

P-R-O-C-E-E-D-I-N-G-S

1:33 p.m.

CHAIRPERSON ANDERSON: Good afternoon.

We're back on the record. Our next case is a fact-finding hearing, Case No. 20-251-00011, Mirror Lounge, License No. 111950. Would all parties please approach and identify themselves for the record. I'll start with the investigator.

MR. PROUT: Good afternoon, everyone. My name is ABRA Investigator Tavril Prout.

CHAIRPERSON ANDERSON: Good afternoon, Mr. Prout.

MS. YOHANNES: Good afternoon, Sidon Yohannes here on behalf of Mirror Lounge as counsel. We have here the owners, they'll introduce themselves. I also have security officers and managers here. Should I have them come up to introduce themselves?

CHAIRPERSON ANDERSON: Yes, I would like everyone -- So everyone who wants to speak on Mirror Lounge, I would like -- Officer, are

you here for the Mirror Lounge hearing?

MR. GEIGER: Yes, sir.

CHAIRPERSON ANDERSON: Can you move forward, sir, and identify yourself for the record?

MR. GEIGER: Sure. I'm Sergeant Richard Geiger.

CHAIRPERSON ANDERSON: Sergeant Geiger, good afternoon.

MR. GEIGER: It's spelled G-E-I-G-E-R.

CHAIRPERSON ANDERSON: Thank you. Have a seat. There is also a sign-in sheet, that everyone please sign in on the sign-in sheet, please. And if the officers and the security personnel, if they're going to testify, why don't you have them come up now and sign in, so they should come up also.

MS. YOHANNES: Sure.

CHAIRPERSON ANDERSON: I'll have them identify themselves for the record.

MS. YOHANNES: Do you want to identify yourself?

MR. HUBBARD: Yes, my name is Tonchent Hubbard.

CHAIRPERSON ANDERSON: I'm sorry, I

didn't hear your name.

MR. HUBBARD: My name is Tonchent Hubbard.

CHAIRPERSON ANDERSON: Good afternoon, Mr. Hubbard.

MR. HUBBARD: I am the owner of Capitol Security.

CHAIRPERSON ANDERSON: Good afternoon. Have a seat, please.

MR. COLEMAN: My name is James Coleman. I'm a co-owner of Capitol Security.

CHAIRPERSON ANDERSON: Good afternoon, Mr. Coleman.

MR. GABICE: Good afternoon, everyone. My name is Jerry Gabice. I was the manager on duty at Mirror Lounge.

CHAIRPERSON ANDERSON: Good afternoon, Mr. Gabice.

CHAIRPERSON ANDERSON: Are you going to testify, Mr. Florentine, or are you just an observer?

MR. FLORENTINE: I hadn't planned on it, sir, but I'm available at the --

CHAIRPERSON ANDERSON: All right, thank you.

MS. YOHANNES: The owners will introduce themselves.

CHAIRPERSON ANDERSON: Go ahead, please.

MR. CASU: Good afternoon, Your Honor. My name is Bruno Casu, owner of Mirror Lounge.

CHAIRPERSON ANDERSON: Good afternoon.

MR. BEHA: Good afternoon, Manfredi Beha, owner of Mirror Lounge.

CHAIRPERSON ANDERSON: Good afternoon. All right. This is a fact-finding hearing and it is regarding an incident that occurred on January 23, 2020, where there was an incident that occurred at the establishment. I believe that the Chief of Police -- it basically was a patron was shot at the, I guess in the vicinity of the establishment. It's my understanding that an incident occurred inside and that it followed itself to outside the establishment, where someone was shot.

The Chief of Police at ALFA asked us to do a fact-finding hearing on this incident, so that's why we're here today. The Board has not made any determination whether or not we are going to -- whether or not this is an NFA or

whether or not we're going to send over to the Office of the Attorney General for a show cause hearing. So we have not made any determination as yet. What we're trying to do is to gather information for us to make a determination what's the appropriate next step for this matter.

Because this is a fact-finding hearing, you are not under oath. The Board cannot legally order you to do anything at this hearing. We could ask you to volunteer to make certain changes, and you can agree or not agree to volunteer to make those changes at a fact-finding hearing. As I said, we're gathering information and the Board will make a determination what the next step is moving forward.

What I will do, I'll ask Inspector Prout to let us know why we're here today.

MR. PROUT: Yes, sir, Mr. Chairman. So on Thursday, January 23rd at approximately 11:56 p.m., Supervisory Investigator Florentine received a phone call from Officer Stewardson of the 3rd District in reference to an assault with a deadly weapon gun that occurred out front of Mirror Lounge at the address of 1920 9th Street

NW. At approximately 12:23 a.m., Supervisory Investigator John Florentine, Lead Investigator Earl Jones, and Investigators Christopher Condon, Erin Peterson and Adam Mitchell left to arrive at the establishment.

Upon their arrival to the establishment, they were advised by Metropolitan Police Department that one female patron was shot twice in her lower back as the result of a altercation on the first floor with a known suspect, and she was found unresponsive on the sidewalk in front of the establishment and transported to Howard University as a result of her injuries.

Investigator Chris Condon conducted a regulatory inspection of the establishment prior to my arrival, and no violations were observed. Upon my arrival at approximately 12:45 a.m. on Friday morning, January 24, 2020, I interviewed ABC manager Jerry Gabice. Upon my interview with Mr. Gabice, he stated that no special event had occurred on the night of the incident.

