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## **Robert S. Mueller III Issues Report on Independent Investigation for NFL**

Washington, D.C. — Former FBI Director Robert S. Mueller III today released the results of a four-month investigation into the Ray Rice incident on February 15, 2014. The National Football League (NFL) asked Mueller on September 10, 2014, to address two questions:

- Did the NFL possess or view the in-elevator video of Mr. Rice and his then-fiancée Janay Palmer from the Revel Casino before its public release on September 8, 2014?
- What information was obtained, provided or available to the NFL during its investigation of the Rice incident?

Acting with full independence from the NFL, Mr. Mueller and his colleagues reviewed millions of documents, emails, text messages and electronic data logs, and interviewed more than 200 NFL employees and contractors. Digital forensics experts searched computers and mobile phones of the league's senior executives, including Commissioner Roger Goodell, for any digital evidence of the in-elevator video.

Responding to a news story that a woman at the NFL confirmed receipt of the video in the April 9 call, investigators traced every outgoing phone call from the NFL, and took several other investigative actions that are detailed in the report. The investigators interviewed every female employee, contractor or vendor whose electronic badge recorded that she was in the League's main office on that day. Each was asked whether they made such a call or had any knowledge about the receipt by the NFL of an in-elevator video of the Rice incident.

The investigation found no evidence that the NFL received the in-elevator video before its public release on September 8, 2014.

With regard to the question about the information available to the NFL, the report includes the following findings:

- The NFL's deference to law enforcement "can foster an environment in which it is less important to understand precisely what a player did than to

understand how and when the criminal justice system addresses the event.”

- The NFL’s deference to the law enforcement process involving Mr. Rice “led to deficiencies in the League’s collection and analysis of information during its investigation.”
- The NFL had “substantial information suggesting a serious event had occurred inside the elevator that the League should have further investigated.” Had the League done so, “it may have uncovered additional information about the incident, possibly including the in-elevator video prior to its public release.”

Summarizing the results of the investigation, Mr. Mueller said:

“We found no evidence that anyone at the NFL had or saw the in-elevator video before it was publicly shown. We also found no evidence that a woman at the NFL acknowledged receipt of that video in a voicemail message on April 9, 2014.

“We concluded there was substantial information about the incident – even without the in-elevator video – indicating the need for a more thorough investigation. The NFL should have done more with the information it had, and should have taken additional steps to obtain all available information about the February 15 incident.”

The report acknowledges the NFL’s recent changes to its Personal Conduct Policy, and offers several recommendations for additional improvements, including:

- More training and better supervision for NFL investigators
- The creation of a specialized investigative team for domestic violence and sexual abuse cases
- Investigative guidelines and standards to encourage more thorough investigations
- Policies requiring more information sharing between the league and NFL clubs during investigations

The full details of the investigation, the findings and the recommendations, as well as an executive summary, are available at [RobertMuellerReport.com](http://RobertMuellerReport.com).

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**EXECUTIVE SUMMARY**

**REPORT TO THE NATIONAL FOOTBALL LEAGUE OF AN INDEPENDENT  
INVESTIGATION INTO THE RAY RICE INCIDENT**

**ROBERT S. MUELLER III**

**JANUARY 8, 2015**

**WILMERHALE**

## EXECUTIVE SUMMARY

In the early morning hours of Saturday, February 15, 2014, the Atlantic City Police Department responded to a report of an incident in an elevator at the Revel Casino Hotel in Atlantic City, New Jersey. Less than an hour later, the officers arrested Raymell Rice, then a Baltimore Ravens football player, and his then-fiancée Janay Palmer.<sup>1</sup> Rice and Palmer were released that morning, each having been served with a complaint-summons to appear in the Atlantic City Municipal Court. Rice's complaint-summons charged him with assault "by attempting to cause bodily injury to J. Palmer, specifically by striking her with his hand, rendering her unconscious, at the Revel Casino."

Six weeks later, on March 27, the charge against Rice escalated to an indictment for felony aggravated assault against Palmer. That same day, prosecutors announced that charges against Palmer had been dismissed.

In May, Rice pleaded not guilty and applied for the New Jersey Pretrial Intervention program, which affords "opportunities for alternatives to the traditional criminal justice process of ordinary prosecution." On May 20, a New Jersey Superior Court judge approved and signed the pretrial intervention order, which postponed the criminal proceedings for one year, with the charges to be dismissed if Rice complies with the terms of the order.

On June 16, Commissioner Roger Goodell of the National Football League<sup>2</sup> met with Rice, Palmer (who had by that time become Rice's wife), and others to discuss the incident and potential discipline of Rice under the League's then-existing Personal Conduct Policy.

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<sup>1</sup> Rice and Palmer were married on March 28, 2014. Although Palmer adopted "Rice" as her last name, for clarity, we refer to Palmer by her name at the time of the incident.

<sup>2</sup> Throughout the report, references to "the League" or "NFL" encompass NFL headquarters as well as the independent contractors used by the League for NFL investigations, but not the personnel of individual teams.

Following that meeting, Goodell informed Rice by letter on July 23 that he was “suspended without pay for the Ravens’ first two regular season games ... [and] fined an additional \$58,824.”

Then, on September 8, TMZ released the in-elevator video, and the public saw for the first time footage of Rice striking Palmer at the Revel on February 15.<sup>3</sup> That same day, the Ravens terminated Rice’s contract and the League suspended Rice indefinitely.<sup>4</sup> Both the Ravens and the League stated that they had not seen the video before its public release.

Two days later, on September 10, the *Associated Press* published the first of a series of stories reporting that an unnamed law-enforcement official had sent a DVD with in-elevator video footage of the assault to the League five months earlier, and that an unnamed woman at the League had acknowledged receiving that video by leaving a voicemail on the unnamed official’s cellphone on April 9, 2014.

That same day, September 10, the League asked that I conduct an independent inquiry into two questions: whether anyone at the League had received or seen the in-elevator video prior to its public release on September 8; and what other evidence was obtained by, provided to, or available to the League in the course of its investigation.<sup>5</sup> I agreed to lead the inquiry, and the League engaged me and my law firm, Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”).

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<sup>3</sup> On February 19, TMZ released footage of Rice and Palmer outside the elevator after the incident.

<sup>4</sup> The Honorable Barbara S. Jones, acting as the arbitrator in Rice’s appeal, overturned that indefinite suspension in her decision of November 28, 2014.

<sup>5</sup> This investigation does not address a number of issues. For example, we do not address the League’s player discipline process generally or the specific discipline imposed on Rice by the League in July or September; the League’s approach to domestic violence; or issues raised on appeal of Rice’s discipline and decided by Judge Jones.

As to the first question, despite extensive investigation, we have found no evidence that anyone at the League received or viewed the in-elevator video prior to its public release.

Likewise, we have found no evidence of a woman at the League acknowledging receipt of that video in a voicemail message left on April 9, 2014.

