

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

KIMBERLY RAE DRAGOO and
STEVEN MICHAEL DRAGOO,

Defendants.

: Case No:

: VIOLATIONS:

: 18 U.S.C. § 1751(a)(1)

: (Entering and Remaining in a Restricted
: Building or Grounds)

: 18 U.S.C. § 1752(a)(2)

: (Disorderly and Disruptive Conduct in a
: Restricted Building or Grounds)

: 40 U.S.C. § 5104(e)(2)(D)

: (Disorderly or Disruptive Conduct in the
: Capitol Grounds or Building)

: 40 U.S.C. § 5104(e)(2)(G)

: (Parading, Demonstrating, or Picketing in
: the Capitol Building)

:

Case: 1:23-mj-00126

Assigned To : Upadhyaya, Moxila A.

Assign. Date : 6/12/2023

Description: Complaint W/ Arrest Warrant

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Scott Macke, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. I make this affidavit in support of an application for an arrest warrant for KIMBERLY RAE DRAGOO and STEVEN MICHAEL DRAGOO.

AGENT BACKGROUND

2. You affiant, Scott Macke, is a Special Agent with the Federal Bureau of Investigation (“FBI”), and, as such, am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since September 2009. Currently, I am assigned to the FBI’s Kansas City, Missouri Office where I investigate public corruption matters since January 2022.

Previously, I was assigned to the FBI St. Joseph Resident Agency (SJRA) out of the Kansas City, Missouri office from July 2020 through January 2022. While assigned to SJRA I served as a resident agent and investigated numerous federal matters which included investigating individuals in the State of Missouri who were involved in criminal activity in and around the U.S. Capitol on or about January 6, 2021. Previously, I was assigned to the FBI's Los Angeles Division office from 2010 through 2020 where I primarily conducted criminal enterprise investigations of violent gangs. My duties as a Special Agent include investigating violations of the laws of the United States. I have been involved in the execution of numerous search and arrest warrants. I have experience investigating various criminal offenses, including RICO/VICAR, distribution of illegal narcotics, firearms violations, public corruption and white-collar offenses.

3. The facts in this affidavit come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Except as explicitly set forth below, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This affidavit is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

BACKGROUND

4. The United States Capitol is secured 24 hours a day by United States Capitol Police ("USCP"). Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States Capitol was also closed to members of the public.

5. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, located at First Street SE, in Washington, D. C. During the joint session, elected members of the United States House of Representatives and Senate met in the United States Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which took place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Michael R. Pence was present and presiding, first in the joint session, and then in the Senate chamber.

6. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building and USCP were present, attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

7. At such time, the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the USCP, as others in the crowd encouraged and assisted those acts.

8. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate

Chamber until the sessions resumed.

9. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the United States Capitol building without authority to be there.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

10. On January 20, 2021, your affiant conducted a recorded interview together of Kimberly Dragoo and Steven Dragoo at the FBI's St. Joseph office. During that interview both Kimberly Dragoo and Steven Dragoo admitted to their presence inside the Capitol and stated that they had not done anything wrong. Steven Dragoo stated that he took photographs of his wife inside the Capitol using his cell phone. Kimberly Dragoo and Steven Dragoo confirmed they were the people in the tipster photographs that have been provided to the FBI.

11. During the interview, Kimberly Dragoo indicated that she attempted to post her video footage and photographs to Facebook on January 6, 2021. Kimberly Dragoo and Steven Dragoo confirmed they were the users of the referenced Facebook accounts associated to their names. Kimberly Dragoo and Steven Dragoo advised they had been following a "Stop the Steal" Facebook page, which provided them with details for their attendance at the Trump rallies in Washington, D.C. on December 12, 2020 and January 6, 2021. Kimberly Dragoo stated that she started a similar "Stop the Steal" Facebook page for Missouri.

12. Kimberly Dragoo and Steven Dragoo admitted that Kimberly Dragoo entered the U.S. Capitol through a broken window next to an open door near of the U.S. Capitol, which Steven Dragoo photographed using his cellular telephone. Kimberly Dragoo thought it was "funny" and stated that she was curious about the broken window.

13. Prior to the interview, but after January 6, 2021, the FBI received several tips from the public that Kimberly RAE DRAGOO (“Kimberly Dragoo”) and STEVEN MICHAEL DRAGOO (“Steven Dragoo”) of St. Joseph, Missouri, were seen in photographs taken inside the Capitol building on January 6, 2021. The Dragoos traveled from Missouri to Washington, D.C. on January 5, 2021.

14. According to tipsters, prior to January 6, Kimberly Dragoo posted a now-deleted Facebook post on January 5, 2021 showing a picture of the Dragoos together on a plane. The post states, “Washington DC Trump Rally #Stop the Steal Here we go.” See Figure 1. The Dragoos stayed overnight at a hotel near the U.S. Capitol.