Approximately 45 to 50 patrons were located on the first floor of the establishment prior to the incident. He also stated that on

the first floor of the establishment is where the initial verbal altercation occurred between the suspect and another male patron. Mr. Gabice also stated that the suspect showed that he possessed a firearm to another patron, and he was notified by a patron while in attendance at the establishment.

Mr. Gabice stated that subsequently, security personnel escorted the suspect out from the establishment. Mr. Gabice stated as the victim attempted to exit the establishment, he heard sounds of gunshots. Mr. Gabice also advised that he did not see the shooting that occurred at the front exterior of the establishment. Mr. Gabice stated that he was unaware of any Mirror Lounge personnel successfully made contact with Metropolitan Police Department.

Mr. Gabice stated that 16 personnel were on duty the evening of the incident. I, Investigator Prout, requested surveillance footage from Mr. Gabice of all 14 camera angles listed in the establishment from open until 1:30 a.m., which Metropolitan Police Department and ABRA left the scene. Investigator Prout has

personally stated to Mr. Gabice that all camera angles from the establishment's cameras posted on the first floor, second floor, interior and exterior cameras of the establishment footage are needed within 48 hours.

Mr. Gabice stated that the camera system was able to record footage up to 30 days. I also requested witness statements from all 16 Mirror Lounge personnel on duty the evening of the incident. Mr. Gabice stated that he agreed to provide the requested documentation within 48 hours. The precursor for the fight is still unknown at this time due to lack of corroboration from the victim to provide a official statement to myself, Investigator Prout, as well as the suspect was apprehended by Metropolitan Police Department officials at Howard University Hospital.

On Friday, January 24th, I interviewed Mr. Bruno Casu, principle owner of Mirror Lounge. Mr. Casu stated that he was not at the establishment when the incident initially occurred. On Friday, January 24th, Supervisory Investigator Florentine and myself arrived at Howard University Hospital at approximately 1:35

a.m. to interview the victim. Ms. Lloyd was undergoing surgery for her sustained injuries and was unable to provide a statement.

I then attempted to interview the suspect. However, he was unresponsive while under police custody. On Sunday, January 24, 2020 at approximately 12:54 p.m., Chief Peter Newsham of the Metropolitan Police Department issued a 96-hour closure on the establishment. On Sunday, January 26th, I conducted an ABRA record check, and the establishment does not have a security plan or a settlement agreement on file with the Agency, as well as no witness statements or video footage were provided up to that date as requested within a 48-hour window.

Witness statements that were provided by security personnel advised that there was no sighting of a gun at any time. However, Mr. Gabice stated that a patron in the establishment notified him that they saw a man in possession of a gun at the establishment. On Monday, January 27, 2020, Investigator Prout went to the establishment and retrieved surveillance footage from Mr. Mohammed Bacelon. Two camera angles were provided, camera angle 8 and camera angle 1.

Camera angle 8 is an exterior camera that overlooks the front entrance of the establishment, and camera 1 is a interior camera that overlooks the main front bar and the VIP area near the front door on the first floor of the establishment. The additional information that I do have is in reference to the specific times in which the suspect and the victim interacted while in the establishment, leading all the way up to the incident that occurred out front of the establishment the night in question.

CHAIRPERSON ANDERSON: What's the relationship between the suspect and the victim? Is there a relationship? Because in reviewing the report, I didn't quite understand. I mean, I read that there was some interaction, or there was a fight between two other individuals, two males. So what's the relationship between the fight with the two males and how a female got shot outside?

MR. PROUT: So the video footage shows that a female and her friend enter into the establishment, and they were there for quite a bit of time. Then they get in contact with the gentleman in which the suspect gets into a

physical altercation with. They are sitting in the VIP area with the gentleman in which the suspect got into a physical altercation with the night of the incident. After the physical altercation occurred between the two men in the establishment, the other male patron was escorted out of the rear of the establishment, and the suspect was escorted out of the front of the establishment.

Subsequently, after the suspect leaves out of the establishment, he leaves out of the establishment and he heads to the left of the front of the establishment. About two to three minutes later on the camera, it is seen that the female patron leaves the camera after him and heads in the same direction. Minutes later, it is seen on the video footage that the suspect and the female patron are fighting on the sidewalk in front of the establishment.

A portion of the fight is caught in the angle of the camera, but the majority of it isn't. The interaction that occurs between the female patron and the male suspect is not seen on camera. However, what is seen is that they are fighting on the floor, on the sidewalk, I'm

sorry, of the establishment. Then they leave back off camera. However, you see the reaction of security personnel retreating into the establishment, which I would assume is to the sounds of gunshots that occur at the front of the establishment.

CHAIRPERSON ANDERSON: Earlier in your report, if I heard correctly, you stated that someone mentioned that the suspect had a gun --

MR. PROUT: Yes.

CHAIRPERSON ANDERSON: -- while the suspect was still in the establishment.

MR. PROUT: Yes.

CHAIRPERSON ANDERSON: So how did the establishment -- So the establishment is putting someone out who someone reported had a gun?

MR. PROUT: Security personnel, as advised by Mr. Gabice, security personnel goes up to the male suspect in question of having the firearm. He was asked whether or not he could be pat down. He refused to, and he was escorted out of the establishment. Subsequently, minutes later, he enters back into the establishment.