With respect to the second question, we have identified the investigative steps that the League took in the wake of the Rice incident, steps that reflect the League's longstanding practice of deferring to law enforcement—a practice that can foster an environment in which it is less important to understand precisely what a player did than to understand how and when the criminal justice system addresses the event. In this case, that deference led to deficiencies in the League's collection and analysis of information during its investigation. We conclude that there was substantial information about the incident that should have put the League on notice of a need to undertake a more thorough investigation to obtain available evidence of precisely what occurred inside the elevator. Had the League done so, it may have uncovered additional information about the incident, possibly including the in-elevator video prior to its public release.

### **The In-Elevator Video**

We undertook exhaustive efforts to investigate allegations that the League had received the in-elevator video prior to September 2014 and that a woman at the League called the *Associated Press* source (“**the AP source**”) on April 9 to acknowledge receipt of the video.

**Interviews.** We interviewed Goodell and more than 50 NFL employees who, because of their position or the location of their work space at the League, would have information on whether the League received the in-elevator video allegedly sent to Jeffrey Miller, Senior Vice

President of Security.<sup>6</sup> Each of those persons denied receiving or seeing the in-elevator video before its public release. *See* Investigative Findings (Part III.A); Appendix 1.B.

We also interviewed every female employee, contractor, vendor, or intern whose electronic badge recorded that she was in the League’s main office on April 9, the date the alleged call was made. Each of the 188 women denied making the April 9 call—or even hearing a rumor that an in-elevator video of the Rice incident had been received. *See* Investigative Findings (Part III.A); Appendix 1.D.

***Document Review.*** We collected, searched, and analyzed millions of documents, emails, and text messages from the League’s network. We found no evidence or suggestion that anyone within the League had received or seen the in-elevator video prior to its public release in September 2014, or had made a call on April 9 to acknowledge receipt of that video. To the contrary, multiple emails from senior League executives, before and after the video’s public release, are inconsistent with the proposition that those individuals had received or seen the in-elevator video prior to September 8, 2014. *See* Investigative Findings (Part III.A); Appendix 1.B.

***Forensic Searches Of Computers And Mobile Devices.*** We retained a digital forensic company to collect and image, and then search, the computers and mobile phones of Goodell, Miller, and other senior executives of the League, and those who reported to them, as well as computers in the League’s mailroom and video conference rooms. In addition, we searched more than 400 computers connected to the League’s network for any digital traces or sign of the in-elevator video. We found no evidence that the in-elevator video was or had been stored or

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<sup>6</sup> In a story published on September 25, 2014, the *Associated Press* reported that the AP source directed the video to the attention of “Jeff Miller,” the head of NFL Security. The same story reported that the source received the April 9 call on a disposable cellphone.

viewed on a League computer prior to the video's public release. *See Investigative Findings* (Part III.A); Appendix 1.C.

***Telephone Analysis.*** We assembled a database of every call placed on April 9 from the NFL's main number—1,583 calls to 1,050 unique telephone numbers in total. Using the League's phone directory, we determined that 112 of those numbers were to senior NFL employees or individuals employed by one of the League's teams. We researched the remaining 938 numbers to identify each call recipient. As part of that effort, we asked each NFL employee from whose extension calls were placed to identify the person they called. The employees identified NFL vendors, former players, nearby restaurants, doctors' offices, family members, and the like. We then validated that information by calling each person or entity identified. Through this process, we ultimately called all 938 numbers and found no unexplained or unidentified calls from the League on April 9 that reasonably could have been a call acknowledging receipt of the in-elevator video. *See Investigative Findings* (Part III.A); Appendix 1.D.

***Mailroom.*** We investigated whether a package containing the in-elevator video was sent to Miller's attention at the League in late March or early April 2014. Based on interviews of staff specifically responsible for handling mail sent to Miller and other senior executives, and all mailroom staff, as well as a review of all available electronic logs for tracked mail and interoffice mail, we identified no package consistent with the characteristics reported by the *Associated Press*. *See Investigative Findings* (Part III.A); Appendix 1.E.

***Tip Line.*** We established an anonymous tip line for use by League employees, notified every employee in all three League offices (New York, New Jersey, and California) of its



existence, and encouraged employees to call if they had any information about the video or the alleged call. We received no calls. *See* Investigative Findings (Part III.A); Appendix 1.D.

### **The League's Investigation**

We found that the League's investigation consisted primarily of largely unsuccessful attempts to obtain records from the Atlantic City Police Department ("ACPD"), and updates on the status of the Rice criminal case from public sources. The League obtained Rice's complaint-summons from the Ravens. And after the criminal case was effectively resolved through Rice's admission into the Pretrial Intervention ("PTI") program, the League obtained the indictment and PTI papers. This basic information, supplemented with some public media reports, was provided to Goodell prior to the League's disciplining of Rice in July 2014.

The League's investigation was limited, but it possessed substantial information suggesting a serious event had occurred inside the elevator that the League should have further investigated. For example, by February 19, the League had seen the outside-the-elevator video, showing Rice dragging an unconscious Palmer out of the elevator. The next day, the League received a copy of the complaint-summons—written by police officers who had seen the in-elevator video—that charged Rice with "striking [Palmer] with his hand, rendering her unconscious." And by June 6, the League had a copy of the grand jury indictment, alleging that Rice "did attempt to cause significant bodily injury to [Palmer], and/or did purposely or knowingly cause significant bodily injury to [Palmer] and/or under circumstances manifesting extreme indifference to the value of human life, did recklessly cause significant bodily injury to [Palmer]." That information did not provide the graphic detail that the in-elevator video depicted, but it should have put the League on notice that a serious assault had occurred and that it should conduct a more substantial independent investigation.

Our investigation identified a number of investigative steps that the League did not take to acquire additional information about what occurred inside the elevator. League investigators did not contact any of the police officers who investigated the incident, the Atlantic County Prosecutor's Office, or the Revel to attempt to obtain or view the in-elevator video or to obtain other information. No one from the League asked Rice or his lawyer whether they would make available for viewing the in-elevator video they received as part of criminal discovery in early April. And, after the initial contacts with the Ravens in the immediate aftermath of the incident, League investigators did not follow up with the Ravens to determine whether the team had additional information.

To be sure, it is uncertain that contacting these parties would have yielded useful information. The Ravens, however, did receive in late February a detailed description of the in-elevator video from a lieutenant at ACPD, the agency responsible for the criminal investigation of the Rice incident. The Ravens did not volunteer that information to the League. But the League might well have received that information through more persistent and thorough communication with ACPD, and members of the Ravens indicated in our interviews that they would have shared the information they had learned with the League had the team been asked directly. Similarly, in interviews conducted after the conclusion of Rice's appeal, Rice and his attorney claimed that they would have turned over the in-elevator video if asked. Thus, had the League undertaken a more substantial investigation, it may have gathered available information about the incident, possibly including the in-elevator video prior to its public release. Contacts with the Atlantic County Prosecutor's Office or the Revel, on the other hand, likely would not have produced results.

