. Because all I can look at is what - or, I'm listening to what they're telling me, I'm looking at what's on the TV, but sometimes that's not the vibe that they're feeling. And it's like, hey, if we really try and do this, and they cause this problem, or if we try something different. So, it's just kind of those side conversations, to try and vet some of that stuff out before critical decision time, so that way we could just roll into it if something happened.

BERRY: That makes sense. And this is kind of my own dumb question. It sounds like the field commander, or Redacted they're actually out in the field with the squads, they're not at the command center?

MCDANIEL: Correct.

BERRY: Okay. And then, all the ICS elements, the Ops Chief, CMIC, the scribe, they're all at the Command Center -

MCDANIEL: Yes.

BERRY: - not in the field? All right. Thanks.
MCDANIEL: Generally.
BERRY: Mm-hmm.
MCDANIEL: Generally speaking.
BERRY: Mostly.
MCDANIEL: Yes. There have been times where they were a little closer to the action, like, the very beginning of this thing.
BERRY: Mm-hmm.
MCDANIEL: And then, there's been other events in the past where they have been, but for the vast majority of time in 2020, yes, they were at a static location.
BERRY: Okay. And so, I want to confirm another understanding I think I picked up on, from what you were saying. It sounds like the RRT - I don't know if you call them the Field Commander - it sounds like they have some responsibility for consulting with the Ops Chief regarding the specific tactics that are employed out in the field.
MCDANIEL: Not necessarily -
BERRY: Like (inaudible - 00:14:06) involved -
MCDANIEL: - specific tactics.
BERRY: Okay.
MCDANIEL: Again, like, we may talk strategy, like, hey, this is what we want to do, things like that. And I may - like, in a side conversation, I may be like, hey, what are you thinking? Like, we have to do that. What do you think? Well, I may take a squad and put them here, things like that, and we're going back and forth, and then I would also have him put on that.
BERRY: Mm-hmm.
MCDANIEL: But when it comes to actually, like, in the moment, like, this is what we're doing with these squads, to make this happen, that's going to be on that Field Commander. It's like, we tried very hard in 2020, because that's the way ICS is supposed to work, is to not be dictating their tactics or dictating what we'd like to accomplish with this -
BERRY: Yeah.
MCDANIEL: - and letting them figure out how to do it, within the parameters that have been set. Like, hey, we're not authorized CS gas, so you don't have that tool, you're not allowed to use this tool, or whatever the case may be. They have to figure out what tactics they're going to use, that are still in the tool bag, to make it happen.
BERRY: Excellent. All right. And I'm hoping, then - okay, this is the first, kind of, more specific information we're getting into.
MCDANIEL: Mm-hmm.
BERRY: So, in terms of the folks filling the field commander during that role, the ones that I could figure out were CLARK, SHOENING, and STAINBROOK. Does that sound right to you?
MCDANIEL: Yeah.
BERRY: Okay.
MCDANIEL: Yes. I can't think of another one.
BERRY: That was going to be my follow up -
MCDANIEL: Yeah.
BERRY: - question, if you could think of anyone else. All right. Okay. And I think you've largely answered this already, but are you able to describe the duties of an RRT squad leader?
MCDANIEL: Golly. There's a lot.
BERRY: Yeah. It's a -
MCDANIEL: So, I mean, from the very beginning of the day, they're making sure they have - all their squad members are showing up, their squad members have all the equipment that they need. They're communicating either with the Operations Chief, depending on the date, because sometimes there wasn't a Field Commander, it was just, you know, the different squad leaders -

BERRY: Yeah.
MCDANIEL: - with us, about where they're supposed to go, where they're going to stage, that sort of thing. Usually, the squad leader would be involved in the briefing that was in the beginning of an event. The assistant squad leader - because a lot of times the briefing would be, say, down here at the justice center, but everybody's meeting at southeast. The assistant squad leaders would be taking care of getting everybody ready, all their equipment, while the main squad leader was down here going through the briefing, and then the actual squad leader would meet their squad at wherever the staging area was. Afterwards, relay the information from the briefing to them. And then, beyond that, the squad leaders are listening to the radios, they're listening for when we're redeploying them to different locations, like if there was events going on downtown, we may want to prevent people from taking certain bridges, so we may be moving people to certain bridgeheads, to defend the bridges, or whatever the case may be. So, listening to that. Again, like we talked about, if there's going to be some sort of movement to take some sort of action again, that tactic, what they're going to use within the tools they're allowed to use, from the CMIC in their briefing, they'll decide what tactics, what direction they're going to go, how fast they're going to go, things like that.
BERRY: And how big is the squad, typically?
MCDANIEL: It depended on the day.
BERRY: Just (inaudible - 00:17:14) -
MCDANIEL: It's - generally speaking, I mean, they can do what they call fire teams, which are, like, half squads, like six - five or six and a squad leader, assistant squad leader.
BERRY: Mm-hmm.
MCDANIEL: A full squad could be anywhere from - well, when I say full, I mean, like, capable of doing the full job. You're talking 10 to 12, up to, like, 15 or 16. There are some days where you're short on personnel, so your full squad is, like, eight people, and it's - you know, it is what it is.
BERRY: Yeah.
MCDANIEL: But that's why I say there's - generally speaking, your squad size, you want somewhere in that 10 to 15, 16 range, 12 to 14 being optimal, in my opinion, but it can fluctuate.
BERRY: Excellent. Well, so, I hope to talk about - and this is - I've heard you address along with the - since we've been going through the other questions, but I kind of what to talk about how the CMIC's objectives and strategies are relayed down and translated into orders that are given to the squads.
MCDANIEL: Okay.
BERRY: So, can you talk about that? Like, the CMIC figures out something they want to do.
MCDANIEL: Right.
BERRY: Identifies maybe a strategy to move on to clear people from the park blocks.
MCDANIEL: Okay.
BERRY: And then, you take - you step in as the ops and relay that information to the squads in the field? And I'm just -
MCDANIEL: Correct.
BERRY: - wondering if you'll tell me how you do that.
MCDANIEL: Yeah. So, well, generally, I mean, there's the general, kind of, like, rules and goals, like, for the day -
BERRY: Mm-hmm.
MCDANIEL: - that, like, prevent property destruction, prevent bio- - you know, that kind of stuff is relayed to the squads in the briefing.
BERRY: Mm-hmm.
MCDANIEL: The squad leaders, in the briefing at the beginning of the day. And then, afterwards, like, when it comes to being out in the field and something's going on, it's - generally speaking, like, we'll see them - again, I keep using central, because central is a - you know, a hotbed during that time, but -
BERRY: Sure was.
MCDANIEL: - they're by the front of the justice center. Well, we have to close down the jail whenever they're in

front of the Justice Center. So, we have to figure out ways to get them away from there, so we can keep the jail open, things like that. So, A, we want to move the crowd, you know, back towards the west, towards the park area. So, we would - that would come down, hey, we want to get them out from the front of the jail. There might be some - again, those side conversations with the field commanders, you were putting it -

BERRY: Mm-hmm.

MCDANIEL: - about how we want to accomplish this, how many squads he thinks he may need, so we can do all that. Once that's in place, then we - you know, on the radio, hey, we want you to move these out of here, what's your plan? Okay, give us a second, and they'll talk to squad leaders to make sure everybody's on the same plan, hey, we're going to bring squads in, we're going to push them all out to the north, and we're going to have a squad on the far side that prevents them from just continuing up north, it's going to push them - it's going to make them go around that L and push them out to the west. And so, that's kind of how it goes. Like, this is the goal. Like, this is - the CMIC would say this is what we want done, then it's up to me and the Field Commanders to kind of go through how we're going to do that, and then, ultimately, the implementation of that is more on the Field Commander than the squad leaders, themselves, to control their squads, to make it happen.

BERRY: And in terms of ways to communicate with folks in the field, I've heard you talk about the radio.

MCDANIEL: Mm-hmm.

BERRY: I've heard you talk about telephone conversations. Any other ways that you're contacting people out there?

MCDANIEL: I mean, sometimes over text messages.

BERRY: Text messages?

MCDANIEL: Yeah.

BERRY: Okay.

MCDANIEL: I would say that emails were really only used for - like, once the event was going, for sending, like, photos -

MCDANIEL: Mm-hmm.

BERRY: - of, like, certain targets that, you know, they'd seen assault somebody or damage something, that they might want to pick off later on.

MCDANIEL: Oh, like a suspect photo or something?

BERRY: Yeah, exactly.

MCDANIEL: Yeah. But during the events, I communicate with the teams, though. I mean, obviously, you have a sound truck, but that was more communicating with the crowd, like, our attempts to steer the crowd where we wanted them to go, but that's - like, I wasn't in charge of that. Like, I would have input on what the message was going to be -

BERRY: Mm-hmm.

MCDANIEL: - but I wasn't in charge of controlling that.

BERRY: Pushing that out.

MCDANIEL: Yeah.

BERRY: Mm-hmm. Maybe a dumb question. Any kind of rule of thumb for when you're going to reach out on the radio, versus text message, versus a phone call?

MCDANIEL: If it's something that, like, more like in progress, like right now, it's back and forth on the radio. We want everybody to know our conversation, what our thought process is, that kind of stuff. The phone conversations were more, hey, we're - you know, especially as we got later on in the summer. We showed up to southeast before, this is what they do, this is - you know, do we want to do anything to prevent them from going this route, because that's the route they always take, and they always smash out a bank window, or something like that, do we want to do anything to prevent that? Those are kind of the side phone conversations, if you will -

BERRY: Mm-hmm.

MCDANIEL: - that are, you know, before the thing is going on, to try and come up with solutions before they

occur, is more - was more the phone call type of stuff.
BERRY: Yeah. Excellent. Let's see. Believe it or not, we're making good progress. Okay. Well, so, in terms of the ICS command staff, and I - just to describe what it is I'm talking about, I'm thinking the CMIC and the different section chiefs. Is it fair to say, are you the kind of conduit, are you the point of contact between the command staff and then everyone else in the field? Are you the person that they're talking to the most?
MCDANIEL: Yes.
BERRY: Okay. And are there occasions where other ICS command staff are ever going to have direct contact with folks from the field?
MCDANIEL: Yeah. I mean, it's - you may have, like, our logistics person, or something, calling them, saying, hey, your guys' food's over at - I mean, like, that kind of stuff.
BERRY: That's an important part of that.
MCDANIEL: Yeah, it is.
BERRY: Yeah.
MCDANIEL: Especially on those 14, 16 hour days.
BERRY: Yeah.
MCDANIEL: There may have been others, I'm not thinking of them right off the top of my head, but there may be - like, when they were getting ready to do sound truck announcements, the - you know, whoever, like, kind of on the communications team would be maybe talking to the Field Commander, to say, hey, like, we're putting together this message, where do you want them to go? Just so everybody's clear, on the same page, there.
BERRY: Yeah.
MCDANIEL: And then, at the end, the CMIC would approve the message that was come up with amongst, like, myself, the Field Commander, and the communications team. And, you know, so -
BERRY: Yeah.
MCDANIEL: - there would be a little bit of different communication but not a lot, you know?
BERRY: That makes sense. And then, I just want to make sure that I understand what it is I've been reading for all these months. The ICS 214 scribe's log, is that scribe just writing down the radio chatter as it's coming -
MCDANIEL: Basically. They're - I mean, they're - thank God they've got computers now, because they would have been real busy during the summertime, there, in 2020. But yes, the - generally speaking, it's - they're writing down what they're hearing coming across the radio about where the crowd is, where certain - like, we may say hey, Bravo Squad, go to 3 and Couch, copy that. So, the scribe will right down Bravo sent to 3 and Couch. Then, like, two or three minutes later, Bravo Squad were arrived in 3 and Couch, they jot that down. So, they're kind of specific on all those different radio transmissions. If somebody came over the radio and, like, asked, like, a question, or something, like, they're not necessarily going to write that down, it's more like the specific action items that are occurring at the time -
BERRY: Yeah.
MCDANIEL: - if anything.
BERRY: So, we got the 214, which kind of memorializes or documents the radio traffic. In terms of the sidebar telephone conversations, the text messages -
MCDANIEL: Mm-hmm.
BERRY: - is there any kind of document equivalent to the 214, that keeps track of all that traffic?
MCDANIEL: No.
BERRY: No? Nothing? Okay. I didn't think there was, but I just wanted to make sure. All right. Well, so, this is an opinion question, so that's all I'm asking for, your opinion. In terms of that set up, how information kind of comes down the chain and back up the chain, do you feel like the CMIC, are they set up to receive sufficient information to have an idea of what's going on in the field?
MCDANIEL: Yeah.
BERRY: Yeah?
MCDANIEL: I mean, I believe so. It was tough, at some points, for them, because they would get blown up by the

City Attorney's office, the Chief's Office, the Mayor's office, where they're having to step out and put out the fires that were coming in from the other end of the phone, there. And so, there were times where they may be out of the room, and depending what that conversation was for, they may be out of the room for 20, 30, 45 minutes. And so, when they came back in, I would do my best to catch them back up on what was going on. Now, if something super critical happened, like, in that moment, I would be like, hey, I gotta have you back for this. That was pretty rare, though.

BERRY: Yeah.

MCDANIEL: A lot of times, those - I mean, the times where they were distanced was not, generally speaking, when the - like, the big deals were going on, right?

BERRY: Yeah.

MCDANIEL: So, that wasn't too much of a thing. But, generally speaking, they're in the room, they're hearing stuff from me, they're listening to the radios, they're watching the same streams. That's the benefit of having multiple computers on with - you know, Twitch, and these different sites that people stream things to, is, we could have my computer on one, his computer could be on another, another person's could be on another. And so, we're getting - trying to do our best to - like, that free flow of information that's just out there in the ether, trying to do our best to get it.