CHAIRPERSON ANDERSON: He was never searched?

MR. PROUT: No. Upon my review of the surveillance footage, the male suspect arrived at approximately 1855 p.m. to the establishment and he is never searched. He makes contact with the male security officer, which is not Mr. Joel Smith, at approximately 1855 upon his arrival to the establishment. He shakes his hand and he enters into the establishment. Never got searched, no pat downs, no nothing.

CHAIRPERSON ANDERSON: Now do you know, and if you don't know, you don't know, do you know what's the security procedures to enter into this establishment?

MR. PROUT: So the establishment does not have a security plan and/or a settlement agreement on file with the Agency. However, my experience from interaction and going to the establishment for regulatory inspections is that ID checks are performed. If there is a female security officer on duty, she is performing the wand and/or pat-down of female patrons, and males are searched at the door upon ID checks being performed by male security staff on duty.

CHAIRPERSON ANDERSON: So what period of time did you review videos at the front

entrance for this establishment that day?

MR. PROUT: From approximately 1700 hours all the way up until 2326 when Metropolitan Police Department arrives on-scene and it is seen that patrons are exiting out of the establishment.

CHAIRPERSON ANDERSON: So what was the entrance procedure did you see on video that night at this establishment?

MR. PROUT: So it alters. When the male suspect enters into the establishment at approximately 1855, he's not pat down.

CHAIRPERSON ANDERSON: Was there security there?

MR. PROUT: There was a male security officer with a gray hoodie and a black overcoat on. However, while watching the footage, the security staff is not always visible on the camera on the exterior of the establishment. There are female patrons in which their pocketbooks are searched and some ID checks are performed on certain patrons. Other patrons it's not. But the security measures were not consistent.

At approximately 2206 hours, the

security staff alter, so the initial gentleman that is on duty from approximately 1700 hours to about 2200 hours, he goes into the establishment and Mr. Joel Smith and Ricardo Simmons are on detail at the front of the exterior of the establishment performing ID checks and pat-downs of patrons entering the establishment.

CHAIRPERSON ANDERSON: All right, thank you. Sergeant Geiger, what, if anything, can you add to --

MR. GEIGER: I would say Investigator Prout summarized very well my understanding and my overall understanding of the case. I was the first supervisor on the scene from the police standpoint. In addition on the shooting, the shooting is concerning one, because it's in a busy part of our city, especially at that time of the night and that day of the week.

Two things that concern us, that really stand out to me is one, that having knowledge that there was a patron potentially with a firearm inside the club and that not being relayed to us immediately, either by staff or by security, either by 911 call or by flagging down the officers that are typically in that area who

work that beat. I don't think I need to state how concerning that should be for the potential that multiple individuals could've been hurt.

The second thing I'd like to talk about is just how many resources were utilized from the Metropolitan Police Department just with handling this investigation and this scene. We were forced to lock down both ends of the street, which that in itself required multiple personnel, as well as keeping individuals coming out from other clubs outside of our crime scene. Because we had an idea that the suspect had fled into an alley and then potentially walked into Howard Hospital, the crime scene was larger than just the front of the club.

I don't need to say that the Metropolitan Police Department doesn't have the most people working at any time. Then there was a separate scene at Howard Hospital, the suspect being located, making sure that that scene is secure so that the hospital doesn't become a second crime scene. On a busy night, we simply can't afford to -- We do, we make do with what we have, but keeping that many officers and personnel and deploying that many resources for

an incident that, at least in my opinion, could've been headed off had we been advised of the presence of a firearm before the shooting, we probably could've kept a lot of officers back out on the street and, you know, patrolling like they're supposed to do.

CHAIRPERSON ANDERSON: Thank you, sir. Ms. Yohannes, how does your client respond to the incident that occurred this night?

MS. YOHANNES: Sure. So I think the incident is unfortunate. It's unfortunate that a shooting occurred. It's unfortunate that the victim was hospitalized and that the MPD had to use all these resources on that evening. I don't think that it is -- It's not surprising to anyone in terms of -- There has been a lot of shootings that have occurred on 9th and U. I think that that is well known.

Regarding this specific incident, though, I want to make clear a couple of things that were mentioned, first being when this incident occurred inside, the establishment staff, security did everything that they could to de-escalate the fight, to separate the parties, and they did what they were supposed to do.

So once the parties were separated, I want to make clear that no staff member, no security personnel, and they're here today and they can testify, but no one stated that they saw a handgun inside the establishment. Camera footage was given to MPD, camera footage was given to ABRA, and I myself saw footage. There's no handgun that's being seen, like, in the footage. What was said, however, is that a patron advised Jerry, the manager --

CHAIRPERSON ANDERSON: Who is Jerry?

MS. YOHANNES: The manager at the time.

CHAIRPERSON ANDERSON: All right.

MS. YOHANNES: Advised him that another patron had a handgun. At that time, the establishment owners and managers alike, I think we do admit, we do admit that they should have called 911. That's the fault that they had. They did not call 911 immediately. What they did do is go over to the individual and ask, and what the investigator said is correct. They tried to ask if they could do a search.

When the individual refused, and still at this time there's no handgun that's being shown, they told him he needed to exit. So he

exited. The other individual had already left out through the back. They were separated.

CHAIRPERSON ANDERSON: But this person was already in the establishment, right?

MS. YOHANNES: Correct.