## **Limitations On Our Investigation**

We were limited in our collection of information from two sources. First, we were unable to obtain from the *Associated Press* information that would have helped identify a female caller who reportedly left a voicemail acknowledging receipt of the in-elevator video. We respect that the news media has a longstanding and well-founded policy of protecting the confidentiality of its sources, and we did not expect the *Associated Press* to identify its source. We did, however, ask for the phone number of the law-enforcement source's disposable cellphone and access to the voicemail message reportedly left by the female caller.<sup>7</sup> The *Associated Press* declined. We also offered the *Associated Press* an opportunity to search our telephone data for any portion of the source's disposable cellphone number. The *Associated Press* declined that offer as well.

Second, we were unable to obtain certain information from ACPD, the agency that investigated the February 15 incident and obtained video footage from the Revel. Our investigation found, among other things, that one of its lieutenants provided a detailed recounting of the in-elevator video to the Ravens before it became public. ACPD declined to make its employees available for interview or to respond to our written questions.

## **Summary Of Recommendations**

The report concludes with recommendations for the League. Our findings demonstrate the weaknesses inherent in the League's longstanding practice of deferring to the criminal justice system with respect to the investigation of facts and the imposition of discipline under the Personal Conduct Policy. Discipline should be imposed on the basis of the specific nature of the

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<sup>7</sup> Access to the voicemail message would have enabled us to do voice comparisons with League personnel.

player's conduct, not solely or necessarily on the disposition of a criminal case. The League has begun to address this fundamental issue in its revised Personal Conduct Policy, announced on December 10, 2014. Importantly, in the future, the League will conduct independent investigations in appropriate cases. We recommend that the League consider additional steps:

- Expand the Security Department by adding supervisory resources;
- Establish a specialized investigative team for domestic violence and sexual assault cases;
- Adopt investigative guidelines for its investigations;
- Provide annual training and a formal performance review process for investigators;
- Enhance its policies to assure information sharing between clubs and the League; and
- Transcribe proceedings when a player and interested parties appear at a disciplinary proceeding.

**REPORT TO THE NATIONAL FOOTBALL LEAGUE OF AN INDEPENDENT  
INVESTIGATION INTO THE RAY RICE INCIDENT**

**ROBERT S. MUELLER III**

**JANUARY 8, 2015**

**WILMERHALE**

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## EXECUTIVE SUMMARY

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viewed on a League computer prior to the video's public release. *See Investigative Findings (Part III.A); Appendix 1.C.*

***Telephone Analysis.*** We assembled a database of every call placed on April 9 from the NFL's main number—1,583 calls to 1,050 unique telephone numbers in total. Using the League's phone directory, we determined that 112 of those numbers were to senior NFL employees or individuals employed by one of the League's teams. We researched the remaining 938 numbers to identify each call recipient. As part of that effort, we asked each NFL employee from whose extension calls were placed to identify the person they called. The employees identified NFL vendors, former players, nearby restaurants, doctors' offices, family members, and the like. We then validated that information by calling each person or entity identified. Through this process, we ultimately called all 938 numbers and found no unexplained or unidentified calls from the League on April 9 that reasonably could have been a call acknowledging receipt of the in-elevator video. *See Investigative Findings (Part III.A); Appendix 1.D.*

***Mailroom.*** We investigated whether a package containing the in-elevator video was sent to Miller's attention at the League in late March or early April 2014. Based on interviews of staff specifically responsible for handling mail sent to Miller and other senior executives, and all mailroom staff, as well as a review of all available electronic logs for tracked mail and interoffice mail, we identified no package consistent with the characteristics reported by the *Associated Press*. *See Investigative Findings (Part III.A); Appendix 1.E.*

***Tip Line.*** We established an anonymous tip line for use by League employees, notified every employee in all three League offices (New York, New Jersey, and California) of its

existence, and encouraged employees to call if they had any information about the video or the alleged call. We received no calls. *See* Investigative Findings (Part III.A); Appendix 1.D.

### **The League's Investigation**

We found that the League's investigation consisted primarily of largely unsuccessful attempts to obtain records from the Atlantic City Police Department ("ACPD"), and updates on the status of the Rice criminal case from public sources. The League obtained Rice's complaint-summons from the Ravens. And after the criminal case was effectively resolved through Rice's admission into the Pretrial Intervention ("PTI") program, the League obtained the indictment and PTI papers. This basic information, supplemented with some public media reports, was provided to Goodell prior to the League's disciplining of Rice in July 2014.

The League's investigation was limited, but it possessed substantial information suggesting a serious event had occurred inside the elevator that the League should have further investigated. For example, by February 19, the League had seen the outside-the-elevator video, showing Rice dragging an unconscious Palmer out of the elevator. The next day, the League received a copy of the complaint-summons—written by police officers who had seen the in-elevator video—that charged Rice with "striking [Palmer] with his hand, rendering her unconscious." And by June 6, the League had a copy of the grand jury indictment, alleging that Rice "did attempt to cause significant bodily injury to [Palmer], and/or did purposely or knowingly cause significant bodily injury to [Palmer] and/or under circumstances manifesting extreme indifference to the value of human life, did recklessly cause significant bodily injury to [Palmer]." That information did not provide the graphic detail that the in-elevator video depicted, but it should have put the League on notice that a serious assault had occurred and that it should conduct a more substantial independent investigation.

Our investigation identified a number of investigative steps that the League did not take to acquire additional information about what occurred inside the elevator. League investigators did not contact any of the police officers who investigated the incident, the Atlantic County Prosecutor's Office, or the Revel to attempt to obtain or view the in-elevator video or to obtain other information. No one from the League asked Rice or his lawyer whether they would make available for viewing the in-elevator video they received as part of criminal discovery in early April. And, after the initial contacts with the Ravens in the immediate aftermath of the incident, League investigators did not follow up with the Ravens to determine whether the team had additional information.

To be sure, it is uncertain that contacting these parties would have yielded useful information. The Ravens, however, did receive in late February a detailed description of the in-elevator video from a lieutenant at ACPD, the agency responsible for the criminal investigation of the Rice incident. The Ravens did not volunteer that information to the League. But the League might well have received that information through more persistent and thorough communication with ACPD, and members of the Ravens indicated in our interviews that they would have shared the information they had learned with the League had the team been asked directly. Similarly, in interviews conducted after the conclusion of Rice's appeal, Rice and his attorney claimed that they would have turned over the in-elevator video if asked. Thus, had the League undertaken a more substantial investigation, it may have gathered available information about the incident, possibly including the in-elevator video prior to its public release. Contacts with the Atlantic County Prosecutor's Office or the Revel, on the other hand, likely would not have produced results.

## **Limitations On Our Investigation**

We were limited in our collection of information from two sources. First, we were unable to obtain from the *Associated Press* information that would have helped identify a female caller who reportedly left a voicemail acknowledging receipt of the in-elevator video. We respect that the news media has a longstanding and well-founded policy of protecting the confidentiality of its sources, and we did not expect the *Associated Press* to identify its source. We did, however, ask for the phone number of the law-enforcement source's disposable cellphone and access to the voicemail message reportedly left by the female caller.<sup>7</sup> The *Associated Press* declined. We also offered the *Associated Press* an opportunity to search our telephone data for any portion of the source's disposable cellphone number. The *Associated Press* declined that offer as well.