Figure 1

15. According to the Dragoos’ statement, on the morning of January 6, 2021, they attended the “Stop the Steal” rally at the Ellipse. At approximately 1:30 p.m., after a stop at their hotel, the Dragoos went with other protestors toward the grounds of the U.S. Capitol.

16. Kimberly Dragoo reported to the FBI that, while on the grounds of the U.S. Capitol, she posted on her Facebook account videos containing a narration of what she was seeing as she viewed the events from the Northwest side of the U.S. Capitol. In one video, which I have reviewed, Kimberly Dragoo stated, “They stormed the Capitol ... We got stuck in the crowd for like an hour ... I’m not getting back in it again.” In addition, Kimberly Dragoo stated, “They stormed the Capitol a while ago. I called my sister and my son. He said that they are not sharing it, but anyway, there were some guys who walked by that got maced. I think they are getting ready ... I’ve seen another crowd go up there – getting ready to do it again.”

17. Throughout the video smoke is visible, as is temporary fencing, which is clearly marked with multiple outward-facing signs containing large lettering that reads: “AREA CLOSED.” Kimberly Dragoo also captured an image of a USCP officer standing by a sign.



Image 2: Area Closed Signs as seen in video



Image 3: Area Closed Sign close up

18. In another video recovered from Facebook via legal process, and that Kimberly Dragoo confirmed she posted to her Facebook account, an unknown individual can be heard saying, “They’re going to start the session for . . .” Kimberly Dragoo can be heard stating, “That’s where they are having the hearing,” in a reference to the Congressional hearing on counting of the electoral votes. Kimberly Dragoo further stated, “Hey, they’re getting closer up there.” She then observed, “This part is all barricaded,” and “These people all went through it. They’re not supposed to be . . . they’re not supposed to be up here.”

19. During the video, flash bang diversionary devices can be heard going off in the background as Kimberly Dragoo asked, “What is that?” An individual I believe, based on my knowledge of his appearance and voice, to be Steven Dragoo replied, “I think they must just be smoke canisters.” Loud emergency vehicle sirens can be heard in the video, police vehicles are seen arriving at the Capitol, and gray smoke is visibly rising from the area. From a different location within the then-closed grounds of the Capitol, Kimberly Dragoo reported—and I have confirmed by watching the video—that she also filmed a large contingent of Metropolitan Police Officers from a close distance as the officers arrived in riot gear and walked toward the Capitol Building, ignoring taunts and objects thrown from the crowd.

20. After witnessing and filming these events, according to the Dragoos, they made their way across the U.S. Capitol Grounds and up onto the terrace outside the Senate Wing door.

21. At approximately 3:15 p.m., Steven Dragoo reported to the FBI that he took a picture of Kimberly Dragoo posing just outside a broken window in the U.S. Capitol. This picture, shown below, was given to the FBI through tipsters, found via legal process, and presented to the FBI by Steven Dragoo during their interview.



Image 4: KIMBERLY DRAGOO in Senate Wing Door window

22. CCV footage shows that Kimberly Dragoo and Steven Dragoo entered the U.S. Capitol at approximately 3:15 p.m. through a broken window near the Senate Wing door of the U.S. Capitol. *See Images 5 and 6 below.*