CHAIRPERSON ANDERSON: So he was already there the entire night?

MS. YOHANNES: He was there, correct.

CHAIRPERSON ANDERSON: All right, go ahead.

MS. YOHANNES: Yeah, he was there. I believe he arrived at 5:00 p.m., and that's going to take me to the second thing, which is security procedures that are in place. In terms of the security that's in place and the reason why you can see from the footage that there's a difference between timing as to who's being pat down or what's happening at the entrance, what was in place at the time is after 8:00 p.m., and security can testify to this, after 8:00 p.m. they would either pat down or wand individuals as they entered.

The suspect entered at 5:00 p.m., I believe, and at that time they weren't wandering and they were not patting down. They did not

have a security plan in place, which they have submitted to ABRA. A lot has changed since then. Since then, they've changed their hours. They are patting down much earlier. I believe that they're patting down, and security can come and testify as to what has changed and what they're doing now. But I think most importantly I just want to make clear, because I think that that throughout has been a big concern to, I think, MPD and to the investigator, is that the staff members saw a handgun.

No one saw a handgun. They heard that there may be a handgun, and everything happened very quickly. So it wasn't like a substantial amount of time passed. They tried to de-escalate. The individual who was in front, the security personnel, he no longer works for the security company and no longer is at the establishment, so that's another thing that has changed.

In terms of procedures and things moving forward, the establishment, I mean, they did have cameras. They cooperated the night of. They produced statements. They are now making changes to submit the security plan to make sure

that personnel are where they're supposed to be. But in terms of the incident and how it occurred, I think that it's important that the manager who here is said to have seen the handgun tell you, the Board, what he did actually see and where he was located. Because based on his testimony, it's not even possible that -- he wasn't near, and you can see from the footage, he was not near the incident, so that did not happen.

But again, I mean, the one thing that is admitted is yes, they should've called 911. Since then, all security personnel, all staff members are well aware of what they need to do. They don't need to conduct their own investigation as to whether or not an individual has a gun. If a gun is mentioned, they need to immediately call 911.

CHAIRPERSON ANDERSON: Anything else -- I'm sorry. Hold on.

MR. GEIGER: I'm sorry if I'm stepping on anybody. I do --

CHAIRPERSON ANDERSON: Identify yourself for the record.

MR. GEIGER: Sergeant Geiger, I apologize. I'm Sergeant Geiger, sir. From

speaking with my officers and reading the arrest report, ma'am, if we suggested otherwise, I apologize, but I don't believe that Mr. Gabice had seen a firearm. I think he was just told about it, so I do want to make that clear. In fairness to Mr. Gabice, he did offer this information to MPD during our officers' interview with him. But as far as him seeing a firearm, I don't believe we would make that suggestion or assertion. We would just ask that even if there is a mention of a firearm, especially in a club that we should be notified. At least that's from where MPD stands.

MS. YOHANNES: Agreed, and I appreciate that. It was in the report, it states that Mr. Gabice said. That's why I wanted to clarify.

CHAIRPERSON ANDERSON: Now from the -- Again, who was this female?

MS. YOHANNES: If I could -- I don't think anybody here knows or has knowledge as to who the female is. I will say the other male -- there's two men who were in the fight. The female was with one of the men. They seemed to have some sort of relationship, the shooter and the victim. They had a prior relationship. She

was with another man in their establishment.

That's all that we know.

CHAIRPERSON ANDERSON: So concretely, what are the steps that Mirror Lounge has put in place to address this problem?

MS. YOHANNES: Sure. First, I would like the head of security to come and testify as to the differences in terms of time and who was being wanted and who's not. That would be helpful. Would one of you want to come up now?

MR. HUBBARD: My name is Tonchent Hubbard. I'm one of the --

CHAIRPERSON ANDERSON: You're going to be recorded, so I need you to come forward and I need you to speak into that microphone that's there so we can pick up for the record what's being said. So identify yourself again for the record, please.

MR. HUBBARD: Okay, thank you.

MS. YOHANNES: So if you can explain in terms of when patrons are entering the establishment, is there security out in the front and what is the security told to do?

MR. SHORT: His name and title?

MR. HUBBARD: Yeah, my name is Tonchent

Hubbard. I'm co-owner of Capitol Security.

MR. SHORT: Spell your last name, please.

MR. HUBBARD: Last name?

MR. SHORT: Spell it, yes.

MR. HUBBARD: H-U-B-B-A-R-D.

MR. SHORT: Thank you.

MR. HUBBARD: From the time we open, since the incidence occurred, since the time we open until we close, we pat down, check everybody's ID from happy hour until the end of the night. As far as the security that I have employed, we're doing more background checks to make sure we get more people that has more experience far as being aware of people's body languages, facial expressions, alcohol consumption so you can sort of key in on the people that's maybe getting out of hand and try to de-escalate situations before they happen.

MS. YOHANNES: And what type of training do you have?

MR. HUBBARD: We do a online training course, a security training course, and we require every person that works for us to take the course before they become a member of the

team. Also, we do consultations during the week with the employees. We send text messages keeping them -- sort of brushing them up on the procedures of the night.

MS. YOHANNES: I think most importantly, have you advised and talked to your security and to staff regarding calling of 911 and when that should happen?

MR. HUBBARD: Yes. We advised them every day if anyone says anything about a weapon, don't think twice. Just call 911. Don't call me, don't alert managers. Call 911, then alert somebody else that's there so they can be aware of who and what is going on.