Second, we were unable to obtain certain information from ACPD, the agency that investigated the February 15 incident and obtained video footage from the Revel. Our investigation found, among other things, that one of its lieutenants provided a detailed recounting of the in-elevator video to the Ravens before it became public. ACPD declined to make its employees available for interview or to respond to our written questions.

## **Summary Of Recommendations**

The report concludes with recommendations for the League. Our findings demonstrate the weaknesses inherent in the League's longstanding practice of deferring to the criminal justice system with respect to the investigation of facts and the imposition of discipline under the Personal Conduct Policy. Discipline should be imposed on the basis of the specific nature of the

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<sup>7</sup> Access to the voicemail message would have enabled us to do voice comparisons with League personnel.



player's conduct, not solely or necessarily on the disposition of a criminal case. The League has begun to address this fundamental issue in its revised Personal Conduct Policy, announced on December 10, 2014. Importantly, in the future, the League will conduct independent investigations in appropriate cases. We recommend that the League consider additional steps:

- Expand the Security Department by adding supervisory resources;
- Establish a specialized investigative team for domestic violence and sexual assault cases;
- Adopt investigative guidelines for its investigations;
- Provide annual training and a formal performance review process for investigators;
- Enhance its policies to assure information sharing between clubs and the League; and
- Transcribe proceedings when a player and interested parties appear at a disciplinary proceeding.

## **I. BACKGROUND**

### **A. Description Of The Investigation**

#### *1. Overview Of The Investigation's Purpose And Structure*

The League asked that our inquiry address whether the League had received or seen the in-elevator video prior to its public release on September 8 and what evidence was obtained by, provided to, or available to the League in the course of its investigation. We were also authorized, but not required, to investigate any other subject matter reasonably related to the League's handling of the incident.

As set forth in Appendix 1.A, this investigation was completely independent from the League. Under the terms of the engagement, the League agreed not to conduct, direct, oversee, or otherwise manage or influence the investigation or its results. The League did not impose any limits on access to information, nor did it require or prohibit any specific investigative steps. In fact, I had the sole discretion to employ investigative resources, techniques, and processes appropriate to complete the investigation and the report. Two League club owners—New York Giants owner John Mara and Pittsburgh Steelers owner Art Rooney—were assigned as points of contact and to assist with our access to the League, its personnel and information, and other League resources necessary to complete the investigation. Mara and Rooney also agreed not to conduct, direct, or otherwise manage or influence the investigation or its results.

The League did not impose a deadline for completion of the investigation or the issuance of this report. Instead, we were urged to be thorough and to take as much time as was needed to be complete. From the start, the League expected that this report would be made public.

## 2. *Drafting And Release Of The Report*

The facts and findings in the report are based solely on our evaluation of the evidence we have collected and reviewed. We did not provide a draft of the report to the League prior to its public release for the purpose of receiving comments. However, as a courtesy, we provided a copy of the final report to Rooney and Mara four hours before the report's public release.

### **B. Relevant League Policies And Procedures**

To assess the steps that the League and others took in the wake of the February 15 incident, it is important to understand the League's then-existing Personal Conduct Policy and its approach to investigations of off-the-field player misconduct.<sup>8</sup>

#### 1. *NFL Personal Conduct Policy*

The then-existing Personal Conduct Policy governed all persons associated with the NFL. It established a "Standard of Conduct" under which a person need not be convicted of a crime to violate the Policy: "While criminal activity is clearly outside the scope of permissible conduct, and persons who engage in criminal activity will be subject to discipline, the standard of conduct for persons employed in the NFL is considerably higher." Under the standard of conduct, "[d]iscipline may be imposed" in several circumstances, including, for example, "[c]riminal offenses including, but not limited to, those involving: the use or threat of violence; domestic violence and other forms of partner abuse; theft and other property crimes; sex offenses; obstruction or resisting arrest; disorderly conduct; fraud; racketeering; and money laundering." Other examples of impermissible conduct included "[c]onduct that imposes inherent danger to the safety and well-being of another person" and "[c]onduct that undermines or puts at risk the integrity and reputation of the NFL, NFL clubs, or NFL players."

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<sup>8</sup> The League adopted a new Personal Conduct Policy on December 10, 2014.

The Policy also addressed “Discipline” for violations. It stated that, “[u]pon learning of conduct that may give rise to discipline, the League may initiate an investigation to include interviews and information gathering from medical, law enforcement, and other relevant professionals” and that, “[u]pon conclusion of the investigation, the Commissioner will have full authority to impose discipline as warranted.” The policy provided that discipline may include “fines, suspension, or banishment from the League and may include a probationary period and conditions that must be satisfied prior to or following reinstatement.”

The Policy contained two provisions relevant to the timing of discipline. First, “[u]nless the available facts clearly indicate egregious circumstances, significant bodily harm or risk to third parties, or an immediate and substantial risk to the integrity and reputation of the NFL, a first offense generally will not result in discipline until there has been a disposition of the proceeding (or until the investigation is complete in the case of noncriminal misconduct).” It did not define the “egregious” circumstances that would trigger a pre-disposition determination.

Second, “[w]ith respect to repeat offenders, the Commissioner may impose discipline on an enhanced and/or expedited basis. In such cases, the timing and nature of the discipline will be determined by the Commissioner based on several factors including but not limited to: the severity of the initial charge and later charge; the facts underlying the later charge; the length of time between the initial offense and later charge; and the player or employee’s compliance with counseling and other programs.” For repeat offenders, then, discipline could have been imposed before the disposition of a criminal proceeding without any enhanced showing.

The Policy also contained instructions regarding the “Reporting of Incidents.” It required players and club employees to report “any incident that may be a violation of this policy, and

particularly when any conduct results in an arrest or other criminal charge.” Clubs were also required to report such incidents to the League.

## 2. *League Investigations And Discipline*

At all times relevant to this report, the League’s investigation and discipline of players for violations of the Personal Conduct Policy was carried out principally by NFL Security and NFL Labor & Governmental Affairs. Those groups report to Jeff Pash, Executive Vice President, Labor & League Counsel.

*NFL Security (Investigations).* NFL Security is headed by Miller, a Senior Vice President. At the time of the Rice incident and the subsequent League investigation, Miller was a Vice President and Chief Security Officer.

NFL Security performs a variety of functions, including player investigations. Miller has four directors reporting to him, including John Raucci, Director of Investigative Services. League employees typically do not perform investigative work. Instead, on-the-ground investigative work is carried out by NFL Security Representatives, all of whom are independent contractors. Security Representatives, who must be licensed private investigators, work under two-year contracts and are assigned to geographic areas and corresponding NFL teams.

When NFL Security learns of alleged player misconduct, Raucci typically will start an investigation, assign a Security Representative to the matter, and notify other relevant persons within the League, including Miller. A file is opened in the League’s case-management system called SARAX. Security Representatives use SARAX to submit paperwork and follow-up reports on the status of the investigation.

The responsibilities of Security Representatives are set forth in their contracts. Beyond those contracts, there are no League administrative or operational guidelines or manuals

governing Security Representatives' day-to-day investigative efforts. One common expectation for player misconduct investigations is that Security Representatives will attempt to secure the police file, often an incident or arrest report. If the police file is not obtained, Security Representatives are expected to include a note in SARAX explaining why the file is not available. Security Representatives are then expected to continue gathering public information related to the criminal proceeding and ultimate disposition of that proceeding.