BERRY: Keep track of all the information?

MCDANIEL: Yeah.

BERRY: So, you've talked about doing a daily briefing for the protests that take place.

MCDANIEL: Mm-hmm.

BERRY: How about after protest activity ending for a particular night? Do you all do a debrief, or a hot wash, or anything like that?

MCDANIEL: Some nights, but not generally speaking with - I'd say not formalized, for the most part.

BERRY: Mm-hmm.

MCDANIEL: There would be times where, like, driving home at the end of the night, because my former time on RRT, I would know a lot of those guys that were still there, that were squad leaders, things like that. And so, as we were driving home at 2:00, or 3:00, or 4:00 in the morning, it'd just be a phone call when everybody was going home, because we're trying to get everybody out of there, because -

BERRY: Because you wanted to go home.

MCDANIEL: - they'd been there for, like -

BERRY: Yeah.

MCDANIEL: - 14, 15 hours. So, it would just be those sidebar conversations like, hey, what'd you think about this, or could we have done this different, or - they just may throw it out there, hey, man, like, we didn't like - you put us out there in front of this, it didn't seem like there was a plan, you know, what was the deal? And so, we would talk about that kind of stuff, to try and make sure that didn't happen again, or if we had to have them there for a specific purpose, gave me more of an opportunity to explain our line of thinking as to why they were there.

BERRY: Yeah.

MCDANIEL: It may have been uncomfortable, but we felt it was necessary for X, Y, Z, that kind of stuff.

BERRY: I think I understand what you're saying. So, it doesn't sound like a formalized process but you wind up doing a lot of that.

MCDANIEL: Sometimes, there were - like, in a lot of other events, there have been, like where the squad leaders all meet up, they'll talk about it real quick, and everybody goes home. On those nights, out at the IMT, like, the chiefs that were out there, and the CMIC, like, we would talk about things at the end of the night.

BERRY: Mm-hmm.

MCDANIEL: I mean, generally speaking, we're kind of already debriefing things as things are going along, like, hey, that worked well, or, oh shit, that didn't work at all, you know, that kind of stuff.

BERRY: Yeah.

MCDANIEL: But the - it's my understanding that, you know, when the squads would go back, there would be

some level of debrief with the squads. I don't know to what level that happened, though.
BERRY: Well, that's - yeah, that's - I'm eventually getting to my point, here. That's the one I wanted to ask about, is if there was ever a debrief after a protest, that the CMIC takes part in and listens to the squad leaders about what happened.
MCDANIEL: Generally speaking, yes. There were days in 2020 where we did not do that. It was frequent in 2020, just because the rinse and repeat thing, over and over again.
BERRY: Yeah.
MCDANIEL: A lot of times, those debriefs were - the debriefs happened a little bit more informally, but they were more like the next day, because we were coming back every single day.
BERRY: Getting ready for the next day -
MCDANIEL: Well, it's, like, three o'clock in the morning, people have been there all day. We're just trying to get people out, so they can go get some sleep. The next day, we would talk to some folks and they would be, like, hey, like - much like I said before. It's like, hey, we didn't like how that went, or, hey, we think this went really well, or this could work really well. So, you're not necessarily doing, like, the formal debrief, like, right after the event's over, but there's still communication going back and forth about what could be improved on, or what worked, or whatever. It's just, it was a little bit more informal most times.
BERRY: And administrative investigator type questions. Those debriefs, everything that you described, is that documented anywhere? Is there, like, a debrief reports that we could go looking for?
MCDANIEL: Oh, not that I'm aware of.
BERRY: Yeah?
MCDANIEL: Yeah.
BERRY: I've never found one.
MCDANIEL: I mean, I know that, in certain events, they do after actions and - like, in their critique recommendations, things like that, they'll talk about what they - so, it's kind of formalized there, for a lot of different ones. And I know, for some of these 2020 nights, there were some after actions completed that I -
BERRY: Mm-hmm.
MCDANIEL: - assume would talk about some debrief points. But -
BERRY: Well, I remember that. So, there - yeah, there's some documentation requirements that are spelled out in the directives related to force review, and then I think there's also a requirement for non-force AAR, for any event where there's - ICS is stood up.
MCDANIEL: Right. So, they - and they have - I think, during that time, there was a lot of discussion as to what an operational period is going to be. Like, is it going to be a full day, is it a full week, is - you know, things like that. So, how frequently they should be doing those administrative after actions.
BERRY: Yeah.
MCDANIEL: Where people are working on the other after actions. So, that was - for the entirety of the summer, it was kind of a - well, like, the operational period may be 12 hour operational periods per se, but it's - they weren't expecting people to do after actions every 12 hour period, and so it was - I know there was a lot of discussion, at least out at the IMT, about how frequently those were going to occur, and those were things that the CMIC was battling it out with the chief's office, or City attorney's Office, or whoever that was. I just know those conversations were happening, but I was not privy to those conversations.
BERRY: Absolutely, absolutely. Okay. Well, so, I want to turn a little bit to your return a little bit, to you work as the Ops Chief, and this is - you talked about different operational periods, and this is a good chance to check in about that.
MCDANIEL: Mm-hmm.
BERRY: So, it kind of looked like, at the beginning of the protest, there was kind of a morning team and evening team.
MCDANIEL: Correct.
BERRY: And then, kind of, mid-June to late June, went to kind of one 24 hour operational period. Does that -

MCDANIEL: Correct.
BERRY: - sound right? Okay.
MCDANIEL: Mm-hmm.
BERRY: So, in our kind of record keeping of all that, I think, across those 180 days, that winds up with a little over 200 separate operational periods if you include the morning and the evening stuff in the beginning.
MCDANIEL: Mm-hmm.
BERRY: Looking through the reports we've been able to review, it looks like you worked 120 shifts as the Ops Chief. Does that sound approximately correct?
MCDANIEL: It'd be in the ballpark.
BERRY: That's a lot of shifts.
MCDANIEL: Yeah.
BERRY: So, how'd that wind up happening? How'd you wind up working the most Ops Chief shifts of anyone?
MCDANIEL: Well, there was - when it first kicked off, I was actually out of town, but it was - Jeff NIIYA, was still here. I can't remember if he was a sergeant or a lieutenant at the time, but he had done it. Obviously, these events were going on. When I came back into town, they asked for me to come back up here and help out with them, because of my experience in RRT, and I knew a lot of the people up there that were, you know, CMIC and other folks.
BERRY: Yeah.
MCDANIEL: Plus, at the beginning, there were multiple events going on at the same time. So, there was a couple of times where we had - like, there was an event going on over by, like, Lloyd Center, like, a march going on over there, but then there's also events downtown, and so we'd actually have two Operations Chiefs, like, one kind of running that side, one running this - or, well, it would be an Operations Chief and a Deputy Operations Chief.
BERRY: A deputy, yeah.
MCDANIEL: One would take one, one would take the -
BERRY: Okay. So, I ran into a lot of shifts in the beginning that were labeled, like, MCDANIEL, NIIYA, or NIIYA, MCDANIEL.
MCDANIEL: Yeah. Mm-hmm.
BERRY: So, is that - that's the kind of set up that -
MCDANIEL: That's -
BERRY: - you're talking about?
MCDANIEL: Yep.
BERRY: Okay.
MCDANIEL: And then, after that, when the protests in the daytime started dropping off, and it just - the nighttime ones - I hate calling them protests because they weren't. They were just people looking to go out and destroy stuff. Because, the beginning, you had your legitimate protests, and you rarely saw police at those because they policed themselves and didn't damage things. At the end, was just people that were just looking for an excuse to go out and damage things, that's why we didn't have those daytime operational - or, well, the operational period turned into 24 hour, rather than having a daytime and a nighttime, because there was really nothing going on in the daytime, nothing that required our attention. So, we just - we'd stack our resources in the afternoon.
BERRY: That makes sense. All right. So, we're getting into a little more specific recall, here. I want to talk about the CMICs. In our review of records, here are the folks that we've identified as CMICs, so I just want to ask you if it sounds accurate.
MCDANIEL: Okay.
BERRY: So, we've got DOBSON -
MCDANIEL: Mm-hmm.
BERRY: - HURLEY, PASSADORE, ROBINSON, ABRAHAMSON, KRANTZ, LEASURE, and LINDSEY. Does that sound about right?
MCDANIEL: Yep. There's - I'm trying to - because it's where the - like, you're throwing out some names and

they're not names that, generally, I would associate with it. But it was at the beginning -
BERRY: Yeah.
MCDANIEL: - and they were the first half, and so I never worked with them. But -
BERRY: Oh, I gotcha. Yeah.
MCDANIEL: So, but - and the names you threw out, I'm trying to think back of who the day shift people were, and so those - I'm not thinking of anybody else other than who you mentioned.
BERRY: (Inaudible - 00:35:39). And kind of looking at our records, it looks like DOBSON did the most shifts, and then PASSADORE and ROBINSON kind of second, third.
MCDANIEL: Mm-hmm.
BERRY: That sounds - all right. Okay. So, I like to start with broad questions when I can, and get into specifics. Out of that list of folks that we were talking about, did any of them seem especially good or bad at doing the job of the CMIC?
MCDANIEL: DOBSON is - I mean, he's a guru. I mean, he's, like, the guy. I know he - there was a lot of frustration on his part because he was trying to do his - he was really - he was good at - he was very cerebral about planning these things out. And where it would be trouble is, after our briefing - we'd give a briefing to everybody, and then he'd get a phone call from the city attorney's office, or the mayor's office, or the chief's office, changing how they wanted us to do things that day. And so, he's fighting that battle on the phone, then he's coming and talking with me, and how are we going to relay this information to the folks, how are we going to change our tactic? Because we would have to discuss that before we relayed it to people in the field, so we knew what we wanted them to do based on the new parameters, whatever (inaudible - 00:36:47). So, he did a really good job of juggling all of that, not to mention it was just kind of an overall - like, he was like the overall CMIC for, like, the whole thing, right? And that's just kind of his forte, he's just really good. PASSADORE was different. There were things that he did well at, there were things that he did not do well at. I think, overall, we got through it. I think there were some things that could have been more smooth, but it doesn't - I don't think he was doing things to be malicious or anything like that. I think a lot of it was inexperience. Like, Craig had a lot of RRT experience, training experience with RRT, knew what the program was. Captain PASSADORE did not. I think a lot of the lack of knowledge may have had an impact on certain things, you know, because there was a lot of times where I would have to explain, it's like, we can't do that, we don't train for that, you know, just things -
BERRY: Yeah.
MCDANIEL: For Captain ROBINSON, similar to Captain PASSADORE with respect to level of experience. He had a little bit more experience, I think, with crowd control. And he was kind of in the same boat, where there was - didn't have all the information, but he was - where I would give him a little more credit than Captain PASSADORE is that Captain ROBINSON was much more willing to reach out and go hey, like, I don't understand this, how do we fix it, rather than just, well, I think we should do it this way, and then you do it that way and it's not right. Captain ROBINSON would say hey, what do you think, you know, get that input. Commander HURLEY was - I only worked with her a couple times, was good, was very similar to Captain ROBINSON. Not a ton of experience with RRT but was very willing to reach out because she knew that I did have a lot of experience, what do you think about this, what do you - you know, that kind of stuff. Well, I think, you know, the squads aren't going to want to do that, because that's not how we train. And she'd go, okay, well, we'll do it the other way. You know, that kind of stuff.
BERRY: Yeah.
MCDANIEL: I'm trying to think. I don't think I worked with -
BERRY: Yeah. A lot of these guys, it looks like they pulled a shift or two, morning shift early on.
MCDANIEL: Yeah. I don't think, other than those four, I don't recall working with another CMIC. I may have worked with Abrahamson, like, one time.
BERRY: Mm-hmm.
MCDANIEL: I don't remember.
BERRY: Yeah. That's totally fair. All right. Well, let's - you talked a little bit about DOBSON, let's talk about