MS. YOHANNES: And we are working on submitting a security plan. We will have that submitted in the next two weeks.

CHAIRPERSON ANDERSON: All right, so the establishment is agreeing to provide a security plan to the Agency?

MS. YOHANNES: Yes, that's correct.

CHAIRPERSON ANDERSON: All right. Now what are the hours of this establishment?

MR. HUBBARD: Monday, Tuesday through Thursday is 5:00 p.m. until 2:00 a.m. Friday,

Saturday is 5:00 p.m. until 3:00 in the morning.
Again, Sunday is 5:00 until 2:00 a.m.

CHAIRPERSON ANDERSON: How many
security guards are employed at each time?

MR. HUBBARD: Tuesday and Wednesday, we
have two or three employees because we only have
the first floor open. When we open the second
floor, we have six to eight employees.

CHAIRPERSON ANDERSON: Any questions by
any other Board members? Yes, Mr. Short.

MR. SHORT: Good afternoon, Mr.
Hubbard.

MR. HUBBARD: How you doing?

MR. SHORT: How long you been in the
security business?

MR. HUBBARD: Probably seven or eight
years.

MR. SHORT: Are you certified or
licensed by the District government?

MR. HUBBARD: Yes.

MR. SHORT: When did you get your
certification?

MR. HUBBARD: May of last year.

MR. SHORT: Do you have that
certificate number with you now?

MR. HUBBARD: No, I don't.

MR. SHORT: Would you be willing to have it submitted with the evidence?

MR. HUBBARD: Yes.

MR. SHORT: Thank you. Now I just have a situation. How long have you been employed by Mirror Lounge?

MR. HUBBARD: Since August. Since they opened in August.

MR. SHORT: Since they opened. So wanding and pat-downs since you've been there since August, when does it occur and who does it?

MR. HUBBARD: It occurs at the door by the front door man, and we start wanding and patting down -- Tuesday, Wednesday and Thursday, we start wanding and patting down around 8:00, because most of the traffic is foot traffic, people coming from work to have a drink, smoke a hookah and go home. Friday, Saturday and Sunday, we pat down and wand from open to close.

MR. SHORT: Well, you mentioned hookah so I can ask a question about hookah. Does the Mirror Lounge have a certificate from the District of Columbia Department of Health to have hookah?

MS. YOHANNES: We're not aware -- He's now aware.

MR. SHORT: Security?

MS. YOHANNES: Yeah, I don't think security of that, but we --

MR. SHORT: Mr. Hubbard, could you check on that for your employer?

MS. YOHANNES: We'll check on that.

MR. SHORT: Okay, thank you. I guess what I want to ask now, Mr. Hubbard, the night that this incident occurred, the testimony went, saw this person who wound up doing the shooting entering the establishment. Was he wanded or patted down when he came in?

MR. HUBBARD: No, he wasn't.

MR. SHORT: And you said that was because it was 5:00.

MR. HUBBARD: He entered I want to say 6:57, 6:56, and that's before we start patting down.

MR. SHORT: Is the wanding or pat-down any earlier now?

MR. HUBBARD: Yes. We start from the time we open to the time we close.

MR. SHORT: That's encouraging. Now

did this person who is alleged to be the shooter leave and come back in that same day?

MR. HUBBARD: Not that I'm aware of.

MS. YOHANNES: I will say if you look at the footage, he's at the front door. He didn't re-enter and go back into the establishment when the parties were separated. He's at the front door and he's talking to security, and security is trying to have him exit. So he may have literally stepped outside, the door was still open, and he's right at the front. He didn't re-enter and come all the way in. Security is still --

MR. SHORT: So he did not re-enter the club after he was escorted out?

MS. YOHANNES: No, he did not. If you consider him walking in that front door area, then yes.

MR. SHORT: Like a little vestibule area?

MS. YOHANNES: Correct.

MR. SHORT: I'm familiar with the location.

MS. YOHANNES: Correct.

MR. SHORT: I just want to ask this

question. Basically there was also testimony that someone from security asked him would he permit someone to pat him down. Does that occur at the club? Someone says no, you can't pat me down. If I want to be patted down, I'll let you. If I don't, just leave me alone. Does that happen in the club?

MR. HUBBARD: No, I haven't -- If someone comes to me with that, they can't enter the club. But --

MR. SHORT: Not talking about you, the people that you employ.

MR. HUBBARD: No.

MR. SHORT: That doesn't happen?

MR. HUBBARD: No.

MR. SHORT: Okay, that's all I have, Mr. Chair, thank you very much.

MS. YOHANNES: If I may just clarify based on the question you just asked, that question about, or the suspect saying no, I don't want to be patted down or someone asked him if he was going to be patted down, that wasn't at the front door. That was already when he was inside when they were trying to figure out if there was a gun or not.

MR. SHORT: Well, Ms. Yohannes, thank you for that explanation. It's still unclear of something. He's in the club.

MS. YOHANNES: Correct.

MR. SHORT: There's rumors around the club between someone, we don't know who, that there is a gun.

MS. YOHANNES: Correct.

MR. SHORT: Someone goes to this particular gentleman and says can I pat you down? He says no.

MS. YOHANNES: At which time they told him he needs to leave.

MR. SHORT: Okay, thank you. That clears it up. Thank you very much.