At times relevant here, as a matter of general principle, the League attempted to avoid interfering with law-enforcement investigations by conducting its own investigations, and it also relied on findings made by the criminal process in imposing League discipline. It was, therefore, rare for Security Representatives to contact a witness to alleged criminal conduct, to use confidential sources, or to contact the police or prosecutors for non-public information.

*NFL Labor Policy & Government Affairs (Discipline).* Adolpho Birch is a Senior Vice President of Labor Policy & Government Affairs. Birch's group was responsible for administering discipline under the then-existing Personal Conduct Policy.

Birch's group does not control or directly supervise NFL Security personnel and rarely has direct contact with Security Representatives. However, during a player misconduct investigation, Birch's group and NFL Security often communicate. Birch's group, in addition to Pash, provides legal advice in connection with discipline decisions, which are ultimately made by the Commissioner.

## II. FACTUAL SUMMARY

### A. The February 15 Incident At The Revel

In February 2014, during the League's off-season, Rice and Palmer, then engaged to be married, travelled to Atlantic City, New Jersey to celebrate Valentine's Day with friends. Rice and Palmer checked in to the Revel on Friday, February 14. During the late evening hours of February 14 and the early morning hours of February 15, Rice, Palmer, and their friends attended a nightclub at the Revel named Ivan Kane's Royal Jelly Burlesque Nightclub. While there, the group ordered "bottle service," with two bottles of liquor consumed by the six people.

After leaving the nightclub, Rice and Palmer entered a restaurant at the casino. At the restaurant, Rice and Palmer started arguing. The couple continued arguing after leaving the restaurant. Video surveillance footage obtained from the Revel shows that, at 2:47 a.m. on February 15, Rice arrived outside an elevator bank on the sixth floor of the Revel.<sup>9</sup> Standing alone, Rice pulled a cellphone from his pocket. With his cellphone in hand, Rice saw Palmer approaching the elevator bank and looked up. As Palmer approached, Rice held up his cellphone, apparently to show her something on the device. Palmer then walked by Rice, at

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<sup>9</sup> The Revel had approximately 1,750 cameras in operation. Nine hundred and fifty of the cameras recorded activity in areas where gaming occurred ("**Gaming cameras**"). The feed from those cameras was monitored in two locations: a surveillance video room staffed by Revel employees and a surveillance room open to the New Jersey Division of Gaming Enforcement ("**DGE**"). In New Jersey casinos, law-enforcement jurisdiction over the areas where gaming is conducted resides with the New Jersey State Police. The remaining 800 cameras recorded activity in non-gaming areas such as elevators, lobbies, parking areas, or hallways ("**Non-Gaming cameras**"). The feed from those cameras was monitored in a separate security video room staffed by Revel Security Operations. The security room had access only to the 800 cameras recording non-gaming areas. The surveillance room had access to all 1,750 cameras. In New Jersey casinos, law-enforcement jurisdiction for the non-gaming areas resides with ACPD. None of the 1,750 cameras was set up to transmit or record sound, a fact we confirmed through an independent forensic examination of all video files provided to us by the Revel. The Revel records video footage in a proprietary format that is viewable only with a proprietary player, as described in Appendix 1.C.

which point Rice spat at her—a fact Palmer later described to Revel security personnel. Palmer then slapped Rice’s face.

Rice and Palmer next entered the elevator. As the elevator descended, the events inside the elevator were monitored by a Security Operations employee. As a Revel incident report explains, “The assault was witnessed on camera, as it happened, by” a Security Operations Center employee. The report states that “Security Operations reported that [a] male, identified as Raymell Maurice Rice, had struck [a] female, identified as Janay Ashley Palmer[,] in the face.” According to the report, Rice appeared to strike Palmer twice in the elevator: “The first appears to be a slap. The second a punch that renders Palmer unconscious . . . . She falls to the floor and appeared to strike her face on the back wall of the elevator.” Based on the events witnessed on the Security Operations monitor, a Revel Security Officer and Supervisor were dispatched to the lobby elevators.

The video feed from that elevator had been malfunctioning for approximately a year, just as it did that night, by jumping and skipping while the elevator was in motion. The video evidence is therefore unclear and does not definitively reveal whether the second blow Rice delivered to Palmer was open-handed or close-fisted. The frame reproduced below records the moment of contact between Rice’s hand and Palmer’s face:<sup>10</sup>

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<sup>10</sup> Each of the video frames included in this report are from video footage that we obtained from the Revel during the course of our investigation. None of the frames are from materials we obtained from the League. As explained in Part III below, we uncovered no evidence that anyone at the League had received or seen the in-elevator video prior to its release on September 8, 2014.





Whether this second blow to Palmer was a slap or a punch, the force and result of the blow is not in doubt. Palmer's head is driven to the right of the video in the direction of the elevator handrail:



After her head strikes the handrail, Palmer then strikes the floor of the elevator with the back of her head:



Rice stood over Palmer's motionless body for the remaining ten seconds of the elevator ride. As the elevator arrived at the first floor, Rice pulled Palmer from the elevator and laid her face down on the floor outside the elevator:



As a result of the call placed by the Revel employee who witnessed the assault in real-time, another Revel security employee was at the scene of the elevator almost immediately after the doors opened. As the Revel incident report explains, when a Security Supervisor arrived, Palmer “was sitting on the floor in front of the elevator doors and appeared lethargic.” Palmer “was visibly upset, and claimed to have no recollection of what had occurred.” The Revel report states that Rice admitted that he and Palmer “were having an argument” and that “he did ‘slap’ her.” The report also notes that “[b]oth parties had been drinking” and that each “had an odor of an alcoholic beverage on their breaths.”

Revel security personnel contacted ACPD at 2:51 a.m. Two ACPD Officers, Coung Sam and Bryon Hargis, responded. Upon the arrival of the officers, Rice and Palmer refused medical attention and “no injuries were reported by either party.” According to the Revel incident report, Hargis “reviewed the video coverage” before arresting Rice and Palmer.

ACPD escorted Rice and Palmer out of the Revel in handcuffs at around 3:30 a.m., and the two were placed into separate police cars. Rice and Palmer were transported to an ACPD

holding facility and charged with “Simple Assault-Domestic Violence.” After Rice was released that same morning of February 15, he called Darren Sanders, the Director of Security for the Ravens, to tell him what had happened.

In a news release issued later that day, ACPD reported that Rice and Palmer had been arrested and released pursuant to a complaint-summons requiring them to appear in the Atlantic City Municipal Court on February 25, 2014. According to the news release, “[a]fter reviewing surveillance footage it appeared that both parties were involved in a physical altercation. The complaint summons indicates that both [Rice] and Palmer struck each other with their hands. The responding officer signed a simple assault complaint against both Rice and Palmer.” Rice’s complaint-summons charged “assault by attempting to cause bodily injury to J. Palmer, specifically by striking her with his hand, rendering her unconscious.” Palmer’s complaint-summons charged “assault by attempting to cause bodily injury to Raymell Rice, specifically by striking him with her hand, while at the Revel Casino.”