Captain PASSADORE a little bit. So, I've got him down. I'll be honest with you, there are a couple of days where we've been having a hard time identifying who filled what role, or what the key case number was.
MCDANIEL: Okay.
BERRY: But for the dates that we do know what happened, it looks like Captain PASSADORE worked as a CMIC 23 times. That -
MCDANIEL: It would surprise me if it was only that many times.
BERRY: Does it seem like -
MCDANIEL: Yeah. He was out there a lot.
BERRY: Okay.
MCDANIEL: He was, behind Commander DOBSON, he was out there the second most times. I would have put him probably more in, like, that 50 to 60 range, personally, but - it surprises me it's that low.
BERRY: Well, how would you - you know, starting broad, how would you describe your working relationship with Captain PASSADORE?
MCDANIEL: There were good days and bad days.
BERRY: Good days and bad days, yeah.
MCDANIEL: A lot of - most days, we're just indifferent. He has his style, I have my style, they don't necessarily mesh, but he's the boss. There were times where we did get into it a little bit because it was - and, again, I don't think he was being malicious, it's just lack of experience, wanting to do certain things or not do certain things that needed to be done, that should be done, and I'm getting phone calls from the people in the field, like, going hey, why the F are we doing this? That's not - you know, that kind of stuff. And so, it was frustrating, kind of being the intermediary, knowing that this is coming down, trying to say, hey, we shouldn't do that, or we should do this, and wouldn't get any headway. And I'd put it out on the radio knowing that, within five to 10 seconds, I was going to be getting a phone call going what are we doing here? You know, it was frustrating. And it's not that it was just Captain PASSADORE.
BERRY: Yeah.
MCDANIEL: That happened with some decisions that Captain ROBINSON made, Commander DOBSON made. It was more frequently with him. But that's – it was like I said, there were ups and down. Generally speaking, it was just middle of the road. We got through our days.
BERRY: Well, so, when we talked about, at the start of this interview, there are a few dates that we want to talk to you about, but I want to put you in the driver's seat as much as we can. Can you think of, kind of, specific nights of protest activity, where you had one of these situations where Captain PASSADORE made some orders, and then you heard about - you received feedback from the field that maybe that wasn't the way to go? I know we're talking about 180 days - it's four years ago -
MCDANIEL: I will - how do I put it? Because I don't want to sit here and make it sound like I'm ragging on the guy.
BERRY: Yeah.
MCDANIEL: It - there was, I would say, if not every day, almost every day, there was something that would come out. And I would talk to him, and go back and forth with him about, like, we can't do that, or we need to do this, or something like that. And I wouldn't get any headway, and so we would go with his decision, and then I'd get blown up via phone call. And then, there was a lot of times towards the end of it, where I would just - as soon as my phone started ringing, it was just, here you go, sir, because it was - I'm trying to - I'm getting yelled at from over here, he's over here, doing the - and it's just like, you made the decision, I gave my piece, I relayed the decision. These guys are the ones in the field, actually having to do it, that feel like this may put them at a disadvantage, or this, that, and the other thing, and they could hash it out directly with each other. And so, we did that. The - sorry, forgot the second - I think there was a second part of your question.
BERRY: No. I think that - let me ask again. I can't remember if there was, now, either.
MCDANIEL: Anyway. So, there was a lot of those things. And, again, it's not like it was exclusive to him -
BERRY: Yeah.
MCDANIEL: - and it would happen with the other CMICs as well. With him, it was just - it was very frequent. We

did have a discussion after one of the events, that was like, hey, like, you gotta stay in your lane. It was like, well, what is my lane? And I'm like, well, it's the CMIC. You do the objectives, and this and that, like we talked about in the beginning, where you're doing the briefing. After that, you rely on your section chiefs to go by what you've told us and laid out the parameters for them, that we're going to do this, and that's what I'm trying to do, and you keep coming in and changing this. And the thing is, is that, number one, it's not your lane anymore.

BERRY: Mm-hmm.

MCDANIEL: Number two, the decisions are wrong, and you're - I know they're wrong, but you're ordering me to do these things that are wrong, and you're not listening to reason when I'm telling you they're wrong. Anyways. So, we hashed it out after one of the events. This was probably halfway through, three quarters of the way through his time out there.

BERRY: Any kind of a memory for what date we're talking about?

MCDANIEL: I don't recall the date. I recall the event. It was - somebody in a car hit some pedestrians that -

BERRY: Mm-hmm.

MCDANIEL: - were involved in a deal. The car drove off. There were some cars that were with the crowd, that started chasing that guy around, all through downtown, wrong way, one-way streets, like, 60 miles an hour, its all over the place. And it was - I was explaining to him that we needed to try and intervene here.

BERRY: Mm-hmm.

MCDANIEL: And he wasn't going to do it, wasn't going to do it, and I kept telling him we need to try to intervene. And then, he said, well, we're not going to chase people through downtown. And I said, "I'm not talking about chasing people. What I'm saying is that we at least need to introduce a patrol car into this scenario, to see if this guy stops, because he might be running because he thinks he's going to get killed if he stops his car, whereas, if the police show up, he may feel safe and stop his car." Anyways. The car ended up leaving, going out to the east side, was followed by the airplane. They ended up capturing that guy out there. But anyways. It was, like, something like that, where it was - like, there was - in my opinion, as the Ops Chief, I'm not saying we have to chase somebody. I'm not saying we're going to chase people the wrong way, downtown, when there's crowds of people in the middle of the street, but they're already chasing each other and we have a duty to at least, like, put a patrol car there and throw some lights on and see if the guy stops and begs us for help. If not, okay, we turn back off. We can say that we did that, and now we're not going to chase because of X, Y, and Z. But just to not do anything, and let this keep going, and put even more people in jeopardy isn't ideal. So, that was the night, like, afterwards, it was like - we had a bigger discussion about, hey, like, you know, you've gotta let me do my thing, you know, you do your thing, and all that kind of stuff. But the big stuff, you know, authorization for CS gas, this - you know, this, that, and the other thing, I get it, you're the boss man, but you've gotta trust me to do my thing. And his response is, I like having my thumb, you know, kind of - and I said, "I get that, but you gotta fight it a little bit, because it's kind of messing up the flow, if you will." And to his credit, I believe that he really did try to do that, and I believe that our working relationship from that point, forward, did get much better, because I believe that he - maybe he started having a little bit more faith in me, maybe he was just doing better at controlling that, but I believe that our working relationship, from that point forward, was never, like, great, like we're in there high-fiving each other, or anything like that.

BERRY: Mm-hmm.

MCDANIEL: But it was a relationship, working relationship, that was much more cordial, it was better, we got along much better, decisions were made more quickly, and I think he did a much better job from that point forward.

BERRY: So, there are a couple of related issues I want to talk about. I probably should have started with this before we got into more specific incidents, but I heard you talk about Captain PASSADORE having his own style and you having your own style

MCDANIEL: Yeah.

BERRY: What is his style? What does that mean?

MCDANIEL: He's - kind of as I described a little bit before, he - and he will self-admittedly say he likes to have his

thumb on the pulse, everything, wants to have his fingers in everything, which I get. There's a lot of people out there like that. The issue is, is that when you have people that are in a specific job, it's like, this is my lane, this is the stuff I'm supposed to do. It's tough to do that when you've got somebody that keeps, kind of, encroaching into the lane and doing this. Now, with that said, he's the boss man.

BERRY: Mm-hmm.

MCDANIEL: He can come in and tell us to do whatever, and we're - for the most part, unless it's going to get somebody seriously injured, we're going to do it. But it's made it difficult when you have people that are much more knowledgeable, some would even say, like, with Commander DOBSON or Commander SHOENING, now - he's commander now, right?

BERRY: (Inaudible - 00:48:20).

MCDANIEL: But, like, the knowledge base, even myself, being on RRT for a long time and doing some training with RRT for a long time.

BERRY: Yeah.

MCDANIEL: The knowledge base about tactics, and this and that, and what's going to work, and, like, the not trusting us to do that - it's one thing to say, like, hey, I get what you're saying, but I don't want to do that for X, Y, and Z. That was not, kind of, the attitude. It was like, well, I - just simplifying here, but -

BERRY: Yeah.

MCDANIEL: - but that's not what we're going to do. Like, this. It's like, well, we don't train our guys to do it like this. We don't train them to do this, we don't train them to do that, or this is not a tactic that we do, it's not a tactic that we use, this is going to cause problems here, that's where it was kind of tough. It was - like, he just like to, for lack of a better term, micromanage, and that's - again, it's not uncommon in our organization. There are a few people that are like that.

BERRY: I've run into a couple, yeah.

MCDANIEL: But - so, it's not that he was incompetent at what he was doing. Tony's a very smart man. It was, I think, a lack of understanding of what this was, and coupled with him liking to kind of micromanage and have his fingers in everything, led itself to some roadblocks at times.

BERRY: Well, so, you talk about him giving a direction, and you putting it on the radio, and knowing that, within a couple minutes, you're going to start getting phone calls and hearing about it. Can you give me some examples of what kind of these directions that he's given, that you're going to give feedback how you feel about -

MCDANIEL: I can't recall, specifically. If you haven't talked to Commander SHOENING yet, I don't know if you have.

BERRY: Mm-hmm.

MCDANIEL: But if not, I mean, he was Redacted for a vast majority of those nights.

BERRY: Yeah.

MCDANIEL: He and I had a lot of those conversations. Again, after that many nights, I just - it's hard to pinpoint, because there was just - it was - it became a point where it was every single night. It was just whether it's, we're going to move, whether we're going to engage with people, whether we're not going to engage in people. Hey, we're - you know, we've been told in the briefing that this is how we're going to respond if certain things happen. Something happens, we're responding completely differently than how that would happen. That generates a phone call, like, hey, what are we doing here? Like, we - hey, this is what the boss said. There would be some frustration, because it's like, hey, we could have pre-planned for this, to make it more smooth.

BERRY: Yeah.

MCDANIEL: That kind of stuff. So - I'm sorry.

BERRY: Oh, yeah. Let's take a check your phone break. I've been blowing up on text messages.

MCDANIEL: That's my - might have to make a phone call.

BERRY: Yeah. I'm worried about my parking expiring. Okay. So, and I understand, we're talking about 180 days of protests. I understand that happened a long time ago, and I understand that it was uncomfortable to talk about people that you work with a lot, so I appreciate your (inaudible - 00:51:24) -

MCDANIEL: Well, it's - like I said, it's - I mean, it's not comfortable saying those things, but it's - like you said, I don't - like, there's some people that make decisions and you know they're doing it just to be an asshole.
BERRY: Mm-hmm.
MCDANIEL: That wasn't the case. I mean, it's not that we didn't have our arguments out there, back and forth between different things, but -
BERRY: Yeah.
MCDANIEL: - that wasn't the case. I think a lot of it was just, like, to have his thumb in everything and not having a full understanding of tactics, and things like that, from not being on RRT, and then also just, kind of, it made it more frustrating because that's not the way ICS is structured. Your lane's here, your lane's here, your lane's here, that kind of -
BERRY: And I wanted to return to something I heard you touch on. I just want to make sure I understood it right. Are you - so, he gives his direction, and you start hearing about it from the field, from Redacted or your squad leaders. What was his - how did he typically react to getting that feedback from the field?
MCDANIEL: It varied. Sometimes, it would be helpful for him to hear from, say, Lieutenant SHOENING at the time, now Commander SHOENING, like, because I would tell him, hey, we can't do X, Y, Z, he would do it. I'd know the phone call was coming. Like I said, I would just hand the phone right back to him. And then, at the time, Lieutenant SHOENING would be telling him exactly the same thing as I was explaining to him. And then, sometimes, having that second person kind of saying the same thing would cause him to be like, okay, well, we'll change it and we'll go over here. There were other times where he kind of dug his heels in, because that was his decision, it is what it is, that's where - while frustrating at times, it's - we understand it's just the way things are, it happens at precincts with commander level decisions, and Chief's Office decisions. It's - we don't have to agree with all of them, but that's what the boss says, and so that's what we're going to do.
BERRY: Makes sense. Okay. Well, just to prod you a little bit. You talked about him digging in his heels. Can you think of a specific night or two where he dug in his heels about something?
MCDANIEL: Well, like we talked about, with the -
BERRY: With that car chase, yeah.
MCDANIEL: - with that one. That one's the one that sticks out in my mind the most, because that was - it was - the tension in the room out there was very thick for the rest of the evening. It was not lost on everybody else in the room that it was - there was a deal.
BERRY: I think I remember reading about the car getting pursued and some ICS 214 for one night, or another. So, it sounds like there (inaudible - 00:53:55) -
MCDANIEL: Well, I mean, there was a few of those.
BERRY: A few of them. Yeah, maybe I'm reading (inaudible - 00:53:57) -
MCDANIEL: This one was just a night that stuck out in my head because of that, and then the conversation that Captain PASSADORE and I had afterwards, aired some of our grievances with each other, just - and like I said, I believe, after that, that I was actually much more satisfied with his leadership style and the way he was running things. And, honestly, I think it caused a lot of decisions out there to be made more quickly and more accurately than they were beforehand, and I think, towards the end, that he was starting to see that, and so - which was good. It was - I don't think he was never not trying to improve himself. I think this was one of those things that helped be a catalyst to making himself better, and I truly think he was trying to make himself better the whole time. For whatever reason, that particular night helped our relationship and helped that go forward, and I do think that he did a much better job, all the way around, after that, but he was only out there for, like, another couple of weeks, maybe, after that.
BERRY: Well, that's what I wanted to ask you about. So, I mean, you've gotta document to start tracking people's shifts, and (inaudible - 00:55:03). And it looks like he was working as CMIC real regularly until August 12th, and then, after that, no more shifts after that, were discontinued through November.
MCDANIEL: Okay.
BERRY: Do you have any idea why he wasn't working CMIC anymore?