CHAIRPERSON ANDERSON: Any other questions by any other Board members? Mr. Prout, is there anything that you need to clarify for the record?

MR. PROUT: Would you like to see the video footage?

CHAIRPERSON ANDERSON: I'm sorry, what did you say?

MR. PROUT: Would you like to see the video footage from start to finish?

CHAIRPERSON ANDERSON: Sure, please.
I didn't realize there was a video.

MS. YOHANNES: Can I ask what footage
you're showing? Which camera angle and --

MR. PROUT: So I'm going to show the
camera angles of Camera No. 8, which is -- the
Board's indulgence, Camera No. 8, which is the
exterior camera that overlooks the front entrance
to the establishment, and Camera No. 1, which is
the interior camera that overlooks the front bar
and VIP area near the front door on the first
floor of the establishment. So the camera
footage starts at 1700 hours on January 23rd.

MR. SHORT: That would be 5:00 p.m.,
correct?

MR. PROUT: Yes, sir.

CHAIRPERSON ANDERSON: And this is
footage from where?

MR. PROUT: This is Camera No. 8, which
is the interior camera of the establishment. I'm
going to actually defer back to Camera No. 8,
which overlooks the front of the establishment.
So this starts at 17:21 p.m. on Thursday, January
23rd. So as you can see, there's no visible
security at the front of the establishment at

this time. So the gentleman with the book Helly Hansen engraved hood on is the supposed security personnel at the front of the establishment.

I'm going back to show the interaction between the security personnel and the patrons entering into the establishment. As you can also see that the camera angle to the front exterior camera is very limited, as in -- So the entire visual of the entire sidewalk leading onto the street is hindered by the limitation of the camera angle. As you can also see on camera that the security personnel does not have a wand to wand female patrons upon their entrance into the establishment.

MS. YOHANNES: It's still early.

MR. PROUT: The female patron's purse is being checked by the security personnel at the front door. The backpack of the second patron is being checked. However, the identification was not checked by the security personnel of the second patron that has on the black trench coat and blue jeans.

CHAIRPERSON ANDERSON: Is the camera, is it clear? What you guys are looking at down there?

MR. PROUT: Yes.

CHAIRPERSON ANDERSON: All right.

Hours is not as --

MR. PROUT: Do you want to turn this TV around?

CHAIRPERSON ANDERSON: You guys can, it's fine. I just want to make sure that it's kind of --

MR. PROUT: So I'm going to fast-forward to approximately 1855 when the suspect enters into the establishment.

CHAIRPERSON ANDERSON: Can we -- things happening --

MR. PROUT: This is the suspect. He shakes hands with the security personnel, no ID check.

MR. SHORT: Back that up again, please.

MR. PROUT: No pat down.

MR. SHORT: Can you back that back up again?

MR. PROUT: Yes, sir. So you got that?

MR. SHORT: Thank you.

CHAIRPERSON ANDERSON: So this is -- it appears that the person is known to the security.

MR. PROUT: Yes.

CHAIRPERSON ANDERSON: All right.

MR. PROUT: So I'm going to fast-forward to approximately 1955, which shows the female victim entering into the establishment.

MR. SHORT: Which one was she?

MR. PROUT: I'm going to show you. She is wearing multi-colored hair and blue-jean shirt, and her friend is wearing black and white shirt, black pants and black tennis shoes.

MS. CROCKETT: Investigator Prout, can you put this back on regular speed?

MR. PROUT: Speed? Okay.

MS. CROCKETT: I mean, when it starts happening.

MR. PROUT: Okay. Take it back.

MR. SHORT: So the very first one, she was the victim?

MR. PROUT: Yes. This player is very finicky.

MS. CROCKETT: Where is the security right now?

MR. PROUT: They're inside the establishment. They're not posted at the front door.

MS. CROCKETT: Okay.

MS. YOHANNES: You can't see the door.

CHAIRPERSON ANDERSON: While we're waiting, would the club agree to have the Agency come and look at the camera angles to make sure that there are no blind spots because clearly it appears that there are some issues?

MS. YOHANNES: Sure.

MR. PROUT: Okay, so this is the female walking into the establishment with the blonde hair, okay? I'm going to fast-forward to the incident that occurs outside of the establishment between the suspect and the female victim.

CHAIRPERSON ANDERSON: So we have agreement that the Agency will look at the camera angles at the establishment?

MS. YOHANNES: While this is happening, there is just one thing regarding the cameras in this report that I want to make clear, as well. There is somewhere in this report where it says that the establishment, or whomever was on duty at the time, I believe the manager, did not cooperate in terms of giving footage. We cooperated and he gave footage to MPD. There would be no need for him to not give footage to ABRA. We gave footage to ABRA soon thereafter,

so I just want to correct that. It looks as if we were not cooperating and did not want ABRA to look at our cameras, and that is not correct.

CHAIRPERSON ANDERSON: I think what I read from the report was that it was not provided within 24 hours, but it was provided. If I'm wrong -- but that was the impression that I think the way the report was written was that it wasn't provided within the 48 hours, but it was provided, I think, 72 hours or something like that.

MS. YOHANNES: That's correct, but it also does indicate a lack of cooperation on the part of the manager of not wanting him to see footage. If that wasn't there, then that's fine, but I just want to correct that and make it known that we did cooperate.

CHAIRPERSON ANDERSON: All right.

MS. CROCKETT: Mr. Prout, do you have a response to that at all?