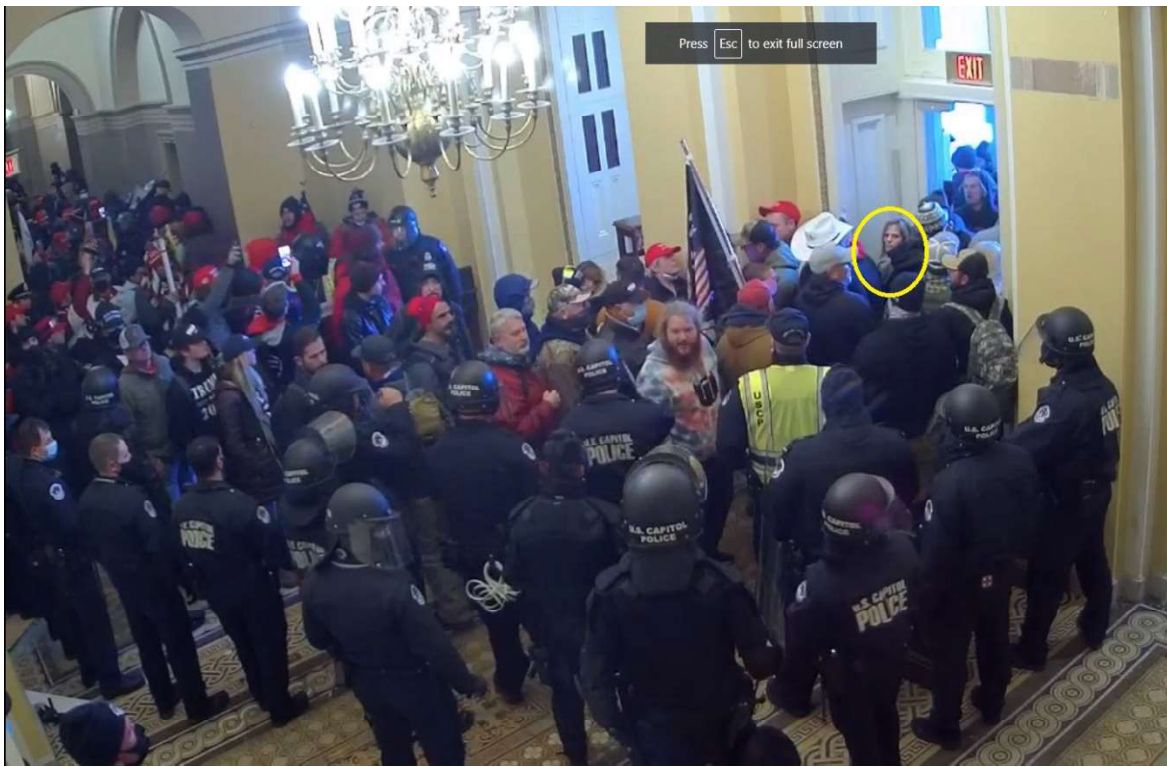
Images 5



Images 6

23. CCV shows the Dragoos exited the U.S. Capitol through the Senate Wing Door less than two minutes later at 3:16 p.m. As seen in the CCV footage, before leaving, the Dragoos saw law enforcement officers attempting to barricade the window they just entered and directing rioters out of the building.

24. CCV footage shows the Dragoos re-entered the U.S. Capitol at approximately 3:23 p.m. through the Senate Wind Door itself. *See Images 7 and 8.*



Images 7



Images 8

25. As seen on CCV footage, the Dragoos turned right and walked with a crowd down a corridor and returned down the same corridor after they were confronted by a line of police officers prohibiting people from proceeding further.

26. Steven Dragoo acknowledged that he took several photographs of Kimberly Dragoo inside the U.S. Capitol, which he provided to the FBI. These images were also recovered from the Dragoo's Facebook page via legal process and received from tipsters. See Images 9 and 10.



Image 9



Image 10

27. CCV footage shows that around 3:32 p.m., the Dragoos left the U.S. Capitol through the Senate Wing door.

28. During my investigation of the Dragoos, the FBI received a Facebook post associated with Kimberly Dragoo's Facebook profile from tipsters, including a copy of Image 9, where Kimberly Dragoo appears to be escorted by police officers, possibly out of the building.

That same photograph was also published in a news article in “New Press Now” about Kimberly Dragoo’s presence in the Capitol during the riot. “New Press Now” attributed the photograph to Kimberly Dragoo. See https://www.newspressnow.com/news/local_news/st-joseph-woman-walked-into-capitol-during-riot/article_87d4a69e-513e-11eb-9e16-838772e5d948.html.¹

29. According to the author of the article, “Dragoo defended her actions, saying by the time she made it inside, at about 4:00 p.m., that police were simply allowing members of the public to walk through a small section of the building.” In the article, Kimberly Dragoo was quoted as saying, “I didn’t see any of that,” apparently referring to the violence and riot. Kimberly Dragoo also allegedly stated, “Where I was everybody was happy. I didn’t know until getting up to the Capitol building that everybody was in there.” “I didn’t see anything I saw on the news.” “I wasn’t (getting arrested) and the cops were really nice to me[.]” “I mean I talked to them and told them ‘Thank you for your service.’”

30. The FBI has also reviewed a now-deleted Facebook post from Kimberly Dragoo in which she admitted that she was present in the Capitol on January 6, 2021. “I went through the Capito a few hours after it was stormed. What the news is not telling you is that they let everyone go in and walk through. Does this look like they were not letting people in?”

¹ The photo was accompanied by the following caption: “Kim Dragoo, center, takes a photo near two police officers inside the US Capitol on Wednesday. The building was compromised when a pro-Trump mob breached the perimeter. Photo courtesy of Kim Dragoo”



Image 11

31. The FBI also received a copy from a now-deleted Facebook post showing Kimberly Dragoo appearing to enter the Capitol through what appears to be a broken window.

CONCLUSION

32. Based on the foregoing, your affiant submits that there is probable cause to believe that KIMBERLY RAE DRAGOO and STEVEN MICHAEL DRAGOO violated:

33. 18 U.S.C. § 1752(a)(1) and (2), (Entering and Remaining in a Restricted Building or Grounds) (Disorderly and Disruptive Conduct in a Restricted Building and Grounds), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official function. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where a person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

34. 40 U.S.C. § 5104(e)(2), (D) and (G) (Disorderly Conduct) (Parading and Demonstrating), which makes it a crime to willfully and knowingly utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress, and parade, demonstrate, or picket in any of the Capitol Buildings.



Special Agent Scott Macke

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 12th day of June 2023.

U.S. MAGISTRATE JUDGE