MCDANIEL: I was told it was because he was transferred, I believe, from north, at the time, to the Personnel Division -
BERRY: Mm-hmm.
MCDANIEL: - as the captain of the Personnel Division. I think that's where he went after that, but that was - it was my understanding that's - that was why, is because he was out dealing with that stuff, or his new job assignment.
BERRY: Okay. One of the things that's been suggested to us, as we've been talking to folks, is that former DC DAVIS removed PASSADORE from the CMIC role. You got any idea if that's correct?
MCDANIEL: Obviously, it's a possibility, but I don't have any direct knowledge of that.
BERRY: Okay. Any knowledge of anything, in particular, that happened during the protest activity on August 12th that might have led to PASSADORE getting yanked?
MCDANIEL: No, everything blends together back then.
BERRY: Yeah.
MCDANIEL: No, I don't.
BERRY: No, I hear that. Okay. Well, so, I mean, we talked a little bit about the provided materials, and I know that that's a lot to get through, and we've had a difficult time getting that to you in a way that you can read it. Let's see, here. Well, so, let me ask a broad question, because you talked about, in your description of Captain PASSADORE and his performance as CMIC -
MCDANIEL: Mm-hmm.
BERRY: - you talked about some of the issues you described, for him, not being unique. Some - you've had other - you know, issues with other CMICs you also encountered with them.
MCDANIEL: Mm-hmm.
BERRY: Can you think of, across this whole 180 day period of time, can you think of a decision made by a CMIC related to them authorizing the use of force, that seemed concerning or inappropriate to you? Pretty broad question. Just, can you think of any other CMIC -
MCDANIEL: Not off the top of my head.
BERRY: Not off of - yeah. Maybe it's too broad to be productive. All right. Can you think of anyone else related - anyone else from the Bureau talking to you about particular CMICs' decision making being concerning?
MCDANIEL: I guess I don't understand your question.
BERRY: Anyone else ever talk to you about how good or bad a job a CMIC was doing?
MCDANIEL: Well, it was fairly frequently, on - like, we would talk about, like, those little debriefs they'd do with the squad leaders, like, on my way home, and stuff, where they were not happy with some of the decisions that Captain PASSADORE had made throughout the night.
BERRY: Mm-hmm.
MCDANIEL: It's not that there wasn't - again, those phone calls when Commander DOBSON was out there, or ROBINSON, or whatever. It was - those were more sporadic. They were usually - you know, we would go through the evening. It was much more frequent when Captain PASSADORE was there, that they would be - people would be upset about certain decisions that were made, putting people in positions they didn't think were safe. There was definitely more pushback over the radio. Like, if I gave something out on the radio, like, a lot of times we talked about where there would be phone calls where people would be upset. There was also other times, it was more frequently with him, where you'd get pushback on the radio to, like, we're not going to go do that.
BERRY: In the moment?
MCDANIEL: Yeah.
BERRY: Yeah.
MCDANIEL: I think - did you say CLARK is one of the Redacted?
BERRY: Yeah.
MCDANIEL: Okay. I'm sorry, I couldn't remember if you did, but I know there was a couple times on the radio he'd say, where he'd be like, yeah, we're not going to do that.

BERRY: So, back and forth with (inaudible - 00:58:48).
MCDANIEL: Well, it was generally me they were talking to, but it - they knew.
BERRY: Who was in - yeah.
MCDANIEL: Yes.
BERRY: Yeah. I got you. All right. This is probably something I should have asked about earlier. So, you referred to the IMT, and do I remember right, is that the incident management team?
MCDANIEL: Yeah.
BERRY: Okay. And is that kind of another term for the ICS command staff? Like, the folks in the command center?
MCDANIEL: Yeah. So, an IMT is, like, so, your incident management team. That's just the umbrella that covers your CMIC, your ops chiefs, your section chiefs.
BERRY: Kind of that whole -
MCDANIEL: And, you know, kind of the whole umbrella that covers everything.
BERRY: And where was the IMT located during the protests?
MCDANIEL: The first couple of weeks, it was down here at the justice center. After that, for the most part, it was at the training division. There was a night or two where it was at, like, north precinct, I want to say, like, maybe the first one or two times they went to north precinct.
BERRY: Mm-hmm.
MCDANIEL: At kind of the beginning of this thing, or the - we were out there. But other than that, here, training, like, a spot there. I think there may have been one or two other nights where we came downtown, like, for a night, or something like that.
BERRY: Yeah.
MCDANIEL: Smaller crew, but that's generally it.
BERRY: All right. And then, so you got all the ICS folks, the different section chiefs, you got the CMIC, you got your scribes. Do you have - or, is it - was anyone from, like, City Attorney ever present during -
MCDANIEL: Sometimes.
BERRY: Some -
MCDANIEL: Well, I mean, it was a bit of a spread. Most nights, it was not - if there was a night that they knew ahead of time was going to be a bigger night, for whatever reason, you might see more of those folks. Like, we have more resources, because then we would have, like, maybe somebody from OSP, or somebody from county. We might have a City Attorney, we may have a District Attorney. There was a couple of nights the mayor, himself, popped in for a little bit. Couple of nights the - somebody from the Chief's Office would be out there.
BERRY: That's what I was going to ask about, as well. So, in terms of, like, the staff, sometimes the mayor, it sounds like, if they're maybe aware of a big night?
MCDANIEL: Yeah. And I can't tell you specifically what big nights, I just know that the mayor did come out there a couple of times. Some of his staff members came out a few times. Like I said, just, you know, things like that.
BERRY: And you touched on folks from the Chief's Office sometimes being present.
MCDANIEL: Yeah. They would swing by. I don't know that there's necessarily a rhyme or reason to it, other than to just come out and say hey, thanks, everybody, for being here every single day, feeling the same thing over and over again, kind of stuff.
BERRY: So understanding 2024, we're talking about 2020. Do you have a sense of how often folks from the chief's office were present at the IMT?
MCDANIEL: I can't tell you, specifically. I would say somebody, whether it was the Chief, or maybe an Assistant Chief, or something like that, would, you know, probably pop in maybe once a week.
BERRY: Once a week? And in terms of specific ACs, or maybe the DC, was it one particular assistant chief or DC that was showing up the most, or was it kind of a grab bag?
MCDANIEL: It rotated through pretty good. If I recall correctly, I think I saw FROME a little more often, but not, like, so much so that you would be like, oh, I mean, he was, absolutely, the majority of the time. It's just -
BERRY: Yeah.

MCDANIEL: - for whatever reason, in my memory -
BERRY: He sticks out a little more?
MCDANIEL: Yeah.
BERRY: Yeah. All right. Okay. Dumb question, maybe, but how about the force inspectors? The Force Inspector ever out there at the - in the moment?
MCDANIEL: I don't think so, and I think that was intentional. I think they wanted them to be distanced from seeing and hearing, like, because you're watching, you know, potentially, the use of force, this, that, the other thing. If I recall correctly, they had people, because - I can't remember if it was when NIIYA, or something, went up to the force inspector, and I don't know if, like, he stopped doing it, or, like, he couldn't be on RRT and do that stuff until after he was out. I can't remember the order in which it happened but, generally speaking, the force inspectors, I don't recall seeing them out there.
BERRY: Yeah. All right. So, this is a very broad question. I think we're getting in more of some authorization gaps and stuff like that. Can you think of a time during a visit by someone from the chief's office, out to the IMT, where Chief's Office staff kind of clarified their expectations of what level of force the Bureau was going to employ on any particular night, or the circumstances where it was appropriate to use force or not?
MCDANIEL: I don't recall that. If they were given specific direction like that, it probably would have been a more private conversation with the CMIC, which is like - they talked about before, where they would take phone calls and be out talking to City Attorney, or whatever, that's usually - interpretation of a new TRO, or what the mayor's -
BERRY: Yeah.
MCDANIEL: - office wanted that day, or whatever. So, those were usually handled, like, one on one conversations, and then he would come back in, or she would come back in and say hey, this is what the direction is.
BERRY: Thank you for reminding me about that, because I wanted to touch on that, because I was asking about the cast of characters, the staff there at the IMT, but I remember you referring earlier in our talk to DOBSON having to field phone calls from (inaudible - 01:04:33) -
MCDANIEL: It wasn't just him, it was all of them.
BERRY: It was all of them?
MCDANIEL: Yeah.
BERRY: So, I meant to ask you about that earlier. So, talk to me about that. Like, how often were you getting - or, was CMIC getting calls from City Attorney?
MCDANIEL: I can't say how - you know, if it was - how often it was specifically City Attorney, or specifically Chief's Office, or specifically -
BERRY: Let's call it phone calls, phone calls from -
MCDANIEL: Every single day.
BERRY: Every single day?
MCDANIEL: Yeah, every day.
BERRY: And you talked about them kind of sometimes having a different interpretation of the terms of the TRO, or saying something that would change your reply?
MCDANIEL: Yeah. So, and the reason it's memorable and it sticks out is because they would always do it after our briefing, when we had everybody online. And we would tell everybody this is what we're doing today, this is what the rules of engagement are today, this is what - you know, all that kind of stuff.
BERRY: Mm-hmm.
MCDANIEL: And then, we'd get off the phone, and 30 or 45 minutes later, someone would call up and change how we were going to do something, and then we would have to go back through and quickly decide how we were going to do stuff. And then, it was usually my responsibility to call all of the squad leaders and hold the phone away from my ear as they were screaming at me, because we were changing the plan again. And there was a lot of frustrations, a lot of frustrations. I did my best to have people understand that it wasn't the IMT team that was causing this. We were trying - we were working with them, we were in the same boat, because we gave

you the briefing. We were all on the same page. Other people have introduced some things they want to change. So, he was trying to - because there were people, the line folks, especially, that were out there every single night. Those guys were - god, they were getting mad, because it was more often than not, that would occur. It was very frustrating for everybody.

BERRY: That does sound frustrating. Do you have any idea, did the City Attorney - did they attend the briefings, the daily briefings?

MCDANIEL: I'm sure that they were on some of them. I can't say they were on all of them.

BERRY: And how about elected - the mayor, or anybody else attend the briefings?

MCDANIEL: Again, I think that was sporadic. I think it depended on the day and what they expected the event to be that day, if it was going to be a bigger event. If it wasn't the mayor, maybe somebody from his staff would be on the line - excuse me - because it was - most of these were - with 2020, and all that kind of stuff, it was COVID and everything, it was - most of these were Zoom.

BERRY: Okay.

MCDANIEL: But, yeah -

BERRY: So, this is a very broad question, but you talked about having pretty frequent contact, like (inaudible - 01:07:22) from City Attorney after the briefings, and they're kind of -

MCDANIEL: Well, and again, I can't say if it was mostly them or mostly - it was just -

BERRY: Phone calls from above.

MCDANIEL: - phone calls from people saying you gotta change what you're doing today.

BERRY: Yeah. So, you get one of the phone calls -

MCDANIEL: Yes.

BERRY: - you gotta change what you're doing today. Are you able to characterize, generally, how you were asked to change what you were going to be doing that day?

MCDANIEL: I can't, because that was how that was relayed to the CMIC of the day.

BERRY: Mm-hmm.

MCDANIEL: I don't know, because that was their conversation. By the time they were done with the phone, he would come in and say hey, we gotta - we can't do this, or we're going to go do this now, or it's like, hey, they told us we can't do this, what's our option? And then, we sit there and discuss about what we want to do. Sometimes we would call someone like STAINBROOK or SHOENING, or something like that, and say hey, they called and said this is what we gotta do, you know, we're kind of stuck because we don't want to put you guys in a position you don't want to be in, what do you think? And kind of put all our heads together, come up with a plan, and then, after that, we would disseminate the information out to everybody else.

BERRY: So, okay. So, I understand there's a lot of different nights and you're hearing about these phone calls after the CMIC fields them. Would it be fair to say that, generally speaking, these instructions that y'all are getting via phone calls, are they restricting the amount of force you can use, or the circumstances under which you can use force?

MCDANIEL: Some of them did.

BERRY: Mm-hmm.

MCDANIEL: I can't say all of them. Some of them were - like, maybe about whether or not we're going to be authorized to use CS for certain things. There may be others that are like, hey, they go break whatever they want tonight, we're not going to engage them, or - you know, it would be different things. Different - sometimes, hey, if you're going to do sound truck stuff, it's gotta include this, because, you know, we had a case, or a TRO, or something like that, and that - you know, we have to have certain language included, or there was a lot of times where it wasn't because of anything specific that a court said, or anything like that, it's - as it was relayed to me from the ICs, that they just didn't want to see it happen that night. Okie dokie. So, that's - we would just have to roll with it.

BERRY: And I've asked you a lot about how different stuff is documented. There any kind of report or document that gets generated after a CMIC gets one of these phone calls?

MCDANIEL: I don't believe so.
BERRY: Okay.
MCDANIEL: You would have to ask -
BERRY: I'll ask the CMICs too.
MCDANIEL: Yeah.
BERRY: Yeah, absolutely. All right. Okay. So, over the course of the summer of 2020, there were some restraining orders, kind of restrictions placed on the circumstances under which the Bureau could employ force -
MCDANIEL: Mm-hmm.
BERRY: - during protests. Are you able to describe, kind of, the general mood or the feeling of the folks doing crowd control over the course of the summer, as options were restricted?
MCDANIEL: Yeah, there were frustrations. I think it's - some of the restrictions, they thought, were a little over broad, that they didn't make a lot of sense, but it is what it is, this is the judge's order, you gotta do. There was some other things that I think they felt like - I know, personally, I felt that the City Attorney misinterpreted what the judge's ruling was, which further restricted us when it shouldn't have.
BERRY: Mm-hmm. Will you describe a little bit about what you mean there? I just want - I don't want to (inaudible - 01:11:03) -
MCDANIEL: So, for the video stuff.
BERRY: Mm-hmm.
MCDANIEL: Like, when we had our -
BERRY: Pardon me.
MCDANIEL: So, with respect to the video stuff, it's been several years since I've read, specifically, the TRO. But generally speaking, one of the TROs for the video stuff was that we could not save and maintain these things. There's nothing that I can recall, that was in there, that said that we couldn't watch a live stream of what's going on, we just couldn't save these things and archive them. And so, I remember, I was - really tried to dig my heels in on this, like, with CMICs and the city attorneys, and they wouldn't budge on this. And it's like, that's not what the order says. The order says we can't save and maintain it. The order doesn't say that we can't look at a live feed. We're looking at live feeds. If they're putting their own live feeds out, why can't we look at our own? I mean, because we're hoping that somebody over here is capturing what we want to see on one of these other ones, where I can tell one of our guy, hey, we're hearing that there's criminal activity going on over here, put the camera right there for us so we can see it. So, that was one of the ones that was super frustrating, that - their interpretation of it was, like, we just - we can't do it at all. And then - because I remember, it was an issue. They were also talking about, like, the plane. We don't have the plane. It's like, what are you talking about? Like, we can look at plane video anytime, like, the livestream from the plane. And then, they acquiesced on that because we couldn't see specific faces, or something like that, because of the altitude of the plane, it's in the dark, it's in IR most of the time, being in the dark. So, they let us have that for the nights the plane could fly. But, anyways, that was one of the ones that was super frustrating, but that one was frustrating for us, in the - for information gathering and decision making, that one was really frustrating for us. There was other ones with respect to the media stuff. Obviously, that was super frustrating for the people that were on the ground, because anybody - based on the ruling, anybody could take a piece of duct tape and write press or media on it, and - these guys know who they were. I mean, you know, 10 minutes ago, they saw him throw a bottle, but now they can't touch him because it says press, and they're behind the line, and we can't, you know, move them out of the way, because they say they're press, and just created all of these headaches that were completely unnecessary. And maybe, you know, at some point, I'm sure the City Attorney's office tried, I don't know, but - where they needed to fix that, because it - that was a dangerous thing, because we're letting people that we know, are people that have - I mean, they're people that they know have - are going to try and hurt us, potentially, or have tried to hurt us in the past, we're intentionally letting them behind us - or, behind our line, when we're trying to keep, you know, the threats on one side, because now we're having to pull people offline - or, not necessarily pull them offline, but you're having to direct attention away from where they're going because they have to watch these people