MR. PROUT: Yes, so what I referenced in the report to my knowledge was that the establishment did fail to provide the footage within 48 hours, which was requested. The footage was provided within 72 hours versus the

48 hours in which it was initially requested by ABRA.

MS. CROCKETT: Thank you.

MS. YOHANNES: And to quickly respond to that, the investigator was told in terms of reasoning as to why we couldn't provide it, and we were trying to provide it, and we eventually did provide it. And there's no requirement of 48 hours per regulations, even though they will now be required to once the security plan is submitted and they've spoken to their technicians and are able to get the footage within 48 hours.

CHAIRPERSON ANDERSON: One of the problems that I see, and maybe it's not necessarily in this case, is that ABRA will show up and ask for video. Everyone don't know how to operate a video. Why is it that we have a video in our establishment and you talk to the manager? I don't understand if you go to an ABC manager and the ABC manager -- no one can retrieve it. We have to call John in Timbuktu, because only John in Timbuktu knows how to operate this camera system.

This is not just this establishment, but that is something that I've seen throughout,

and that needs to end. Because how can you have cameras, and that when one shows up, that no one in the establishment is able to provide access. We don't know how to do it. We don't know the combination, we don't know the code. That's just unacceptable. It's not just pointed just to this establishment. Since I've been here in the industry, people, they never know how to operate a camera.

MS. YOHANNES: And I've made that clear to them, as well. I will say, though, in this situation I think it was because of how big or how much footage was being requested, it was difficult to get that to the investigator in a timely manner because it took a long time.

CHAIRPERSON ANDERSON: I'm standing up because I can see it better by standing up.

MR. PROUT: At approximately 2324 hours, you'll see the suspect and the victim fighting on the left-hand corner of the camera screen. I'm going to slow it down momentarily. You see them, they're fighting in the corner right here. She's on the floor scuffling with the suspect in the left-hand corner angle of the camera.

So as you see, security are fleeing into the establishment while this young lady is fighting. So then he shoots her and he walks off the screen at approximately 2325 hours, so the gray New Balances that you see walk off the camera -- so there's patrons that are looking. No security staff are watching him head northbound on 9th Street. The patrons go out to see her and they enter back into the establishment. Sorry, southbound. The male suspect is heading southbound on 9th Street while the male patrons, I'm sorry, male security staff retreat back into the establishment. Metropolitan Police Department arrives on-scene moments after.

MR. ANDERSON: All right. I understand when folks, I understand, okay, someone had a gun, person got shot, the person ran. I just don't understand how security guards who were outside ran inside the building.

That doesn't, I understand for our own safety, if someone pulls out a gun, you're going to flee, but once a person is shot, and the suspect runs away, and everyone clearly knows the suspect runs away, the patient is laying on the

ground in front of your establishment, then all of your security guards ran inside the building. Everybody, that doesn't, that doesn't seem appropriate.

MS. YOHANNES: May I?

MR. SHORT: Did anyone call 911 immediately upon the shots being fired? How long did it take for them to report it?

MS. YOHANNES: I believe in the footage they're already there.

MR. ANDERSON: It appears the police was there, and --

(Simultaneous speaking)

MS. YOHANNES: Yes.

MR. GEIGER: I can answer that, sir.

MR. ANDERSON: Go ahead. Go ahead.

MR. GEIGER: Sergeant Geiger. We have officers that are, their title is Focus B, which is the U Street Corridor, and now the 9th Street Corridor as well.

So they heard the gunshots. They looked back, and then they just started running. So they were on scene within seconds, so there was no 911 call, and --

MS. YOHANNES: Yes.

MR. GEIGER: -- nor, I mean, would a 911 call have been, I guess, sensible, since the officers were already there. Looking at this, our issue, again, and I remember this being an issue on the scene, was the level of, I wouldn't say cooperation, but forthcomingness, I would say, with the security guards.

They saw the suspect potentially right before the shooting. At least, for MPD, with the chaos of, there were only two officers on the scene at this point.

Whatever information that they can give us, they should be giving us without us asking. That's what we would like to see.

I know that's not always practical or possible, but for us to get some push-back or interference as the officers claimed to have gotten, I think, at least the supervisor on the scene, that's my concern.

MR. ANDERSON: Now, who was the security officer who greeted the suspect earlier? Is that, is that the person you said no longer is working for the establishment?

MR. HUBBARD: Yes.

MS. YOHANNES: Yes.

MR. ANDERSON: So did the, since everyone knew who the suspect was, did the security officer fess up to say who the person was?

MR. GEIGER: Well, sir, Sergeant Geiger again.

MR. ANDERSON: Yes.

MR. GEIGER: I wouldn't say knew, as in like, whether they knew the name or not --

MR. ANDERSON: Right.

MR. GEIGER: -- I wouldn't go that far. I would say at least a general description of who the guy fighting the female who was just shot.

MR. ANDERSON: Right.

MR. GEIGER: And I don't think that was relayed to us as quickly as it potentially could have been --

MR. ANDERSON: All right.

MR. GEIGER: -- enough for my officer to believe that security was less than helpful with this.

MR. ANDERSON: All right. Thank you. Yes? Yes, Ms. Crockett?

MS. CROCKETT: I'm still a little

unclear about your previous security protocols, that you said that prior to 8:00, you didn't do searches or anything like that.