The Revel formally ejected Rice before he left the hotel with the police. The ejection report contains a narrative of events consistent with the Revel incident report. In particular, the ejection report states that Rice “struck his fiancé ... twice with his left hand. The first appears to be a slap to the face. The second being a punch to the face that rendered Ms. Palmer unconscious.” The Revel Security Supervisor signed the report.

In addition to the incident report and ejection report, Revel Security Operations created a DVD containing video footage of Rice and Palmer entering the elevator, the in-elevator assault, and Rice dragging Palmer from the elevator. One copy of the DVD was given to the arresting ACPD officers before they took Rice and Palmer from the Revel. A second copy of the DVD was picked up by an ACPD detective later that same morning.

The video of Rice striking Palmer attracted substantial interest amongst Revel employees on the night of the incident and for several days after. One employee in the Security Operations monitoring room jokingly remarked that TMZ would pay a lot for the video. The exported file of the video remained for several days on a server accessible to Revel Security Operations personnel who were authorized to enter the monitoring room. One employee estimated that 35 to 40 people (of whom 13 had law-enforcement experience) had access to the room and the video until access was restricted on approximately February 19, as described further below.

#### **B. The League Learns Of The Incident And Initial Investigation**

In the early morning of February 15 (less than 5 hours after the incident), a commenter named “StateProperty” on *InsideHoops*—a website relating principally to news about the National Basketball Association—started a thread on a message board titled “Ray Rice arrested for domestic last night.” The comment stated: “My ex coworker texted me said he got arrested last night for a domestic at my old job . . . . Don’t know the details but it’ll probably get released later today.” The comment ended with “Revel Casino in Atlantic City.” Just over an hour later, the StateProperty commenter replied to his own thread, stating, “Knocked out his girlfriend TKO [sic] style.” At 8:51 p.m., another commenter wrote, “I dare you to call the Baltimore Sun. You could be the anonymous tipster that breaks the story!” StateProperty responded: “I live in Bmore now, I’m walking over as soon as I awake!”

On Sunday, February 16, a member of the New Jersey State Police (“**NJSP**”) sent an email to Brian McCarthy, Vice President of Corporate Communications at the NFL, as well as to NJSP officials, about a request by a *Baltimore Sun* reporter for information about Rice’s arrest at

the Revel. McCarthy promptly forwarded that email to Miller, copying other NFL officials.<sup>11</sup>

The email to McCarthy on February 16 appears to be the first notice the League received of the incident.

The email stated that Aaron Wilson, a reporter from the *Baltimore Sun*, had contacted NJSP about Rice's arrest. Attached to the email was a write-up by Wilson. The write-up stated that Wilson "[s]poke to the guy who called the newsroom. He said he works for casino security at Revel." The write-up quoted the source's account of the assault: "It was horrific. It shocked the conscience. He knocked her out with one punch. She was out for three minutes. He dragged her out like a limp noodle. He hit her so hard. It was unbelievable. We gave her ice packs for her head." The write-up also stated that the source "described a Ravens team security guy" as being with Rice. The write-up contained specific details about Rice and Palmer, including their full names, address, and dates of birth, information that was contained in the Revel's incident report.

### **C. Investigation Prior To Rice's Indictment (February To March)**

#### *The League Assigns Buckley To The Matter*

After receiving the email reporting Rice's arrest and enclosing Wilson's write-up, Miller forwarded the message to Raucci and Mario Di Fonzo, the Security Representative assigned to the Ravens/Baltimore area. His message was: "We need to jump on this." Upon receiving the email message from Miller, Di Fonzo contacted Sanders. Sanders reported that Rice had already told him about the arrest and that Sanders and Rice were scheduled to meet the next day, February 17. Sanders also told Di Fonzo that he was surprised by the allegation that a member

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<sup>11</sup> McCarthy believes that the NJSP official sent the email to him because McCarthy had worked with him in connection with the 2014 Super Bowl held at the Meadowlands in New Jersey.

of team security was with Rice at the time and stated that the named individual denied being present. Sanders later learned that Rice was accompanied that morning by a Baltimore police officer, who often served when off-duty as Rice's personal security. We are not aware of any other association between this police officer and the Ravens.

After Di Fonzo's conversation with Sanders, Di Fonzo reported to Raucci what he learned. Raucci in turn relayed the substance of this conversation to Miller in an email, explaining that Di Fonzo had learned that "the team security director, [Sanders], was aware of the incident." Raucci stated in his email to Miller that "[Di Fonzo] is currently looking into the matter, to include, the allegation that a member of the team security staff was with the player when the incident occurred."

Di Fonzo emailed Raucci a link to the *InsideHoops* comment thread, stating that it "[l]ooks like the Sun reporter got the lead from someone in Baltimore that was tipped off by a Revel Casino worker." After sending the link to Raucci, Di Fonzo created a SARAX report on February 16 documenting his findings and listing the various sources of information. Di Fonzo also emailed Sanders the information from the *Baltimore Sun* and *InsideHoops*.

On Monday, February 17, Senior Labor Relations Counsel for the League emailed Raucci, asking, "Did you see the reports of Ray Rice's eventful weekend in Atlantic City?" Raucci responded a few minutes later: "Yes. It is an Internet feeding frenzy. He either punched a female acquaintance or knocked out, with one-single punch to the head, his fiancé. We have [James Buckley] collecting the reports."

Although Di Fonzo had filed the initial SARAX report, by February 19, James Buckley—the Security Representative for the New York Giants/New Jersey area—took the lead

investigative role. Because the Rice assault had occurred in New Jersey, the League's policy assigned the lead role to Buckley, who had geographic responsibility for that area.

In 1999, the League hired Buckley as the New York Giants Security Representative. Buckley is a licensed private detective in New Jersey and a former police officer in Paterson, New Jersey. After retiring from the Paterson Police Department as the Chief of Detectives, Buckley served as an Advisor to the Special Agent in Charge of the New Jersey Division of the Drug Enforcement Administration. He reported to us that he does not have substantial familiarity with or connection to Atlantic City law-enforcement officials and that in another matter he had difficulty with those officials sharing information.

#### *Buckley Contacts ACPD*

On February 19, Buckley called ACPD and asked for the arrest report and any other information about the Rice incident. Buckley was told that ACPD would not send him any records. Buckley called back and spoke with the Records Division Supervisor for ACPD, Ava Davenport. After explaining who he was and what he was looking for—arrest records or similar information—Buckley was told again that ACPD would not send or provide him any information related to the Rice incident.

When Buckley inquired whether an Open Public Records Act (“OPRA”) request would be a proper vehicle for obtaining the materials, Davenport informed him that everything in the police report would be redacted before he received it. Davenport referred him to the Atlantic City Solicitor's Office for further inquiries or information. Buckley called the Atlantic City Solicitor a few days later and left a voicemail message—a message that was not returned.