back here. But then, it got to a point where there were so many people putting press on their stuff, that they'd start pushing and, all of a sudden, you'd have half the crowd standing behind the line because everybody just wrote press, because that counted, according to the TRO. And it was just silly, it was just silly.
BERRY: One of the - another restriction was placed on the Bureau, was to restrict the use of CS in circumstances where there are life safety concerns.
MCDANIEL: Correct.
BERRY: And I'm wondering, so - okay, start with the finer terms. What does that mean? What's the definition of a life safety concern?
MCDANIEL: So, if someone is - I mean, depends on which dictionary you're using, right?
BERRY: Yeah.
MCDANIEL: But generally speaking, it's like, someone's - like, there's an immediate, or - imminent, thank you, risk of physical injury to people that are out there, whether it be people that are in the crowd, whether it be the police, whether it be other people that just happen to be walking by, whatever, that somebody's potentially in danger of becoming injured because of the activity of people in the group.
BERRY: So, in terms of - and it's the CMIC's responsibility to authorize these -
MCDANIEL: Yes, correct.
BERRY: So, in a situation for the part of the summer where the Bureau was restricted to life safety concerns for the use of CS -
MCDANIEL: Mm-hmm.
BERRY: - can you kind of describe the process by which the CMIC would determine that there was a life safety concern and authorize it?
MCDANIEL: Well, again, it's gathering that information, which is why, again, that - you know, having our own video is just helpful for that.
BERRY: Yeah.
MCDANIEL: But we're looking at the open source media, we're listening to radio communications, getting, you know, people that are in the field, that are seeing certain things happen, are relaying that information to us. And then, the - sometimes, there would be a discussion back and forth, like, the - whoever the CMIC was might ask me, as the Ops Chief, like, hey, are we there? I mean, you know, we've got a neighborhood that's two blocks away, what's - you know, that kind of stuff. We did try and be diligent. I know people try and paint us as that we weren't, but we would - you know, hey, is this - do we have to gas them right here? I mean, the wind's blowing west. If the wind blows west, it's going to take the CS into the neighborhood over here, or whatever the case may be, something - like, so we try to be diligent about that sort of thing, and make informed decisions, and make sure it was necessary, trying to put out the amount that was necessary. I mean, you have to - it looks like a ton, because these things cook off for a while, but, I mean, realistically, you may only be putting out three, four, five canisters to span across a street, or a line, or something like that. Which one of these cans cooks off for 30 seconds, people are like, holy smokes, they just - they put so much in. And it's like, well, no, it's five cans, and the stuff fans out, but it's - you're fanning it out over, you know, 20 feet or 30 feet, but you're spreading it across the street, so it's really - it's not too much, it's what was necessary to cover that area. So, it's hard to - for people that are - don't really care for you anyways, they're, what's out there, causing this? Of course, to them, it's - they're just getting hammered with all this stuff when, in reality, it's - like, the perfect amount was put out, and probably - there was some days where we probably could have put out a little bit more, but we didn't.
BERRY: Yeah. Well, in terms of - so, if you reach a situation where CMIC has determined there are life safety concerns and they've authorized the use of CS -
MCDANIEL: Mm-hmm.
BERRY: - how is that information relayed down to the squads?
MCDANIEL: That's - well, it's usually through me.
BERRY: On the radio?
MCDANIEL: On the radios, letting people know that CS was authorized.

BERRY: Okay. And then, so, you're putting that on the radio, that CS is authorized. Like, are you placing any kind of limits or instructions on the use, as you're authorizing it, or is that deferred?
MCDANIEL: That's - well, that stuff was discussed in the briefing.
BERRY: Mm-hmm.
MCDANIEL: They talked about, you know, it's in, like, the ops plan for the day, that the squad leaders, and stuff, get. So, that's already been pre-discussed, if it's authorized that this is what you can do. Unless - the only way it would be different than that is if the IC specifically said I want you to use it like this, versus like what's already in the -
BERRY: Like we talked about earlier?
MCDANIEL: Yeah.
BERRY: Yeah. Okay. Just a couple more questions about CS, and then I'm going to turn it over and we'll talk about specific dates (inaudible - 01:18:46) -
MCDANIEL: Okay.
BERRY: - and we'll get you out of here. How long do the effects of CS last in an area once you deploy it?
MCDANIEL: Not long at all. I think - I've been gassed so many times.
BERRY: Yeah.
MCDANIEL: Once - when you're in it, it's uncomfortable. With CS, it's not going to kill you. And I've heard people say that it does - I mean, it's not to say that it may not have adverse effects on people with, like, asthma or something.
BERRY: Yeah.
MCDANIEL: But, generally speaking, it's - CS is not going to kill you. The effects, once you're out of the cloud of the gas, the recovery starts immediately.
BERRY: Mm-hmm.
MCDANIEL: And most people - I mean, you're still going to have, like, a little cough, or maybe a little bit of eye burn after a minute or two, but it's - generally speaking, it's gone. Once you're out, like I said, the recovery starts pretty quickly. The first - when you're in it, and maybe that first, like, 20, 30 seconds when you, like, get out of it is the worst experience you're going to have. After that, it's getting all better. It's not like pepper. Pepper is way worse. People are like, oh, gas - no, it's not. Gas is way better than pepper, because the gas goes away, starts going away immediately, once you're out of it. With pepper, that stuff can last for 30 minutes, 45 minutes, you've gotta sit there and wash it out forever, and ever, and ever.
BERRY: And in terms of how long the CS gas, itself, remains in a particular area?
MCDANIEL: It depends on the environment.
BERRY: The wind, and -
MCDANIEL: Yeah.
BERRY: - everything like that? And how about the effective range of CS. Like, what are we talking about?
MCDANIEL: It depends, again, environment, how hard the wind's blowing, where it's deployed.
BERRY: Yeah.
MCDANIEL: I know rainy days can have effects on holding it a little lower, if it's a hot day, and it's windy, it may raise up faster. There's all kinds of different environmental factors that are going to make a difference. Obviously, if you're inside a home, or something, it's totally different because it's contained, but.
BERRY: Okay. So, in that situation where we're talking post life safety restriction, CMIC has authorized gas, gas is deployed, how is information about how effective the use of CS was - how is that information - how does that travel back up the chain, to the CMIC?
MCDANIEL: Well, a couple ways. Number one, we've got people on the ground, seeing what's going on, this crowd's moving here, the crowd's going that way. And, again, we also, a lot of times, have the live feeds. So, we're seeing people disperse different directions. Usually, what was found to be the most effective, is that you have to - it needs to be an immediacy of action afterwards, whether it's taking custody, taking ground, whatever, to - because if you didn't, you know, there's - once everything went away, then everybody will just come back.

So, it was - usually, it was in conjunction with other movements, to try and stop the criminal behavior, in its entirety, hopefully for the rest of the night versus just delaying them for a few minutes, and then they come back.
BERRY: Yeah.
MCDANIEL: Sort of thing.
BERRY: And we'll get into it a little bit more as we're talking about specific nights. But in terms of the deployment of CS, were there any additional concerns if a protest was happening in a residential neighborhood versus downtown?
MCDANIEL: Well, it's - I mean, there were other considerations, like, in the CMIC.
BERRY: Mm-hmm.
MCDANIEL: The threshold was a little higher. And the officers that were out on the street, they knew that the threshold was going to be higher if there's a residential neighborhood. I mean, life safety is life safety, but, I mean, it's like, are we talking about, there's a couple of guys in a fist fight, or there's a few fist fights going on over here, or did somebody just light a building on fire that's going to spread into the neighborhood?
BERRY: Mm-hmm.
MCDANIEL: For example, like, they were trying to – the old union office, to set that on fire. I mean, there's a house, like, 20 feet from the back of that building. 20 feet, 25 feet, something like that, the old union office.
SCHMAUTZ: Oh -
MCDANIEL: On Lombard?
SCHMAUTZ: So -
MCDANIEL: I mean, it's, like, right there.
SCHMAUTZ: Aaron SCHMAUTZ. It was my building. So, there was a gas line in the back of the house, there was a 10 foot easement, and then a retaining wall, and then a tree above that.
MCDANIEL: Yeah.
SCHMAUTZ: So, it was pretty close.
MCDANIEL: But, I mean - but, so -
SCHMAUTZ: But the gas line was right there, too, so.
BERRY: Yeah.
SCHMAUTZ: You know.
MCDANIEL: So, when they were trying to set that on fire, your life safety is way higher on that, even though it - at the time, it's a property thing, because - but it's a life safety thing for everybody in the neighborhood, for if that fire grows and expands, versus just a couple people fist fighting, which happened all the time, so. You know, so there's - you would weigh different things like that, like, where you were.
BERRY: Excellent. Well, so, believe it or not, we've reached the end of the, kind of, more general questions we have for you about how ICS works, and all that.
MCDANIEL: Can we pause for a moment?
BERRY: Absolutely.
MCDANIEL: I have an appointment I'm clearly not going to make, so I need to call and let them know.
BERRY: Oh, sure. Yeah. Oh, shoot. Yes. Yeah, let's take a pause. Time is 10:26. We'll stop recording.
(PART 2 OF 2)
BERRY: Time is approximately 10:30. We're back on the record with Sergeant McDaniel. And I'm going to turn the interview over to investigators PEASE and CLITHERO.
PEASE: (Inaudible - 00:00:12) be useful. Okay. Thank you. Okay. So, this first video that I'm going to have you take a look at is from the night of June 7th. And I think you've already kind of spoke to, not this specific night specifically, but maybe a use of force, in general. And so, I'll have you watch what happens here, and then maybe talk to you a little bit about some of the specific stuff that happened and where that decision might have come from, I guess, so.
MCDANIEL: Okay. Could you -
PEASE: Oh.

MCDANIEL: (Inaudible - 00:01:28).
PEASE: Okay. (Inaudible - 00:01:31). Yeah. Okay. So, again, real short. Not overly chaotic, from the look of it, but you have, obviously, a crowd moving in one direction.
MCDANIEL: Correct.
PEASE: And then, you have this squad here, on a side street, and you kind of talked a little bit about sometimes having a strategy where you guys would set squads on opposing streets, to keep them funneled, maybe, and -
MCDANIEL: Yeah.
PEASE: - go in the same direction. Is that kind of what this appears to be like?
MCDANIEL: Yeah, it looks like it.
PEASE: Okay.
MCDANIEL: It's having - it started -
PEASE: Sure.
MCDANIEL: - (inaudible - 00:02:09) but based on what it looks like here in the video, that looks like what they were doing.
PEASE: Okay. And so, it appears as though some members of the squad ended up throwing RBDDs into that crowd, going that direction.
MCDANIEL: This squad did?
PEASE: Yes.
MCDANIEL: Okay. I must not have been looking at that part.
PEASE: Okay.
CLITHERO: I can run it back.
PEASE: Yeah, if you would.
MCDANIEL: I saw the RBDDs going off -
PEASE: Sure.
MCDANIEL: - but I was -
PEASE: Okay. Sure. Fair enough.
MCDANIEL: - looking further out.
BERRY: There's always -
MCDANIEL: Yeah, no problem.
PEASE: Keep your eye on - you can see it right here.
CLITHERO: Okay.
PEASE: (Inaudible - 00:02:42).
MCDANIEL: Okay. Okay.
PEASE: Okay.
MCDANIEL: Got it.
PEASE: So, in that particular use, what would be, I guess, the reason for - if you're on a side street, and you've got them going that direction, throwing - and you're right there, blocking the -
MCDANIEL: Right.
PEASE: What would be the reason behind that?
MCDANIEL: Well, the other thing I don't know -
PEASE: Sure.
MCDANIEL: - and that's why we have - clarify with this is, we had - at the time, we had inert RBDDs as well -
PEASE: Okay.
MCDANIEL: - that were just light and sound, there's no payload that sends the balls out.
PEASE: Right.
MCDANIEL: And there was - I can't recall specifically, but I believe there was a period of time, with those because a lot of this came after I was off the team, where those - I don't think, for a period of time, those were considered the same level of force -

