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July 12, 2021

Richard J. Link, Esquire  
Goodwin Weber PLLC  
267 Kentlands Boulevard, Suite 250  
Gaithersburg, MD 20878

**Re: Deceased D.C. Police Officer Jeffrey L. Smith**  
**D/I: January 6, 2021**  
**DOB: April 15, 1985**

Dear Mr. Link:

At your request, I have prepared a forensic medical report addressing the issues that led up to and caused the death of Officer Jeffrey L. Smith.

Prior to this report, I reviewed the records of PFC Associates LLC, Pamela Oriafio and Dr. Olusolo Maiomo, Jiji Ninan, Goodwin Weber PLLC, Richard J. Link, Esq., the Government of the District of Columbia Metropolitan Police Department, Commonwealth of Virginia Department of Health, Dr. Jocelyn Posthumus.

Prior to this report, I conducted interviews with Metropolitan Police Officer [REDACTED] [by phone], friends of Officer Smith, [REDACTED] [by phone], [REDACTED] [by phone], Officer Smith's widow, Erin Smith [in person], and Officer Smith's parents, [REDACTED] [in person], and [REDACTED] [by phone].

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Prior to this report, I reviewed an article from The Washington Post, dated June 21, 2021, titled "*New law named for Raskin's son expands crisis call center.*"

**REVIEW OF RECORDS:**

In the January 14, 2021, note from PFC Associates LLC [Police & Fire Clinic], signed by Pamela Oriolfo and Dr. Olusolo Malomo, under cc: "f/u neck." Under History of Present Illness: "35 yo MPD male here for f/u after an injury to his neck on the day of the protest in the Capital (sic). Member states he had twisted his neck when an object hit his fac (sic) shield. States feeling well today, denies any headache or neck pain. No dizziness, fever, chills, changes in vision. N/V or unsteady gait." His blood pressure, temperature, and pulse were taken. Under Review of Systems: "See HPI." Under Impression & Recommendations: "Problem 1: Neck pain, right...Duty Status... Discharge instructions discussed. You made (sic) ice warm compress to affected area 15-20 minutes 3-4 times for (sic) day. Continue to take Morin (sic) PRN for pain. RTC for any other concerns." A physical exam was done, results were detailed on Page 2.

[**Dr. Sheehan's Note:** It is worth noting that no one asked him about his mental health, if he had any suicidal or homicidal thoughts. He had been injured in the January 6, 2021 rioting, experienced emotional, physical trauma, but was not questioned about suicidal or homicidal ideation.]

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In the January 6, 2021 note from PFC Associates LLC [Police & Fire Clinic], signed by Jiji Ninan and Dr. Olusolo Malomo, under cc: "rm 8 new injury c/o Neck Pain." Under History of Present Illness: "On duty injury as he was controlling the protesters today. He jarred his neck when an object hit his face shield. Pain is localized in his RT side of the neck and is aggravated by neck flexion..." Under Problems Added: "1) Dx of Neck pain, right..." Under Impression & Recommendations: "Problem #1: Neck pain, right...Likely neck strain (sic) without any radiculopathy. MSK pain. No radicular symptoms. Ibuprofen 600mg PO Q6hrs with food for pain. Ice application with a cloth (sic) covered ice pack for 48 hrs and then moist heat. Avoid activities which aggravate the pain. Seek medical care immediately if you develop sudden loss of sensation in the Rt arm, or fever or chills or shortness of breath or any unusual symptoms, worsening pain or incontinence of urine or stool or any weakness of the arms or leg or fever or chills or shortness of breath (sic). SL. RTC on Monday or fu/u and DS assessment." Under Physical Exam: "...Psych: alert and cooperative; normal mood and affect; normal attention span and concentration." [Dr. Sheehan's Note: Again, there were no questions asked about whether he had suicidal or homicidal thoughts.]

Reviewed other records from PFC Associates LLC [Police & Fire Clinic] of normal annual physical examinations. There was nothing in the records I reviewed that indicated he was treated for depression or had a diagnosis of depression.