MR. HUBBARD: No. We have happy hour

--

MS. CROCKETT: Right.

MR. HUBBARD: -- from 5 until 8:00.

MS. CROCKETT: Okay.

MR. HUBBARD: During happy hour, the early part of the week, we don't do pat-downs, because most of the patrons that come through are working people, coming from work, have a drink, go home.

Once the crowd picks up, you figure people have time to go home and come back out, we start patting down.

MS. CROCKETT: What does, what, so are bag checks included in that? I'm confused, because I'm looking at this video that shows these two women, who, according to you, they came before 8:00, so per your procedures, you may not check them. So those women got their bags checked.

MR. HUBBARD: Yes.

MS. CROCKETT: Yes. However, one

didn't have their ID checked.

MR. HUBBARD: Yes.

MS. CROCKETT: Correct. So there just seems to be very kind of loose inconsistent procedures. It was before 8:00, they got their bags checked, there was no ID checked, nobody was getting pat-downs at that hour, but bags were being checked.

I'm just trying to, I'm not clear about your procedures, and they seem to be very inconsistent, and that may be what's leading to some of these issues.

MR. HUBBARD: Yes. That's kind of one of the reasons the person's no longer working with us, for his inconsistency.

MS. CROCKETT: Okay.

MR. HUBBARD: But far as ID check, the area is a very common area. A lot of the people that come in during happy hour are regulars.

They might come three or four times a week, so you know their ID, you know their age, so we don't really check every person's ID.

If you done checked it once or twice this week, there's no need to check it every time if I know you're 30 years old.

MR. SHORT: Mr. Chair, go ahead.

MS. CROCKETT: Okay. I don't, I don't think that's the admiral rule, but okay.

MR. ANDERSON: Go ahead, Mr. Short.

MR. SHORT: That, this is, again, to security. So the shooter that was identified in this tape, he came in, gave a nod, and just walked up the steps. He's a, is he a regular?

MR. HUBBARD: He, I know him myself, personally.

MR. SHORT: Oh, so he's --

MR. HUBBARD: From coming in two or three times a week during happy hour.

MR. SHORT: Is he ever patted down?

MR. HUBBARD: If he comes in later. Usually he comes down in for happy hour.

MR. SHORT: Yes. This incident should make us think about maybe changing that a little bit, because he's a regular, you know him, seemed like the security knew him, into the front, and he had a pistol with him.

MR. HUBBARD: Yes. And as I said before, we have implemented patting down from opening until closing.

MR. ANDERSON: So I assume the

question that Mr. Short is saying, what about these regulars who you know? So if it's pat-down for every --

MR. HUBBARD: Yes.

MR. ANDERSON: -- clientele who comes in, or because I know this person. He's a regular, so we're not going to pat him down?

MR. HUBBARD: No, we pat down everybody now. Everybody. And that's from, we also pat down during happy hour. Before, we weren't patting down during happy hour, before 8:00.

So in the footage, where you see the guy coming in, it's, I want to say it's 6:30, 7:00, so he came in during happy hour. That's why he didn't get patted down.

MS. YOHANNES: And I think from testimony and from the footage, it's clear and we admit that these, this individual, the security personnel who was outside was not doing what he was supposed to do, which is why he's no longer with us.

Our, and I think since then, as was just stated, lots of changes need to be made, and they're, I think they're making them.

MR. SHORT: One other change --

MS. YOHANNES: And then --

MR. SHORT: -- I would like, just I'd like to make this request, because --

MS. YOHANNES: Sure.

MR. SHORT: -- it's been made, been made very plain to everybody here that we can't make you do anything.

MS. YOHANNES: Sure.

MR. SHORT: But a lot of great security companies that we don't see often, the security persons has security written on their back, on their front.

They are identified from the regular crowd, so people, when they see security, sometimes in their minds, they think, maybe I won't try it.

But they look, they don't know who's on the, I mean, I'm just asking, do you think it might be a good idea to have security identified, and do you think that's workable?

MS. YOHANNES: I think that's something that we can discuss, and put in the security plan if we deem necessary, but I think we should discuss that.

MR. ANDERSON: But I would strongly suggest that, and I think for most establishments, security has some type of demarcation that is clear to everyone who security is.

And I think that any good security plan will, would list that the security professionals are identified. All right. Anything else?

MR. PROUT: No.

MR. ANDERSON: Thank you, Mr. Chair. Thank you. All right. Any other final representation you want to make?

MS. YOHANNES: No. I do not.

MR. ANDERSON: All right. Sergeant Geiger?

MR. GEIGER: Nothing from me, sir.

MR. ANDERSON: Mr. Prout, thank you for being here. Sergeant Geiger.

MR. SHORT: I was also, Mr. Chair, go on the record to thank Mr. Prout for an excellent, an excellent report, and thank you, Sergeant, for taking time to come and clarify a lot of things we didn't do. Thank you very much.

MR. GEIGER: Yes, sir.

MR. SHORT: Thank you for your service.

MR. GEIGER: Thank you.

MR. ANDERSON: Thank you, sir. Ms. Yohannes, your client, thank you for being here today. The Board will take this matter under advisement. All right. Thank you very much.

MS. YOHANNES: Thank you.

MR. ANDERSON: Have a good day. Thank you.

(Whereupon, the above-entitled matter went off the record at 2:40 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Mirror Lounge

Before: DCABRA

Date: 02-26-20

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

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