PEASE: Okay.
MCDANIEL: - as the ones that actually had the balls as the payload.
PEASE: Okay.
MCDANIEL: And I can't remember when that switch occurred, to when they just said, oh, they're all part of the same thing. And so, if this was before that, using this as just that, as a driving thing, to keep the crowd moving, I would say, absolutely, that's an appropriate application.
PEASE: Okay. And, I guess, then, secondly, would that have been a decision that happened at ground level, like, squad leader wise -
MCDANIEL: Yeah.
PEASE: - or would that have come - okay. So, that's not something, specifically, that would have come up from above, you guys saying, hey -
MCDANIEL: Yeah. No, that's not.
PEASE: Okay. All right. So, then, the second night that's more of a question for me is August the 12th, and that would have been Captain PASSADORE's final - so, yeah, the ICS, Page 7, is what I'm, in particular, looking for.
BERRY: We can probably get you -
MCDANIEL: Yeah. Let me see. It might be a little -
BERRY: They're chronological on this.
PEASE: Yeah.
MCDANIEL: August 12, and you want the ICS form?
PEASE: Mm-hmm.
MCDANIEL: Yeah. Okay.
PEASE: So, the bottom of Page 7.
BERRY: That might be - is that a night with two scribes.
MCDANIEL: Okay.
PEASE: FULLER was described there.
BERRY: Okay.
MCDANIEL: Rebecca.
PEASE: Yeah. And so, looked like there was some movement. I mean, we have video for it as well, but seems kind of chaotic, a lot of movement, and to what end I'm not quite sure. But at the bottom of the page, there, there's a discussion about gas being authorized.
MCDANIEL: Yes.
PEASE: Okay.
MCDANIEL: About 0016.
PEASE: Yeah.
MCDANIEL: Mm-hmm.
PEASE: And then, so, after that's authorized, it looks like [redacted] - and I'm going to guess -
MCDANIEL: [redacted]
PEASE: - [redacted] Okay. And so, that Delta squad leader, I'm guessing?
MCDANIEL: Yes.
PEASE: So, is he saying that they - his squad is not masked up for the deployment of gas?
MCDANIEL: Generally speaking, that would be my understanding of that, is - like, they're not masked up yet.
PEASE: Okay. So, I guess, for myself, trying to understand here, would that have been something that would have been - would they have already - because it says here, deployed, right before it said that they're not masked up. Would that be indicative of that squad not being ready but the gas had already been deployed? Do you know?
MCDANIEL: I don't know.
PEASE: Okay.
MCDANIEL: It's not - and just so we're clear, there's - it's obviously preferred everybody gets their mask on.
PEASE: Right. Yeah.

MCDANIEL: Depending on what's going on at the time -
PEASE: Mm-hmm.
MCDANIEL: - there may be a time where, like, we have to send it out right now, even if people aren't ready. I don't know, reading this, if that's one of those times, but - so, I just want to be clear that just because CS would go out before everybody has their masks on, doesn't necessarily mean that that was an improper use, depending on the circumstances.
PEASE: Okay. And it looks like, maybe, just before that, you were talking to whoever Redacted was, at the time. So, do you recall - or, Redacted maybe was saying that they would call you, and that they were wearing a gas mask, and then there's something about just answer and listen. Do you know what that transcription, or what that docu- - or (inaudible - 00:07:20) -
MCDANIEL: I'm sorry, which line?
PEASE: So, just above - so, where it's talking about gas is authorized.
MCDANIEL: Yeah.
PEASE: Right above that, it says taking notes. So, if you go up just a little bit more, I think it's at 14.
MCDANIEL: Yeah. Oh, the just answer and listen one?
PEASE: Yeah.
MCDANIEL: Okay. So -
PEASE: If you can remember, or - would that sound - make sense?
MCDANIEL: It was not - so, that happened a couple of times.
PEASE: Okay.
MCDANIEL: And so, what it is, is, because of the gas mask, and all the stuff that's on, and they have to put their stuff -
PEASE: Right.
MCDANIEL: - back on, they want to say something that's - but they're not going to be able to hear what I'm saying back, and so they want to get me some information. Maybe the radio's tied up, because you're seeing, here, there's several things -
PEASE: Yeah. Mm-hmm.
MCDANIEL: - all in the same minute.
PEASE: Right.
MCDANIEL: And things like that. So, maybe, I need to give you some information, just listen to what I have to say, and then I'll hang up. And then, that way, he's able to tell me what he needs to tell me, so I can have that information for consideration, going forward. So, that happened a couple of times. I would assume that that's exactly what that was, at that particular moment, as well.
PEASE: Okay. Do you mind showing the video clip for this one real quick?
CLITHERO: So, August 12th?
PEASE: Yeah. So, this would reflect about that timeframe in which this incident takes place.
MCDANIEL: Okay.
PEASE: Yeah.
MCDANIEL: Okay.
PEASE: Okay. (Inaudible - 00:10:49). Okay. So, in the very first part of that, obviously, you can see -
MCDANIEL: Mm-hmm.
PEASE: - where the gas was deployed.
MCDANIEL: The smoke.
PEASE: That was smoke? Okay.
BERRY: Pocket smoke.
MCDANIEL: It's - they're all - like, none of the lineman, none of them had -
PEASE: Masks.
MCDANIEL: - masks on.

PEASE: Okay.
MCDANIEL: As you could see, even when they went in close, like, and some of them were in and out of that cloud -
PEASE: Mm-hmm.
MCDANIEL: - they're turning around. It's, like, nothing, there's no effect, so that's clearly smoke.
PEASE: Okay. All right.
CLITHERO: Can I ask a quick -
PEASE: Yeah.
MCDANIEL: Yeah.
CLITHERO: So, that calculation you just made, based on your observation, is there, like, an easy way for us to determine what's gas, and what's not, and what's smoke in that -
MCDANIEL: Well, in the - if you see a lot, yes. And for people that haven't seen it a lot, probably not, in the sense that CS gas, in the light - in certain lights, it has a - it's white, but it has almost kind of a very faint blue kind of hue around the outside of it in certain lights, smoke does not. Smoke is white, and it tends to have more of, like, a gray or, like, a dirty - it's white, but it's kind of like a dirty white. I don't know how else to describe it. It's just one of those things where after you've seen it a bunch, and seen the difference, you can tell. In this particular case here, I wasn't necessarily looking for that, I'm looking for the reaction of the people, especially the officers. I mean, obviously, there's some people in the crowd that have gas masks on -
PEASE: Mm-hmm.
MCDANIEL: - but the sheer number of officers, I mean, we do have some badass officers out there that'll just stand there and take it, but you're not going to have 30 of them standing there at the same time, everybody being able to take it, and have nobody drop out because it's not affecting them, you know?
PEASE: Okay. So, in that same line of thought, do you know what, like, a maximum - I don't want to say, like, an effective range but, like, if I'm going to deploy it, how close to, like, a crowd, or individuals that you're looking to affect would you want to toss it from, I guess?
MCDANIEL: Well, it depends, again, on environmental conditions like wind, things like that. So, if - like, if you've got a crowd that's in an intersection, and the wind's blowing west to east, you're going to want to be diligent in your placement in placing that closest to the west side that you can, so as if the wind's blowing it, it's carrying it across that group of people.
PEASE: Okay.
MCDANIEL: Depending on how closely packed the group of people may be -
PEASE: Mm-hmm.
MCDANIEL: - you know, maybe it's more smoke, closer together. It may be less cans, depending - like, so, more cans, closer together, are going to be generally on your - like, your lighter, non-windy days, light breeze, because it's just going to sit there and permeate in the same spot, maybe a slight drift. You've got a 10 mile an hour breeze coming through. Well, you might be able to get away with throwing two or three cans out to the west of it, because that wind is going to help push that through where you want it to go. So, again, it's just - it's environmental, is what we expect. Like, the grenadiers and the squad leaders, they're being trained on how to use this, how to deploy it. Part of that is getting them to kind of use the pen, what's the environmental conditions, where are things blowing, where is this going to go if I touch it off? Well, it's going to go over there, I don't want it to go over there, but if I place it a little bit further over here, it'll still effect what I need to effect, but it's not going to affect this over here. So, we're asking them to do - there's some times where it's so chaotic, you're just - you know, you're getting overrun, you're just trying to get it out, you're just trying to get out of there, and we all get that.
PEASE: Mm-hmm.
MCDANIEL: But if there's time, we want them to kind of make those calculations and put that in the place where it's going to be the most effective, putting out the least amount of canisters, if you will. So, if we can get away with two or three canisters, because the wind's going to help us, great. If we have to put eight or nine out there,

because it's just a stagnant night and it's all just going to sit there and permeate in the same spot, well, then we may have to do that.
PEASE: Okay. And then, so, like, seeing somebody - I think, at one point, somebody comes up and grabbed it, or went to pick it up -
MCDANIEL: Yep.
PEASE: - or kick it, or whatever, with CS, is that something that you would typically see, somebody trying to do that as well, or - because I know that -
MCDANIEL: Yeah.
PEASE: - a lot of times, with smoke, or some of the RBDDs, whatever, they would try and pick up that stuff.
MCDANIEL: Yes.
PEASE: Okay.
MCDANIEL: I mean, so they would try and pick up, like, any of those things we put out there.
PEASE: Okay.
MCDANIEL: Usually, the RBDDs, those go off pretty quickly -
PEASE: Yeah.
MCDANIEL: - like, so there's not a lot of opportunity for those. The gas and the CS - or, excuse me, the CS and the smoke, yes, they would try and do that. So, a lot of times, the - it would be in conjunction with other things, like maybe FN303. So, you've got the gas canister out, cooking off, or the smoke canister out cooking off.
PEASE: Mm-hmm.
MCDANIEL: If we see people going up to pick it up, that's - number one, that can be used as a projectile against us, or other folks. Number two, believe it or not, it's also to protect them, to a certain extent, because those canisters burn crazy hot and they will just burn the - I mean, they'll - instantaneous, like putting your hand on a stove.
PEASE: Mm-hmm.
MCDANIEL: So, we would train that maybe there would be an FN303, or something like that, that would cover those canisters that are out there. So, if people were going to pick them up, maybe those people would get popped in the leg with the FN303s to prevent them from picking those things up.
PEASE: Okay. All right. And so, then, am I correct, then, in assuming that nothing you saw from that video was necessarily concerning to you?
MCDANIEL: Not at all. Actually, I was - there was one point in the video where the guy did pick up that smoke canister, and the officer went up and gave him a push. Like, I almost said it out loud, I was like, perfect.
PEASE: Okay.
MCDANIEL: Because that's what we're trained to do. We keep that thing on the ground. We don't want them picking it up and using against us. Normally, it's kind of different, where the officers were closer than they are, a lot of times, to those things. Normally, those things go a little further distance. But the action the officer took right there was perfect. Love it.
PEASE: Okay. And then, as far as the ICS goes, nothing in there appears concerning to you, or doesn't, like, make you think of anything that happened on that particular night, that was of concern or of issue -
MCDANIEL: Based on this right here?
PEASE: Well, this or, like, if the date - because I know that, earlier, you had spoken about the vehicle driving around -
MCDANIEL: Yeah.
PEASE: - and that, you know, but that's when you guys were - but, anything like that, that you can remember, from this particular date, that was of concern?
MCDANIEL: Not off the -
BERRY: August 12th.
MCDANIEL: - top of my head.
PEASE: Okay.

MCDANIEL: Again, as you guys know, I didn't have an opportunity to go through everything.
PEASE: Right. No, understandable. Okay. Don't know that I have any other questions, so.
CLITHERO: Okay. I've gotten a pretty good sense of, kind of, where things fall in the chain of command, where orders start and where they end up, from the answers you've given already, so I want to kind of draw just on your RRT training and experience a little bit, if I can.
MCDANIEL: Okay.
CLITHERO: In our video review, we've seen a lot of dynamics that were used in 2020.
MCDANIEL: Mm-hmm.
CLITHERO: And most have been pretty effective to get people moving and clear a street. In a lot of cases, a lot of streamer video, and then a lot of fed video EC. These dynamics, where they push up the street, in whatever speed they're running, and then people fall behind the line and people end up getting trampled. Is that - do you have discussions on those tactics, as far as, you know, the danger of people falling behind, the dynamic, or being flanked, and that kind of - how do you - I guess -
MCDANIEL: Yes.
CLITHERO: - how do you square all of that? Yeah. It doesn't look great on video, to the layman that doesn't understand the tac- -
MCDANIEL: Right. So, the whole point of the dynamic is to, number one, get the crowd moving. And once they get moving, it's to take a significant portion of ground before they can kind of get their bearings and regroup. It's kind of like - you see, like, the big school of fish, and the shark's coming through, and they're doing this, and they're moving around. You're trying to guide them, and move them, and keep them guessing so they don't know what's going on. We want them to go this direction, we don't want them to know what the next tactic is, we don't want them to know where we're coming from next, we want them to go this way. So, the dynamic is an excellent tool. I know, like you said, a lot of people don't like the looks of it, but it's great, it gets the crowd moving. The whole point of the dynamic is, we'll take custodies if necessary, or if appropriate, or whatever. The point of it is to take that ground, and to take the ground quickly and establish that new foothold, where are we going to take it. If we're picking up the people afterwards, we're picking up the people afterwards. I can see it in some of these, where some people, like, they trip and they fall, the officers continue to move past them. That initial line is meant to go establish that next foothold, whether it's going a block or half a block, two blocks, whatever, they set that line. Usually, not all the time, but if we have the resources available, and we're trying to take custodies, we'd have, like, a secondary, like, mobile field force, or something, behind that RRT line. So, as the RRT line push forward, those people are coming through the line. The squad behind them might be affecting those arrests. Or, if they're not affecting those arrests, they're at least grabbing those stragglers so we're not leaving people behind the line, and they're getting people up to where the line stopped, and pushing them back out, kind of like catch and release, if you will. Sometimes, depending on how the lines are set up, maybe they're pushing them out the side, or something like that. There was obviously an expectation, through this that if people got injured when they fell down, that we would offer them medical aid, because we had the RRT medics embedded. So, I can't say that it happened every single time, but what I can say is that I know that it happened the vast majority of the time, because I don't know about every single injury out there. Every injury that I am aware of, I know that they were offered medical care on site. But, anyways, that's - the point of that is to take that ground quickly, to be surprising, because that - the whole point of it is to startle, because the natural reaction is to flee away, and they're trying to take that ground to create a buffer, or get the crowd out of a particular area. So it's a very effective tool to utilize, but it also causes - there was a couple times where they went, like, a long distance, doing that, and it's causing people to keep, kind of, filleting off as they're moving, doing this movement, and it breaks up when you have an unlawful assembly declared, or a riot was declared, or whatever the case may be. By doing that, you're breaking it up. You're breaking them up into those small chunks, and those small chunks of people are less likely to do that big damage, because there's a lot less anonymity. You've got the officers in there, they see the group of four or five do something, it's much easier to go snag that group of four or five right there, than that group of 200 that was there five minutes ago, you know what I mean?