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In the May 29, 2021 letter from Goodwin Weber PLLC, signed by Richard J. Link, Page 1, Paragraph 2: "...Jeffrey Smith was a D.C. Police Officer. On January 6, 2021 while in the performance of his duties as a police officer during the Capitol Insurrection, Officer Smith was attacked...he was struck in the face shield by flying metal objects...Officer Smith took his own life nine (9) days later – on January 15, 2021 – while he was driving to work on the GW Parkway..." On Page 2, Paragraph 3: "According to Ms. Smith, her husband was in good physical and mental health before January 6, 2021. He had no prior history of depression, PTSD or mental health problems...Ms. Smith believes that the horrific events of January 6th (including the assault) was the "personal injury" that caused her husband's death: i.e., his mental state deteriorated to the point where he was despondent, and totally lacked the mental capacity to form an intention to harm himself."

In the January 26, 2021 report entitled: Capitol Complex Security Failures on January 6, 2021, Testimony of Robert J. Contee, III, Acting Chief of Police, from the Government of the District of Columbia Metropolitan Police Department to the United States House of Representatives Committee on Appropriations, Page 1, Paragraph 1: "...I am Robert J. Contee, III, the Acting Chief of Police of the Metropolitan Police Department of the District of Columbia...I will relate to you the facts as we know them at this time, based on the point of view of MPD and the government of the District of Columbia..." Page 1, Paragraph 3: "...the Department was fully deployed on 12-hour

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shifts prior to January 6<sup>th</sup>, with no officers on day-off or leave...the U.S. Capitol Police (USCP) had responsibility of the Capitol, including both the building and grounds... more than 300 members of the D.C. National Guard were deployed on District streets providing traffic control and other services to allow MPD to support the First Amendment assembly and continue to provide services to our neighborhoods...”

Page 2, Paragraph 1: “However, these resources were barely enough to counter an event that had never happened in the history of the United States: a mob of thousands launching a violent assault on the U.S. Capitol – the seat of our government – in an attempt to halt the counting of electoral ballots, an essential step in the peaceful transfer of power in our nation...” Page 2, Paragraph 3: “Our members arrived at a chaotic scene. The violent mob overran protective measures at the Capitol in an attempted insurrection, prior to MPD officers arrival to the west front. By 1:50 p.m., MPD had declared the assembly to be a riot. Upon arrival, the MPD platoons immediately began working to achieve our objectives...” Page 2, Paragraph 4: “At 2:22 p.m., a call was convened with, among others, myself, leadership of the Capitol Police, the D.C. National Guard, and the Department of the Army. I was stunned at the tepid response from Department of the Army, which was reluctant to send the D.C. National Guard to the Capitol... – the factors cited by the staff on the call – these issues become secondary when you are watching your employees, vastly outnumbered by a mob, being physically assaulted. I was able to quickly deploy my force and issue directives to them while they were in the field, and I was honestly shocked that the National Guard could not – or

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would not – do the same...The Army staff responded that they were not refusing to send them, but wanted to know the plan and did not like the optics of boots on the ground at the Capitol.” Page 3, Paragraph 1: “In the meantime, by 2:30 p.m. the District had requested additional officers from as far away as New Jersey and issued notice of an emergency citywide curfew beginning at 6 p.m....all rioters were removed from the Capitol. Ninety minutes later, at 8 p.m., Congress was able to resume...” Page 3, Paragraph 2: “...MPD’s police officers were engaged in a literal battle for hours. Many were forced into hand-to-hand combat to prevent more rioters from gaining entry into the Capitol...” Page 3, Paragraph 3: “Those seven hours, between the urgent call for help from the Capitol Police to MPD and the resumption of work by both houses of Congress, will be indelibly etched on the memories of every law enforcement officer who was on the scene, as it is undoubtedly in the minds of the elected officials, congressional staff, and other Capitol employees...During the height of the incident, approximately 850 MPD members were at the capitol, and by the day’s end, an additional estimate of 250 had been in the area to directly support the response and aftermath. MPD’s estimate for the week of the insurrection is approximately \$8.8 million...MPD, Capitol Police, the Federal Bureau of Investigation, and the Office of the U.S. Attorney for the District of Columbia will be engaged for years in the investigation and prosecution of the insurgents...” Page 3 to 4, Paragraph 4 and 1, respectively: “Five people lost their lives on January 6<sup>th</sup> – Capitol Police Officer Brian Sicknick and four others. And tragically, two officers who were at the Capitol on January 6<sup>th</sup>, one each from the capitol Police and MPD, took their

