

United States Senate

WASHINGTON, DC 20510

April 22, 2021

Ms. Yogananda D. Pittman
Acting Chief of Police
U.S. Capitol Police
Washington, D.C. 20515

Dear Acting Chief Pittman:

I am writing regarding the death of U.S. Capitol Police (USCP) Officer Brian Sicknick, who died on January 7, 2021, the day after the breach at the U.S. Capitol. The recent medical examiner ruling that Officer Sicknick “died of natural causes” raises questions regarding the USCP’s press release on January 7, 2021, that stated Officer Sicknick died from “injuries sustained while on-duty” after “physically engaging with protestors” at the U.S. Capitol on January 6, 2021.¹

On April 19, 2021, the *Washington Post* reported that Francisco Diaz, the Washington, D.C. chief medical examiner, ruled that Officer Sicknick “suffered two strokes and died of natural causes a day after he confronted rioters at the Jan. 6 insurrection.”² Moreover, Dr. Diaz stated that Officer Sicknick’s autopsy “found no evidence” that he “suffered an allergic reaction to chemical irritants.”³ The *Washington Post* noted that “[Dr.] Diaz’s ruling does not mean [Officer] Sicknick was not assaulted or that the violent events at the Capitol did not contribute to his death.”⁴ Yet, the medical examiner found that “there was no evidence of internal or external injuries” to Officer Sicknick.⁵ These official findings appear to be at odds with the USCP’s January 7 statement that Officer Sicknick died “due to injuries sustained while on-duty.”⁶

Additionally, the medical examiner’s office reportedly stated that Officer Sicknick “collapsed 7 hours and 40 minutes after he was sprayed [with a chemical irritant], and then died nearly 24 hours after that.”⁷ This finding raises more questions about what USCP knew and

¹ Peter Hermann and Spencer Hsu, *Capitol Police officer Brian Sicknick, who engaged rioters, suffered two strokes and died of natural causes, officials say*, Wash. Post, Apr. 19, 2021, https://www.washingtonpost.com/local/public-safety/brian-sicknick-death-strokes/2021/04/19/36d2d310-617e-11eb-afbe-9a11a127d146_story.html; Press Release, Loss of USCP Officer Brian D. Sicknick, U.S. Capitol Police, Jan. 7, 2021, <https://www.uscp.gov/media-center/press-releases/loss-uscp-colleague-brian-d-sicknick>.

² Peter Hermann and Spencer Hsu, *Capitol Police officer Brian Sicknick, who engaged rioters, suffered two strokes and died of natural causes, officials say*, Wash. Post, Apr. 19, 2021, https://www.washingtonpost.com/local/public-safety/brian-sicknick-death-strokes/2021/04/19/36d2d310-617e-11eb-afbe-9a11a127d146_story.html.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Press Release, Loss of USCP Officer Brian D. Sicknick, U.S. Capitol Police, Jan. 7, 2021, <https://www.uscp.gov/media-center/press-releases/loss-uscp-colleague-brian-d-sicknick>.

⁷ Peter Hermann and Spencer Hsu, *Capitol Police officer Brian Sicknick, who engaged rioters, suffered two strokes and died of natural causes, officials say*, Wash. Post, Apr. 19, 2021, https://www.washingtonpost.com/local/public-safety/brian-sicknick-death-strokes/2021/04/19/36d2d310-617e-11eb-afbe-9a11a127d146_story.html.

what actions USCP took to confirm certain facts regarding Officer Sicknick's death before it released its January 7 statement.

It remains unclear why the USCP released a statement regarding Officer Sicknick's cause of death months before the medical examiner made an official determination. Following USCP's claim that Officer Sicknick died "due to injuries sustained while on-duty," false reports about those injuries began to emerge. For example, the day after USCP released its statement, the *New York Times* reported that Officer Sicknick "was struck by a fire extinguisher."⁸ During President Trump's second impeachment trial, the House Democrat impeachment managers used this false report to claim, in a trial memorandum, that the "insurrectionists killed a Capitol Police officer by striking him in the head with a fire extinguisher."⁹ On February 12, 2021, the day before the Senate voted to acquit President Trump, the *New York Times* updated its initial reporting and stated, "Law enforcement officials initially said Mr. Sicknick was struck with a fire extinguisher, but weeks later, police sources and investigators were at odds over whether he was hit."¹⁰

Absent any official rulings from the medical examiner's office and following unsupported claims regarding Officer Sicknick's cause of death, including the USCP's initial statement, the USCP stated on February 26, 2021, that "Officer Sicknick's family has asked for privacy during this difficult time and that *the spreading of misinformation stop regarding the cause of his death.*"¹¹

Since January 2021, I have sent several oversight letters to different agencies in my ongoing efforts to reconstruct as completely and accurately as possible the events of January 6, including what happened to Officer Sicknick.¹² I appreciate your previous responses to my letters to USCP and your willingness to address additional questions.

The death of any police officer is a tragedy and the use of any officer's death for political purposes or to create a false narrative is reprehensible and disrespectful to the officer's family and the officer's memory. Given the official release of Officer Sicknick's cause of death, I

⁸ Other news outlets later revealed that "initial reports about Sicknick being hit with a fire extinguisher are not true." Daniel Chaitin, *New York Times quietly updates report on fire extinguisher striking Capitol Police officer*, Wash. Examiner, Feb. 14, 2021, <https://www.washingtonexaminer.com/news/new-york-times-capitol-police-officer-brian-sicknick-fire-extinguisher>.

⁹ *Trial Memorandum of the United States House of Representatives in the Impeachment Trial of President Donald J. Trump*, U.S. House of Representatives Managers at 28, Feb. 2, 2021, https://judiciary.house.gov/uploadedfiles/house_trial_brief_final.pdf.