*TMZ Releases The Outside-The-Elevator Video*

On February 19, the website TMZ.com posted a video titled “Ray Rice Dragging Unconscious Fiancee After Alleged Mutual Attack [Video].”<sup>12</sup> The video shows Rice pulling an unconscious, face-down Palmer from the elevator, moving her feet and legs from the elevator’s opening, and then attempting to sit her upright.

The Revel conducted its own investigation of the release of the video. It concluded that the video had been made by using a hand-held video recording device such as a cellphone to record footage playing on a video monitor. The available evidence supports that conclusion. First, the video shown by TMZ shakes. The Non-Gaming camera at the Revel that recorded Rice pulling Palmer from the elevator is stationary; it would not shake or move. Second, the TMZ video has faint audio, which is consistent with a hand-held device recording sound present during the recording, but inconsistent with the lack of audio on the original Revel feed. As noted above, the Revel’s cameras do not transmit or record sound.

Some Revel officials concluded that the February 19 TMZ video had been made in the Security Operations monitoring room at approximately 4:30 a.m. on the morning of the event—after Rice and Palmer had been taken from the Revel. That conclusion was based on the fact that the TMZ video recorded a voice giving a security command transmitted by radio at approximately 4:30 a.m. After the TMZ release, the Revel required that all cellphones be left outside the Security Operations monitoring room, installed cameras inside that room, and gave only supervisors access to downloads of video footage.

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<sup>12</sup> <http://www.tMZ.com/2014/02/19/ray-rice-unconscious-fiancee-atlantic-city-video-arrest/>.

*Buckley Communicates With A Confidential Source*

After watching the TMZ video, Buckley communicated with a confidential source to obtain further information about the Rice incident. According to Buckley's SARAX report, "[t]o [the source's] knowledge, an altercation between RICE and his fiance initially took place inside an elevator cab at Revel Casino wherein RICE was initially assaulted by his fiance who slapped him in the face and in turn, RICE allegedly struck her (unknown whether a slap or closed fist)." Buckley told us that his confidential source was not a member of ACPD and had no direct access to the in-elevator video and that Buckley has no reason to believe that the source ever saw the in-elevator footage before it became public.

*Sanders Requests The In-Elevator Video From The Revel*

At some time prior to February 19, Sanders called the Revel and, based on his communications with the Revel, learned that a video of the incident existed. But the Revel would not provide a copy of the video to him. On February 19, after the release of the video by TMZ, Sanders called the Revel to complain that he had been denied access to any video, yet TMZ had obtained the outside-the-elevator video.

*Raucci Asks Buckley For More Details*

On February 20, Raucci emailed Buckley, asking, "Is it possible to collect some details and facts regarding the incident? Police Reports--? The public reporting and 'press accounts' are crushing us, and [Miller] needs to brief [Pash]." Buckley responded that, "[a]s per my contact with ACPD[,] we cannot obtain even through OPRA request the investigative report. In addition, this matter is under investigation and nothing is being released."

In response, Raucci stated: "Ok – we were hoping for some 'non-attribution' info to work off of. ... I'm figuring the elevator has one CCTV loop and the elevator area (outside of

the doors) has another. What I believe the interest is [to] understand the various press accounts: mutual pushing and shoving VS. cold-cocks her and knocks her unconscious. Between us – DV is DV and if the Commissioner is going to come down hard on the guy he should do so; I don't care who started the incident.”

Buckley volunteered that he “can contact Revel security to confirm” whether there is an in-elevator camera. Raucci responded by email that same day: “I have never heard of a Casino not having elevator - interior cameras. Separate and apart we have heard from a source, with no attribution, the interior camera shows RR striking his fiancé, more than once, above the shoulders, after she knocked off his hat.” Raucci informed us that he did not recall this email and did not himself have a source reporting about the incident. The reference to a source may be to the write-up by Wilson sent to the League on February 16.

Buckley did not, in fact, contact the Revel about the in-elevator video, believing that the Revel would have provided the original video to the police department and retained no copies. Instead, he asked his confidential source to investigate. The confidential source reported that the elevators at the Revel did have cameras inside the elevator cabs.

That same day, on February 20, Di Fonzo emailed to Raucci and Buckley a copy of the complaint-summons issued against Rice on February 15. Di Fonzo had received a copy of the document that day from Sanders. The complaint-summons, written by ACPD officers who had seen the in-elevator footage, charged Rice with “striking [Palmer] with his hand, rendering her unconscious.” A contemporaneous press release from ACPD indicated that the arresting officers reviewed video before making the arrest. Sanders also told Di Fonzo that he had called the Revel and asked to speak to someone in the Revel Security Office.

*ACPD Requests And Receives Additional Video From The Revel*

On February 20, the Revel created a second set of the in-elevator footage. A member of the Revel Security team reported that “ACPD needs to get another dub with elevator & outside elevator coverage (original & enhanced copy) for AC Prosecutors Office. ... Please contact LT Rodney Ruark when ready. He’ll have it picked up.”

The DVD left for Ruark and the Prosecutor’s Office that day contained at least some footage from Gaming cameras. Revel emails state that DGE also received a copy of this DVD.<sup>13</sup> The February 20 footage shows Rice, followed some distance by Palmer, walking through the casino as they exit the Royal Jelly, and proceeding through a restaurant and several gaming areas.<sup>14</sup>

*The Revel Refuses To Provide The Video To Rice’s Lawyer*

After his arrest, Rice retained Michael Diamondstein, a Philadelphia lawyer, to represent him. On February 20, Diamondstein emailed the General Counsel of the Revel to confirm that he had asked that the Revel “voluntarily provide me with a copy of the video tape in question. You refused to do so. You advised me that you were told by the Atlantic City Police not to turn the video over to me.” The General Counsel confirmed that was correct, stating, “I advised you that we spoke with the Lieutenant in charge of the investigation this morning and he asked that the evidence not be released to anyone while the investigation is active.” The General Counsel added that the Revel would “comply with a validly issued and authorized subpoena effective in New Jersey.”

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<sup>13</sup> The New Jersey Attorney General’s Office reported that DGE received a copy of the in-elevator video from the Revel on March 5, 2014.

<sup>14</sup> It appears that all video of the Rice incident that has been released publicly comes from Non-Gaming cameras.

*The Atlantic County Prosecutor Takes Over And Instructs The Revel Not To Release The Video*

On February 20, the Atlantic County Prosecutor's Office postponed the previously scheduled municipal court date of February 25 and served a grand jury subpoena on the Revel for all records, video, hotel receipts, and bar receipts involving the Rice incident.

In an exchange between Diamondstein and the General Counsel of the Revel on February 20, Diamondstein emailed a subpoena for any video footage and other relevant documents. The General Counsel responded that afternoon, explaining that "I am not able to honor this request. Our outside legal counsel has examined this issue and advised that this subpoena is not valid. You will need to obtain discovery from Atlantic County Prosecutor James McLain." In response, Diamondstein confirmed that he had been advised that the Atlantic County Prosecutor's Office was now handling the case, and again asked for the video from the Revel. Diamondstein stated that there was "no law that says you cannot voluntarily either provide me with the video or allow me to view it." The General Counsel then told Diamondstein that the "Acting First Assistant Prosecutor" had "direct[ed]" the Revel "not to release any evidence absent a response to a grand jury subpoena issued by her office."