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own lives in the aftermath of that battle. We honor the service and sacrifices of Officers Brian Sicknick, Howard Liebengood, and Jeffery (sic) Smith and offer condolences to all the grieving families...Many more sustained injuries from the assault – scratches, bruises, eyes burning from bear mace – that they did not even bother to report...shocked and moved by the video of...and Officer Daniel Hodges in agony as he was crushed between a door and a riot shield...”

In the January 6, 2021 Injury or Illness Report from the Metropolitan Police Department, under Nature of Injury/Illness: “Pain to neck.” Under Cause: “Hit with flying object in face shield of helmet.” Under Statement of Facts: “I was outside of the US Capitol and people started throwing metal objects around 5:35 pm. Some kind of object hit me in the face shield. Began feeling pain in my neck and face.”

In the January 19, 2021 Certificate of Death, from the Commonwealth of Virginia Department of Health – Division of Vital Records Commonwealth of Virginia, under Describe How Injury Relating to Death Occurred: “Shot self with a handgun.” Under Signature of Medical Examiner: “/S/ Jocelyn Sutton Posthumus.”

In the January 16, 2021 Report of Autopsy from the Office of the Chief Medical Examiner, signed by Dr. Jocelyn Posthumus, under Evidence of Injury: “...Gunshot wound...gunshot entrance wound with a 1/16”-1/8” rime of soot and a

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pattern abrasion at the 3 o'clock to 5 o'clock edge comprised of a 9/16" semicircular abrasion with a 3/16" in diameter central abrasion...The bullet creates a hemorrhagic wound path through the skin and subcutaneous soft tissues..." Under Pathological Diagnoses: "...Perforating Gunshot Wound to the Head: Entrance right temple. Exit above left ear, shored. No projectile or fragments recovered. Missile path through cerebral hemispheres including deep gray nuclei. Direction leftward. Skull and facial bone fractures. Associated injuries: Hemoaspiration, Periorbital, subgaleal, periosteal and intracranial hemorrhages." Under Cause of death: "Gunshot Wound to the Head." Under Manner of death: "Suicide." [Dr. Sheehan's Note: The rest of the report describes the details of the autopsy.]

### **PAST HISTORY:**

Officer Smith came from a two parent home. He was one of three children. He grew up in North Brook, Illinois. His parents are still married. He went to Northern Illinois University, got a Sociology Degree.

On July 9, 2021, I interviewed individually Mrs. Erin Smith. She is the ■ year old widow of Officer Jeffrey Smith. She met her husband in 2015. They married in February 2019. "January 6th was supposed to be a calm Trump Rally. It was supposed to be pro police." People from the rally were trying to get into the U.S. Capitol building. The Capitol Police called the Metropolitan Police for reinforcement. Officer



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Smith's unit was sent to the Capitol. "He didn't know the Capitol building. He was going into an unfamiliar place. He didn't know the layout of the Capitol. The last time he was in the Capitol was when he was 10 years old." While his unit was in the building, it came over the radio that shots were fired. Officers did not know who was shooting or if they were walking into gunfire. They didn't know if it was rioters or police that were shooting. "He didn't know if he was going to get out alive." During the riot, she texted him, was concerned if he was okay. "It was complete chaos. He texted me back saying it was crazy, it was the craziest thing he'd ever been a part of. I didn't hear from him until 8 p.m. I was texting him. He said, something happened, don't worry, I'm at the clinic. [Police & Fire Clinic in D.C.]" When he came home, he explained more of what happened. He said he had been punched in the face, hit in the head with a metal pole. He told his Sergeant he was hit when it happened, nothing was done. The mayor ordered a curfew. His unit was sent to guard a hotel in D.C. with orders to not let anyone in or out at the hotel. While outside the hotel, he was concerned residents of the hotel would throw objects down on them. "The people were not pro police." He put his helmet on to protect himself while standing in the street. His Sergeant ordered them to take their helmets off. He told his Sergeant he had already been hit in the head and was not going to be hit in the head again. [This was a different Sergeant from the one he reported his injury to.] The Sergeant asked him about him being injured. She was crying while discussing this. The Sergeant sent him to the police clinic. At the clinic, he was mistakenly given someone else's prescription. He was then sent home. He was seen in a