¹⁰ Marc Santora, Megan Specia, and Mike Baker, *Capitol Police Officer Dies From Injuries in Pro-Trump Rampage*, NY Times, Jan. 8, 2021, <https://www.nytimes.com/2021/01/08/us/brian-sicknick-police-capitol-dies.html>; Daniel Chaitin, *New York Times quietly updates report on fire extinguisher striking Capitol Police officer*, Wash. Examiner, Feb. 14, 2021, <https://www.washingtonexaminer.com/news/new-york-times-capitol-police-officer-brian-sicknick-fire-extinguisher>.

¹¹ Press Release, Statement on Officer Sicknick, U.S. Capitol Police, Feb. 26, 2021, <https://www.uscp.gov/media-center/press-releases/statement-officer-sicknick> (emphasis added).

¹² Senator Johnson has written to the acting and former House and Senate sergeants at arms, the Federal Bureau of Investigation, USCP, the U.S. Architect of the Capitol, and the Washington, D.C. Office of the Chief Medical Examiner.

respectfully request that you provide the following information and materials:

1. Please provide a full timeline and description of Officer Sicknick’s work activities from January 6, 2021 to the time of his death. Please include when and where Officer Sicknick collapsed, who reported it, who received that report, and what actions were taken.
2. What was the basis for USCP’s claim on January 7, 2021, that Officer Sicknick “passed away due to injuries sustained while on-duty”?¹³
3. On February 26, 2021, USCP stated that “Officer Sicknick’s family has asked for privacy during this difficult time and that the spreading of misinformation stop regarding the cause of his death.”¹⁴
 - a. What did the USCP consider to be misinformation regarding Officer Sicknick’s death?
 - b. How did the USCP become aware of misinformation regarding Officer Sicknick’s death?
 - c. How did the USCP determine that certain reports regarding Officer Sicknick’s death were misinformation?
 - d. What actions, if any, did the USCP take to address misinformation regarding Officer Sicknick’s death?
 - e. When did the USCP become aware that Officer Sicknick was not struck with a fire extinguisher?
4. Please describe what, if any, information the USCP has shared with Officer Sicknick’s family regarding his death.
5. Did the House impeachment managers contact USCP in an effort to confirm Officer Sicknick’s cause of death? If so, when did that occur and what, if any, information did USCP provide?
6. If USCP became aware before or during the February 2021 Senate impeachment trial that Officer Sicknick was not struck with a fire extinguisher or did not die from related injuries, did USCP contact, or attempt to contact, the House impeachment managers to address the claim in their trial memorandum that stated, “insurrectionists killed a Capitol Police officer by striking him in the head with a fire extinguisher”?¹⁵
 - a. If so, please explain when that contact occurred and what was discussed.

¹³ Press Release, Loss of USCP Officer Brian D. Sicknick, U.S. Capitol Police, Jan. 7, 2021, <https://www.uscp.gov/media-center/press-releases/loss-uscp-colleague-brian-d-sicknick>.

¹⁴ Press Release, Statement on Officer Sicknick, U.S. Capitol Police, Feb. 26, 2021, <https://www.uscp.gov/media-center/press-releases/statement-officer-sicknick>.

¹⁵ *Trial Memorandum of the United States House of Representatives in the Impeachment Trial of President Donald J. Trump*, U.S. House of Representatives Managers at 28, Feb. 2, 2021, https://judiciary.house.gov/uploadedfiles/house_trial_brief_final.pdf.

- b. If not, why not?
7. According to Senate testimony on March 2, 2021, FBI Director Christopher Wray said, “There is an ongoing investigation into [Sicknick’s] death” and [the FBI is] not at a point where [the FBI] can disclose or confirm the cause of [Sicknick’s] death.”¹⁶ What, if any, materials has the USCP provided to the FBI? I respectfully request that you make any information provided to the FBI available to my office.
8. Have you directed the Office of Professional Responsibility and/or the Office of Inspector General to investigate how the January 7, 2021 USCP press release was developed and approved for release? If not, why not?
- a. Is the USCP investigating whether members of the USCP provided inaccurate information to the *New York Times* in connection to its January 8, 2021 article about Officer Sicknick’s death?¹⁷
- b. On February 12, 2021, the *New York Times* “quietly” updated its January 8, 2021 article regarding whether Officer Sicknick was struck with a fire extinguisher.¹⁸ If USCP became aware that Officer Sicknick was not struck by a fire extinguisher before February 12, 2021, did USCP contact the *New York Times* to request a correction? If not, why not?

Please provide this information in writing as soon as possible but no later than May 6, 2021. Once again, thank you for your attention to this matter.

Sincerely,



Ron Johnson
U.S. Senator

¹⁶ Bart Jensen, ‘We all want to know’: FBI, Capitol police remain mum on what killed Officer Brian Sicknick, USA Today, March 2, 2021, <https://www.usatoday.com/story/news/politics/elections/2021/03/02/brian-sicknick-fbi-capitol-police-mum-officers-death-riots/6886706002/>.

¹⁷ Marc Santora, Megan Specia, and Mike Baker, *Capitol Police Officer Dies From Injuries in Pro-Trump Rampage*, NY Times, Jan. 8, 2021, <https://www.nytimes.com/2021/01/08/us/brian-sicknick-police-capitol-dies.html>.

¹⁸ Daniel Chaitin, *New York Times quietly updates report on fire extinguisher striking Capitol Police officer*, Wash. Examiner, Feb. 14, 2021, <https://www.washingtonexaminer.com/news/new-york-times-capitol-police-officer-brian-sicknick-fire-extinguisher>.