CLITHERO: Mm-hmm.
MCDANIEL: So, it was - I know there was - like I said, there was some people that kind of frowned upon that tactic. It's that force, because it's a very effective tactic that does exactly what it's designed to do, as long as we do it appropriately, we're offering the medical help if people trip and get injured. We have to make sure we get those people on the other side of the line, one way or the other. Whether they're getting arrested, or whether or not they're just - the whole point was to take that street, push them back out, clean it up, do it appropriately.
CLITHERO: Okay. Thank you. Question I meant to ask before that. Have you served in the role of squad leader before? Has that been your -
MCDANIEL: Yes.
CLITHERO: Okay. Thank you. I might touch on your experience with that, too.
MCDANIEL: I was - when I got promoted in 2011, like I said, I was already on the team. I stayed on the team. I was an assistant squad leader for Bravo Squad back then, until - I can't remember what year it was, '15, '16, somewhere in there, maybe '15. And then, I was the squad leader for Delta for the remainder of my time.
CLITHERO: Okay.
MCDANIEL: Until mid-2018.
CLITHERO: Thank you. And just, kind of just go ahead and circle about something you said earlier, because we see - obviously, this is from a perspective of a person carrying a fed rig to record video, and they're with the line that's conducting the dynamic. We can't see what's behind them, so that was helpful for us to know. Correct me if I'm wrong in interpreting what you said, but typically there would be a squad behind them, or a mobile field force behind them that would address people that may be flanking the officers or -
MCDANIEL: In a perfect scenario, yes. Depending on how many people are out there, the different groups, things like that, and what our staffing level was for the night. That may not be the case. It may be, we're just trying to get them out of here. We'll pick up the stragglers, and the stragglers will catch back up to their buddies at some point, going around the block, or whatever the case may be, but in a perfect world, perfect staffing, all that kind of stuff, we would have that secondary line then.
CLITHERO: Okay. Thank you. You had - you mentioned the night that the PPA building was targeted, lit on fire. Is that -
MCDANIEL: Which night?
CLITHERO: That was my question. Is that something that happened - I've gotten dizzy reading over, you know, 180 nights as well, and I didn't live it like you did. Sounds like that was a pretty frequent thing that would happen.
MCDANIEL: It was. It was kind of weird. There was kind of a - after a while, it kind of got to be a rotation. They'd be downtown one night, they'd be at southeast one night, they'd be at north precinct one night, they'd be at the union office out on Lombard. Sometimes, they would come by the union office and the north precinct all in the same night, or whatever, but they would just kind of do a rotation. For some reason, east was kind of off the hook, except for just a couple of nights. But, yeah, it was - so, whenever they would go to the union office, obviously, it was vandalism, or trying to set it - they tried to set it in fire a few times, broke into it a few times. Out by Kent Park, down in Kent, they were breaking stuff, they were breaking out windows in Kent, and yada, yada, all that kind of stuff.
CLITHERO: Okay. Thank you. Just a curiosity. Couple videos we've looked at, you hear a squad leader say wheel left.
MCDANIEL: Uh-huh.
CLITHERO: Can you tell me kind of what's happening there with that?
MCDANIEL: Yeah. So, you've got your line formation, and you've got your Column 1, Column 2, which is when they're just lined up, moving to get (inaudible - 00:24:59) line formation there. So, wheel is just, they're in their line formation, and they're wheeling left. So, you're coming up to an intersection, crowd's going this way, where we want them to go that way, we just kind of swing that gate around, and that's what you're doing. And so, you're just wheeling left, so now you're facing left of what your previous orientation was.
CLITHERO: Okay. Thank you. And just to really pin something down, I think I can infer from your answers, what

you've given already, but it sounds like the squad leader - so, there's - they get direction if they're - they need to clear a space, and they have pretty broad discretion how they do that.
MCDANIEL: Well, within the rules that have been laid out by the CMIC beforehand, but yes, we let them pick the tactic they're going to use, as long as it's within the boundaries of what's been set up for them.
CLITHERO: Okay. So that life safety standard, is that the squad leader making a determ- - so, if I infer that you - if I infer from what you said, the CMIC says gas is authorized -
MCDANIEL: Mm-hmm.
CLITHERO: - in circumstances of life safety, is it the squad leader that makes the determination as to whether there's a life safety situation that they're observing, that they can use gas?
MCDANIEL: Well, I guess it's a yes and a no question, and the reason I say that is because they may see something that's life safety, and they're - if it's, like, that - we don't have CS authorized yet, we expect them to take some sort of action to remedy the issue, if they can safely do so or they need to save somebody's life, that's what we're going to do. The CS authorization comes from the CMIC, but it's based off of what we're seeing via video and also based on what they're telling us. I mean, they're describing to us what they're seeing and that - if this is a life safety issue, because they're trying to set this building on fire, or they're - you know, they're throwing rocks at officers, or, you know, they're beating up a homeless guy over here, or something, whatever. So, you can establish that safety issue. So, they're describing that to the CMIC that's giving the authorization for the CS, if appropriate.
CLITHERO: Mm-hmm.
MCDANIEL: So, from that - that's why I'm saying it's kind of a yes and no. It's like, they're seeing it down there, so they're making the determination that this is generally a life safety issue. They're relaying it to the CMIC before the CS is authorized, unless it was like a, we're getting overrun, we're all going to - you know, the officers are going to get killed, or this person's going to get killed. They can do CS, they can do .40mm, they can - you know, whatever. We expect them - if they believe somebody's going to get killed, they're going to take the appropriate action that they're going to take. It's just that, you know, in 99.9 percent of these, there's that time to be able to go up to the CMIC for - and the thing is, usually, these things are not, like instantaneous, right? Like, this has been building. So, we know that we're getting to this point, and there's not a lot of additional description that really needs to happen when we're getting to this point, because the CMIC has been listening and watching this the whole time, anyways, and knows that, I mean, this is where we are. So, it's usually a pretty quick decision when we get there, because it's - that's where we're at. So, it's usually not something that just crops up out of nowhere, out of a peaceful deal.
CLITHERO: Okay. Thank you. I've got one video to show, and then some questions, and probably another video to show, and we're winding down. If it's -
MCDANIEL: Sure.
CLITHERO: - of any relief to you, at this point. Okay. This is one of the videos that we flagged. It's kind of a dynamic that we thought was, visually, just a little bit of concern.
MCDANIEL: Okay.
CLITHERO: And wanted to kind of get your sense of it. Just to set it up, there's a dynamic that's about to occur between close proximity of people, to our eyes, are kind of a stagnant group that are really close to the officers.
MCDANIEL: Okay.
CLITHERO: About twenty seconds away. (inaudible- 00:29:20) It's really - so, the part that was of concern, at least to folks that don't have your training and experience, is that officers standing that close in proximity, affecting a dynamic in that environment, common sense-wise to us, it seems like that would be - people would have not a lot of time to respond, to comply.
MCDANIEL: Normally, you would want to have a little bit more distance there. It's not to say that what - the action they took there was wrong.
CLITHERO: Mm-hmm.
MCDANIEL: Again, it's a snippet, and so I don't know what happened. What I - just looking at the video, I'm looking at the paint splatters all over the ground, so I know there were some paint bombs thrown before this, and

then, probably three or four seconds before the dynamic happened, you could see a couple of projectiles coming over the top of the officers. So, I don't know what happened. And this is just what I've seen within the 20 seconds before this took off. Generally speaking, I would say the dynamic was a little close in the start. That doesn't mean that you can't do it and it can't be effective. In a perfect world, yeah, we would like to see it further apart, but I didn't necessarily see anything in there where I was like, oh my god, that is - like, we would never do that, is, I guess, what I'm getting at.

CLITHERO: Okay. Thank you. And just to hammer it down, so, that would be the squad leader's call at that point? It would have -

MCDANIEL: Well, it's going to be in conjunction with - you know, we're telling them, hey, we want you guys to go down the block, here. They're going to talk to Lincoln 1, Lincoln 2, the - you know, if there's one of those guys out there that night, so they can coordinate with the other squads. Because if we're going to do this - say, if they wanted to do this, depending on how far they wanted to go, they may want to go three blocks down, so you're going to have to have your resources knowing what's going on, so they can position themselves at block one and block two, to make sure that everybody kept going the same direction versus peeling off. So, if this is going to be a coordinated thing, where the dynamic - unless it's something that, again, is like a life safety thing. But if they're going to do a dynamic, and stuff like this, it's something that's been discussed amongst the squad leaders, you're letting people on the line know, hey, this is what we're going to do, and you're generally letting them know what the stop point is, right, because, in that chaos, they're not going to hear you yelling at them, hey, stop, or halt, or whatever. So, you're going to have to say hey, we're going to the - like, here, you see a gray electrical box, there, or something like that. So, you make sure that everybody could see that - you're probably in a big crowd, you pick something that's a little taller, right, to be able to see, but - or at the next intersection, where you're dynamic to the next intersection, and that way everybody knows where their stop point is. So, all of these communications are happening before the dynamic ever takes place. So, you're looking at something that's probably in planning, at least, hey, we're going to do a dynamic, to go do this, blah, blah, blah. On the quick end, you're probably talking about 20 or 30 seconds of planning before it takes off, at all, unless there's an immediate life safety thing, like there's somebody bleeding out in there, we have to go right now, everybody dynamic to the next block, we're going to do it. Beyond that, it's 20, 30 seconds at the fast end, and sometimes it's three, four, five minutes, maybe even 10 minutes after that, depending on how far they want to go, what resources they have, and where they want to set those resources up. Because, like, if we needed to go through the parks behind the building here, I mean, it's a huge swath of land, you need a lot of resources in order to do that. Probably not going to do a lot of dynamic in there, there may be dynamics in certain portions that you're going to do, to, like, get people through certain sections. But, you know, there's - bigger movements like that are going to take more time and planning, with the different squads, and things like that, especially if we're using OSP, county, things like that, throwing different radio nets. So, we're having to communicate with our folks that are with us in the IMT, that are related to their folks, you know, so it's - there's planning that goes into these. These aren't just, like, spur of the moment that's going, unless somebody's dying right there.

CLITHERO: Okay. That's helpful to know. Thank you. I have kind of a general question. On evenings where ICS is operating as part of a unified command, can you give me a sense of what the difference is in an evening where you're working with a unified command as opposed to just PPB running the operation?

MCDANIEL: So, unified command is where they're going to have, you know, a representative from state police, Multnomah County Sheriff's Office, whatever, are going to be in there, because they're kind of - they're running, like, their branch over, you know, their section. A lot of times, we would have - excuse me - as an Ops Chief, a lot of time, even if we had OSP in there, a lot of times it was unified because I would have, as the Ops Chief, the ability to control OSP, county, you know, whatever. Where it was a little different sometimes is with respect to, like, when the feds were out there. Feds had their own radios, their own - and we would have their folks in there, and so that - those became a little bit more challenging at times, when we were told, especially from the City, that we couldn't, like, directly communicate with them, so that was - it became more challenging. That's why you want a unified command, so you're not having to do that, things go much more smoothly, everybody knows what

everybody else is doing, that's the whole general point of that. Just about every time they were up here, we did unified command. We don't want to keep things separate, because we want people to know what we're doing, even if we're doing things in different parts of the city, because you'd have protests down here, one at Lloyd Center, one out by southeast, whatever, it's - in order to have a good situational awareness, because we may need to shift. There may be nothing going on here, but the bulk of the people are at southeast. So, with unified command, we can say, hey, we need two of your squads that are stationed down here, we need them to move out there, to help out. The guys that are up at Lloyd Center, eh, your crowd's smaller than we thought, keep two of your squads, send one of your squads over to southeast. So, that's what unified command does, is, it allows us that ability to share the resources as need be, and move them appropriately, where we need them, kind of within the arena.

CLITHERO: Okay. Thank you. So, there - I have a question about, kind of, one more night of protests, and then I'll get into some stuff about gas -

MCDANIEL: No worries.

CLITHERO: - and then - and let people just about be concluded. Are you - do you recall, or are you familiar with a situation where a citizen named Dmitri Stoyanoff had his sign removed by PPD officers? It was -

MCDANIEL: The name doesn't sound familiar.

CLITHERO: It's one of them that caught some attention. I just wanted to see - if you're not familiar with it, I can - I'll skip over this.

MCDANIEL: No (inaudible - 00:35:55). There were a lot of signs taken on a lot of different nights. I'm sorry.

CLITHERO: Gotcha. And that leads into this question, really, is that, on that night, there was an order given to sweep a park for weapons, prior to -

MCDANIEL: Which park?