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follow up appointment on January 14, 2021. "No one from the clinic checked on him until he returned [on January 14, 2021]." When he was seen in the clinic on January 14, 2021, he was seen for about "10 minutes." He was sent back to work, returned to work the following day, January 15, 2021, "he shot himself in the head. He said he was in a lot of pain in his neck. There were changes. He became extremely quiet. He didn't want to walk the dog or go anywhere. He became short tempered." There was no talk of suicide. After the January 6, 2021 incident, his mood changed. "He didn't want to talk about anything. He didn't want to do anything. He was eating very little. He had problems sleeping. I'd wake up in the middle of the night and he was pacing in the hallway inside of the house. He'd tell me to go back to sleep, not to worry. When I woke up, he was awake." She was crying while discussing this. Before the January 6, 2021 incident, they would do things together. After the January 6, 2021 incident, "he didn't want to go to the grocery store or walk the dog. I'd try and talk to him, but it was like he wasn't there. He wasn't listening. He'd get angry with me." He had never been angry with her before. He got frustrated but never angry. He became very irritable. "He didn't want to talk about it. He couldn't believe it happened [the riot]." She thought possibly he did not want to talk to her about the riot because he was concerned she would worry. A few nights when she woke up, he was in bed crying. "He internalized things. He said it was the worst day of his life [January 6, 2021]. He said, you train all the time but it's different when you experience it. I'd never seen him that way before. He was extremely even tempered. He was very calm about everything." She knew he was not right. "I did

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ask. I tried to comfort him. I don't know whether he wrecked his car and then shot himself." She does not know the timeline of the events. Prior to the January 6, 2021 incident, he called his parents daily. After January 6, 2021, he stopped calling them daily. He was released back to full duty on January 15, 2021. "He was the type of guy that put everyone's safety first." He worked 12 1/2 years for the Metropolitan Police Department. He did not want to take the Sergeant's Exam because he was concerned that he would be sent to Southeast D.C. He worked in Northwest D.C., the Georgetown area. Following the January 6, 2021 incident, "if I talked to him, his mind was someplace else." She was crying while discussing this. Before the January 6, 2021 incident, they were very close. They worked together on their house, took walks with the dog. "He was very close to the dog. It was his dog. It was so unlike him to not want to walk the dog. He had been so close to the dog." Prior to January 6, 2021, she never saw him as a depressed person. "He was a low key person." After his death, she received a call from the Metropolitan Chief of Police stating that he was sorry for her loss. The Chief gave a Deposition shortly after the riot. In his Deposition, he said the deaths of her husband and other officers were related to the January 6, 2021, incident.

On **July 9, 2021**, I interviewed individually by telephone, Metropolitan Police Officer [REDACTED]. He is [REDACTED] years old. He knew Officer Smith for nine years. He was not aware of Mr. Smith being depressed. "He never discussed suicide." Officer [REDACTED] did not talk to Officer Smith after January 6, 2021. He last saw him two

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days before January 6, 2021. "When I found out it was a suicide, I never expected it from him. He was always joking and being goofy. I never saw him as angry. When it first came on the radio, I thought he died in a motor vehicle accident. I never saw him do that. He was my first partner. I'd never seen him depressed. He was not the type to take his life."

On July 9, 2021, I interviewed individually by telephone, Mr. [REDACTED]. He is [REDACTED] years old. He had known Officer Smith since the 9th grade, when they were 14-15 years old. They were close friends. "He'd never been depressed." A good friend of theirs committed suicide in 2012. "Jeff said, he couldn't understand how anyone could take their life." Mr. Hass spoke to Officer Smith on January 7th or 8th [was uncertain of the exact date]. "He sounded different. A little down. He was quiet. He seemed tired. He said [about January 6, 2021,] people were crazy, he couldn't believe that people would act that way. He was hit in the head by an object. He told me he had pain in his neck. His voice was slow. He wasn't as talkative as usual." They had multiple conversations about their friend who hanged himself in 2012. "He said, I don't believe he killed himself. I still can't believe it. There were no signs. He wasn't that kind of person."

On July 9, 2021, I interviewed individually by telephone, Ms. [REDACTED]. She is [REDACTED] years old. She had known Officer Smith since 2013. They would take

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their dogs to the dog park together, would see him at his home. She never saw him as sad. He was "very even keeled. He wasn't someone who was easily riled." She saw him go through different stages of life, [REDACTED] getting married, his former girlfriends. "He always saw things in perspective." On January 8, 2021, she texted him. "I asked him if he was hanging in there. He always responded to texts. He texted back he was alright. I asked more questions. He said, it was crazy. We were literally in the halls of the Capitol pushing people out. It was like a movie." He sent her a picture of him in riot gear. Under the picture he said, "it's really crazy." He said his neck was hurt. They texted for a few days. "I said, it's scary with guns involved. He said, yeah, that's the issue, you don't know at the time how to act. At the time I thought someone was shooting people in the building. I said, I'll bet your adrenaline was so high. He said, it was crazy."

On July 9, 2021, I interviewed individually by telephone, Mr. [REDACTED] Smith, the [REDACTED] year old father of Officer Smith. Mr. Smith is [REDACTED] years old. He had the phone on speaker. His wife was in the room. There is no history of his son ever being depressed. "He used to talk to us. He knew the public was not happy with the police. He was concerned walking into a restaurant, getting food. He didn't know if they knew he was a police officer. He carried his lunch so he wouldn't have to go into a restaurant. I talked to him most days." Officer Smith's mother was in the hospital on January 15, 2021. "The doctor came in. He [Officer Smith] wanted to hear what the doctor had to

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say about his mother. It was a short conversation.” Afterward, he told his parents he had been hurt, had gone to the clinic. He told them he had been off a week. “He wasn’t offered mental health services. He was on his own. He didn’t want to be a police officer anymore [following the incident on January 6, 2021]. He was looking at other options. He said the riot was crazy, they were outnumbered by the crowd.”

I reviewed the June 22, 2021 article from The Washington Post, titled, “*New law named for Raskin’s son expands crisis call center.*” There is a new law, the Thomas Bloom Raskin Act, named for the son of Maryland Congressman, Jamie B. Raskin, whose son committed suicide while at Harvard Law School. The law expands the State’s Crisis Call Center. From the June 22, 2021 article: “...Raskin’s son died on Dec 31 after a long fight with depression, telling his family in a note, “Please forgive me. My illness won today.”

With a reasonable degree of medical probability, the proximate cause of his depression was the trauma that he experienced while working as a Metropolitan Police Officer on January 6, 2021.

With a reasonable degree of medical probability, there is no evidence in the records or from the people I interviewed who were close to him, that he was ever

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depressed or had mental health problems prior to January 6, 2021. He was seen as “even keeled” and “not easily riled.”

With a reasonable degree of medical probability, the proximate cause of his death was due to depression. He did not kill himself, the illness killed him. He had discussed with his friend, [REDACTED], a mutual friend who committed suicide in 2012, stating to Mr. Hass that he did not believe that someone could kill themselves.

Mr. Link, in your correspondence dated May 29, 2021, you asked the following questions:

“1) What is the causal nexus (if any) between the events of January 6, 2021 and Officer’s (sic) Smith’s death on January 15, 2021 (i.e. what injury did he suffer on January 6, 2021)?”

**Response:** With a reasonable degree of medical probability, the proximate cause of his depression was the trauma that he experienced on January 6, 2021.

“2) Whether, as a result of any mental disease or defect, Officer Smith’s (sic) lacked substantial capacity to form an intention to cause his own death?”

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**Response:** With a reasonable degree of medical probability, due to mental illness, depression, he lacked the substantial capacity to form an intention to cause his own death. Depression killed him.

If I can be of any further assistance, please feel free to contact me.



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PJS:bc