CLITHERO: - a protest. Peninsula Park, in this case.

MCDANIEL: Okay.

CLITHERO: Is that something that happened frequently over the summer, actu – into, actually, November, where, in anticipation of protest activity, they would -

MCDANIEL: Yes.

CLITHERO: - direct that you would sweep for weapons?

MCDANIEL: Yes.

CLITHERO: Okay. All right. That's the question. Okay. If you - kind of, scattered questions about gas.

MCDANIEL: Mm-hmm.

CLITHERO: Can you make a distinction between OC vapor, and fog, and CS gas, and the process for authorizing the use of each, and what kind of goes into that?

MCDANIEL: So, OC is pepper. Pepper is - those are decided by the - at the squad level, if you will. Pepper - obviously, the deployment of it is - the OC vapor was something that a grenadier would carry, a less lethal operator would carry, and so they have more specific training, placement, things like that. Again, same thing with, like, wind, environment, you know, things like that.

CLITHERO: Mm-hmm.

MCDANIEL: The CS - or, excuse me, pepper, usually, again, typically was a grenadier's or a squad leader's - occasionally, someone on the line would have pepper, and that's - depending on what they're seeing in front of them, it's the same rules as we would have on the street. It's gotta be a targeted application, you're not just spraying everybody down the line, that kind of stuff. Understanding that, you know, in a crowd, there may be a little bit of overspray, but you're doing what you can to minimize that overspray, you know, short bursts, right, make sure you're right on target, things like that. CS is the one that's gotta be authorized by the CMIC. Life safety, as we talked about, was our parameter here, and so that's what we did. As I've talked about before, if - CS looks mean, because it's this big cloud of smoke, and all that kind of stuff. In reality, the level of force involved with CS gas is so much lower than people make it out to be. I would walk through a cloud of CS 50 times before getting sprayed in the face with pepper again, pepper sucks. It's just - it is what it is. It's like I said, it's got the - you know,

throughout history, it's just got this negative connotation around CS, and its usage, and things like that. I'm not saying it was used appropriately, many times in the past. What I'm saying is that, when it's used appropriately and, you know, it's - it really is - it's an excellent tool that causes way less damage to people, physically. I mean, it's just - there's studies all over the place. There's way less damage to people, respiratorily, eyes, all that kind of stuff. Everything goes away super quick, pepper lasts forever. OC vapor is pretty quick, too. OC vapor is - it's invisible, essentially, but once you're out of that cloud it starts going away pretty quick.

CLITHERO: Okay. Thank you. So, there's – one evening that - our records indicate that you weren't working. This is early on in the protests, but are you familiar with Tear Gas Tuesday, with the notion of that, or the something -

MCDANIEL: I have not heard that one.

CLITHERO: Okay. I won't get into detail about it, then. So, a firm commissioned their own report about the dangers of the use of CS gas, and I think this contributed heavily to the TRO that ultimately restricted you folks -

MCDANIEL: Yeah.

CLITHERO: - from being able to use it, but it references, like, the Geneva Convention, and some other considerations about whether CS gas is harmful, or whether it can be harmful over time, and that kind of a thing. And I was just curious if you and maybe other folks at the - your sergeants, not at the command level, but you've certainly spoke with - or, worked closely with folks at the command level during these types of incidents. Was there any discussion, do you remember, about kind of the substance of this, or the voracity of how CS gas is depicted and contributed to the TRO?

MCDANIEL: I don't recall specifically having that conversation.

CLITHERO: Okay.

MCDANIEL: I just - like, what I'm giving you is just what I know. I was training with this stuff forever and ever, I'm exposed to it a lot. You've got the manufacturer stuff. I mean, if it was harmful to people, like they're talking about, I mean, those people would be out of business, because with all the gas that's going out, you know, billions and billions of dollars. I mean, they - you can have people skew your tests however you want them skewed. I mean, I was in a civil trial where they were trying to say that pepper spray was carcinogenic and, you know, it's toxic. I Handed the city attorney the bottle, where it says nontoxic right on the bottle, I mean, and things like that, so.

CLITHERO: Okay. And if you ever get curious, you can just put Tear Gas Tuesday into Google, and you'll get this -

MCDANIEL: All right.

CLITHERO: - report that was commissioned. It's actually really sophisticated looking modeling, and they have, like, a map of the city, and they showed, like, particles and things, and spores spreading around, and that kind of stuff. It's pretty interesting, if you're curious to take a look.

MCDANIEL: All right.

CLITHERO: Okay. There's one more evening of gas, I just want to get, kind of, your sense of - put your eyes on the video, and ask a few questions.

BERRY: All right.

CLITHERO: Oh, that's interesting. Only ever happens to me when I really need access. So, okay. Does that look like anything the PPB would deploy? That's my first question.

MCDANIEL: No. That is a mortar firework.

CLITHERO: Okay, gotcha. That was my suspicion there. So, a little bit later, like, about 15 seconds into this video, there's going to be a gas deployment.

MCDANIEL: Mm-hmm.

CLITHERO: Just want to kind of get your sense, and then I'll ask a few questions about it.

MCDANIEL: Okay.

CLITHERO: This is 9/5 of '20. So, I kind of want to stop here, but it's tough to know. So, is this smoke, was it gas, is it a mix? It's kind of tough to distinguish.

MCDANIEL: Probably both.

CLITHERO: Okay.

MCDANIEL: We train - generally speaking, we train both. We use the smoke as a carrying agent, it helps make - you use less gas, the smoke carries the CS gas particulate and helps it fan out more. So, you use less gas, but it covers a broader area.
BERRY: Okay. And you mentioned that kind of blueish gas, to some CS gas, is that what I'm looking at there, on the right, over the -
MCDANIEL: Well, shadows can do anything.
BERRY: Yeah.
MCDANIEL: It's more - in real time - it's fascinating. It's tough to explain. Like, if we were out, like, in a range where I could pop a thing of CS and a thing of smoke next to it, you'd be able to look at it and go okay, I see what you're talking about. It's like, you want to say it's blue, but it's not. I mean, it's white smoke. It's just, like - it's got, like, this really, ever so light kind of hue around it, it's CS versus the white smoke, kind of tends to have, like, a grayish hue around it. I don't know, it's hard to describe. I would say - I can't tell, right there, with that. I would say, based on the number of munitions that are going out here, that it's a combination of both smoke and CS, to carry the CS that's going out.
CLITHERO: Okay. And then, also, the mortars, all the smoke from the mortars -
MCDANIEL: There's a lot of smoke from the mortars there, as well, yes. It looks like many of those nights did.
CLITHERO: So, when the mortars are going off amongst, kind of, where officers are positioned, is that - does that -
MCDANIEL: Life safety -
CLITHERO: - (inaudible - 00:44:32) life safety at this point?
MCDANIEL: Yeah. Oh, yeah.
CLITHERO: That's my question.
MCDANIEL: Yeah.
CLITHERO: Okay. Thank you.
MCDANIEL: Very much so.
CLITHERO: For the transcriptionist, I think we want to - do you acknowledge that it's a life safety concern?
MCDANIEL: Yes, indeed. Okay, that one, see how it's kind of blueish?
CLITHERO: Mm-hmm.
MCDANIEL: Like that, that one is over there, in the middle of the street (inaudible - 00:45:04) white, but it's just got that ever little bit of blue, that's what I'm talking about. And then, you see certain - so, now it's mixing. You can see a little bit, but you see some of it's kind of grayish blue, and some of it's got a blueish hue. So, that's where it's mixing. That's what I was talking about. And now, you don't have the smoke so thick that you really - you're not getting good, kind of - like, the lighting has to be right when you're looking at it.
CLITHERO: Pretty much what I wanted to show, establish a couple things there, but as far as, you know, there was a few articles that came out over the course of that summer, and thereafter, covering lawsuits, and that kind of thing, about people, and they were just complaining about being in their homes, doing normal, everyday, like, people things, and being subjected to CS gas in their homes. And so, a couple questions I have. One is, is that a consideration when you're deploying in residential neighborhoods? Like, you know, this one had - you can see some residential houses.
MCDANIEL: It is. Like we talked about a little bit - can't remember if it was -
BERRY: Yeah, earlier.
MCDANIEL: Yeah, there is. It depends on how dangerous it is, and how much of this stuff is going to go out. I mean, if it needs to go out, it needs to go out. It's just - it's no different than if our SERT team is at a house, and there's a guy in there, he's cranking rounds off and they need to put some CS. There's people - as windows get broken out, things like that, there's people in neighboring houses that are going to taste a little bit of CS, and, unfortunately, it's the cost of doing business. But, sometimes, you - I mean, it's what is necessary to be done. And we do our best to mitigate the impact that it's going to have on the people in the neighborhoods, but sometimes it's gotta happen. You know, we do what we can to not impact them, but sometimes you don't have

any control over it.
CLITHERO: Okay. Thank you. And just touching on your training and experience, anything concerning about that video, about the deployment of the gas, or is that how you would generally expect it to go?
MCDANIEL: No. That's what we would expect. You've got - well, depending on what they're trying to do, is - based on what I've seen here, they're trying to get that crowd to move out of that area, get away from them, which is - looks like what they're trying to do. So, you're going to start off, you might have some line drops of CS and smoke, to get people moving, to create some distance. You're trying to keep them moving, they're still throwing those mortars that you're seeing going off, that's where you're starting to see some air launch stuff, and just trying to push those people further and further away, it's - again, getting more and more distance between them and the officers, which is creating a safety buffer, because of what we talked about, the life safety issues. So, it's accomplishing two goals, we're getting them to move out of the area, and it's also creating that buffer there.
CLITHERO: Mm-hmm. Okay. Thank you. I want to jump all the way back into a question about Commander PASSADORE, and shifting topics entirely before I lose my train of thought on it. You had mentioned, and you spoke kind of hypothetically, because it seems like, you know, with the breadth of what, you know, 2020 was, and all the - you know, the Groundhog Day environment that it kind of produces in your mind when you try to remember things. You'd mentioned that you - an order would come from PASSADORE, you'd relay it to the folks on the ground, and you'd get a call saying no, we're not going to do that, because it puts us in an unsafe position. Is there a scenario that comes to mind, or a safety situation that occurs to you?
MCDANIEL: There -
CLITHERO: Even speaking kind of (inaudible - 00:48:27) -
MCDANIEL: Yeah. It just - it happened multiple times. There was one - I don't remember - this one wasn't on the phone, and so, I remember this one was over the air. It was down in front of central precinct, here, I remember that now Captain CLARK was the Redacted, I think, 2, Redacted that day, whatever. And I remember, Captain PASSADORE wanted them to do something out front, and they were - distinctly remember Captain CLARK getting on the radio and saying we are absolutely not doing that, that is unsafe. But the thing is, if it was just that, it's - it is what it is. I mean, sometimes decisions are being made, sometimes you're not thinking of this, and it is what it is. It was just - unfortunately, it was an overarching theme on many a days, where it's - and again, I don't think he was doing it to be mean or malicious, I just think it was going too far out of the CMIC lane, starting to encroach into the Ops Chief lane without the depth of knowledge that was required in order to make those decisions right there, because myself and the people that are on the ground have the same depth of knowledge with respect to tactics and what we're capable of, that kind of stuff. They're - they have a better understanding of what's going on exactly in front of them right there, obviously, because they're out there, they're just relaying it to me. But that's where it was frustrating, is, talking about tactics that we haven't practiced, we haven't done, we - you know, some - we're pretty good at adapting. RRT is pretty good at adapting, but there's certain things that, you know, if we haven't practiced doing them, especially if we're trying to expel people out of a certain area, or take certain ground, and we haven't practiced, it takes a little bit more planning and thought, and it can be more dangerous, and why are we doing this? They're throwing rocks in this area. If we stay back here, we're not getting hit. And then, they may be told to go into that area, anyways, which would obviously frustrate people, because there's no purpose, or getting told to just go stand in a line somewhere, without actually doing something, that really frustrated people. We really tried, especially towards the end of the last month of this, maybe even two months, just trying not to have people standing out there too long, like, just standing on the line, because you're just standing there, taking rocks, and bottles, and fireworks, and all kinds of stuff. It was like, if we were going to put them out, it was to go accomplish a purpose, move a crowd, get them out of a building, whatever. If we weren't going to do anything like that, try to keep our guys back. So, but anyways, more directly to your question, it's - it was things like that, that were - it was - a lot of those could have just been alleviated if he would have trusted the people that he had working for him, is what it comes down to. Trust the people you have working for you, that they're going to follow the instructions and the parameters that you have put out, is - through your briefing and

your op plan. You know, trust that we're going to use our brains, and stay within that, and implement our tactics correctly.
CLITHERO: Thank you. My last question, really, is, is there anything today that you were expected to be asked, or hoped to be asked, or any information that you want to put on the record, that our questions haven't given you the opportunity -
MCDANIEL: Never ask somebody if they hope to be asked any questions. Nobody ever hopes to be asked questions, right? No. I didn't know - since I couldn't - didn't have access to this stuff, I really didn't have any idea what you guys were going to be asking me.
BERRY: Okay. President SCHMAUTZ while we're still on the record, anything you want to ask or clarify?
SCHMAUTZ: No.
BERRY: No? All right. KOPPANG, anything?
KOPPANG: I don't have anything.
BERRY: No? All right. Well, one last chance to - before we turn off all these recorders. Anything you want to add while we're still talking?
MCDANIEL: No.
BERRY: No? Sergeant McDaniel, thank you so much for your time. We appreciate it.
MCDANIEL: Appreciate it. No problem.
BERRY: Time is 11:22.