*Miller's Lunch With NJSP Officials And Request For The In-Elevator Video*

Also on February 20, Miller attended a previously scheduled lunch meeting with senior officials from NJSP—officials who had worked with the League in the run up to the Super Bowl at the Meadowlands. Miller recalls that, during a brief discussion of the Rice incident, he told the officials that the League knew there was video from outside the elevator and that he suspected there was video from inside the elevator. Miller recalls asking the officials if they could confirm whether an in-elevator video existed or describe to him what the video showed.

There is a dispute about what Miller said at the luncheon, but there is no dispute that Miller did not obtain information as a result of any request made during the luncheon.

*The League Awaits Outcome Of The Criminal Proceeding*

Also on February 20—the day after the release of the outside-the-elevator video by TMZ—Raucci emailed Miller and others at the League. The email provided a summary of the investigative steps that Buckley had taken to date. Later in the day, Birch emailed Goodell explaining, “Cmr | not sure if you’ve seen the video of the ray rice [sic] incident, but it looks pretty bad. As soon I get a little more info from Security, I’ll check back to see if we need to bring him in or consider preemptive action.” On February 21, Birch again emailed Goodell, attaching a link to the outside-the-elevator video. In the email, Birch stated, “Cmr | If you can pull it up, here’s the link to the video showing the fiancée unconscious etc. Media today is reporting that there is also a video of him delivering the blow that knocked her out.”

On February 26, Birch reported to Goodell the substance of a conversation he had with Ozzie Newsome, General Manager of the Ravens. The email stated: “I spoke with [Newsome] yesterday. Agrees that it is bad, but advised that the club is basically holding waiting to see whether charges will be filed. Apparently, Ray and the fiancée are in counseling and have said that they will not file against each other (but of course, the state can bring charges on its own). The club also wants to defer to the league to handle under the conduct policy. [Newsome] promised to keep me in the loop with any information they get.”

Although the League gave some consideration whether to take action before the conclusion of Rice’s and Palmer’s criminal proceedings, the League ultimately followed its then-existing policy of waiting for the outcome of Rice’s criminal proceeding before disciplining him. The decision not to take early action reflected the League’s belief that the criminal process might

be resolved soon and that the League might obtain more information about the underlying February 15 incident as the process progressed.

*The League Confirms An In-Elevator Camera Exists And Learns Of Additional Rumors*

Based on information from his confidential source on February 27, Buckley emailed Raucci and Di Fonzo a photo of a camera in an elevator at the Revel. Buckley explained that “[t]he photo depicts elevator cab camera (s) which are in cabs at revel [sic] casino meaning whatever happened inside the elevator cab between Rice and his fiancé should have been recorded and that casino and [Law-Enforcement Authorities] have reviewed same.” Raucci responded: “I agree. [Miller] spoke to someone last week and they so much [as] confirmed your inference. Assuming his source was fully forthcoming, he (source) claimed the interior ‘cab’ video had not been fully reviewed or processed by local authorities.”

Miller told us that he did not have a confidential source that Raucci referenced in the email. Both Miller and Raucci told us that the reference in the email is likely to Miller’s meeting the previous week with NJSP officials. Apart from the issue of Miller’s source, the email exchange shows that, at least by February 27, the League knew there were in-elevator cameras at the Revel and had reason to believe a video of the Rice incident from inside the elevator existed.

*Ruark Describes The Contents Of The Video To Sanders*

Sometime in mid- to late-February, Sanders spoke to Ruark at ACPD. In that conversation, Ruark relayed to Sanders the details of the interaction between Rice and Palmer as Ruark watched the in-elevator video. Although the date of this conversation is uncertain, the Ravens’ landline phone records show a 14-minute, 18-second call to Ruark’s office number on February 28. Sanders notes of the conversation (dated February 25) read:

Shows Ray walking away from Janay from restaurant ahead of her by 30 yards, her following. Both are seen arguing in hallway. Janay appears to spit on Ray and to slap him. Ray pushes her away and walks away. Argue at elevators, Ray appears to spit on her, she elbows him, then spits on him. She walks away and then reappears, slapping at him. She enters elevators first with him behind her. He slaps/punches her, she spits on him and punches at him, he slaps/punches her again causing her to fall striking her head against the wall, going 'unconscious.' He stands over her for a brief moment then tries to drag her off the elevator.

Sanders told us that his notes accurately reflect Ruark's statements, but he added that Ruark also told him that he could not tell how much Palmer's intoxication contributed to her falling and becoming unconscious. According to Sanders, Ruark said he could not tell whether Palmer was unconscious as a result of Rice striking her, her hitting her head against the elevator wall, intoxication, or a combination of all three.

Sanders used his notes of his call with Ruark to brief Newsome, Richard Cass (President of the Ravens), and John Harbaugh (head coach of the Ravens) on Ruark's description of the video. Newsome recalled that briefing taking place on March 10 or 11 after he returned to Baltimore from a trip. We have reviewed Newsome's notes from that briefing, which reflect, among other things, the following description of events: "She elbow him starting throwing/Punches after she spit on/him he slap her she sailed/backward – more intoxication/than the hit."

Cass recalls that Sanders described Palmer as the aggressor and that, in defending himself, Rice slapped her, she fell into a wall, and she hit her head on a rail. Cass also recalled Sanders describing both Rice and Palmer as very drunk, and that it was not clear whether Palmer's loss of consciousness was the result of the strike, her head hitting the wall, or her intoxication. Cass, Sanders, and Newsome did not relay this information to League personnel.



*The Revel Is Authorized To Release The In-Elevator Video To Diamondstein But Is Asked To Wait Until March 27 (The Date Of Rice's Indictment)*

By March 25, Diamondstein still had not seen or been given a copy of the in-elevator video. Diamondstein contacted the Revel over the weekend of March 22 to 23 to ask whether he could go to the Revel to view the footage because he understood the Prosecutor's investigation had concluded. The General Counsel of the Revel contacted the Prosecutor's Office to ask whether Diamondstein's request could be accommodated. The Assistant Prosecutor responded that the investigation had not closed and that she could not order the Revel to do anything other than to preserve the evidence, but said, "I would ask, as a courtesy, that if you do see fit to offer Mr. Diamondstein an opportunity to review any surveillance footage, you refrain from doing so until after Thursday, March 27, 2014, as it could interfere with the ongoing [sic] investigation. Specifically, there is a hearing scheduled in court and to allow Mr. Diamondstein an opportunity to view evidence prior to his client potentially providing sworn testimony allows him the opportunity to tailor testimony and interfere with the investigation."

**D. Investigation After Rice's Indictment (March To June)**

*Rice's Indictment On March 27*

On March 27, the grand jury returned an indictment against Rice for third-degree aggravated assault. Rice's indictment for third-degree aggravated assault carried a potential sentence of three to five years in prison—a more serious offense than the "simple assault" charge contained in Rice's original complaint-summons. The Prosecutor's Office also announced on March 27 that charges against Palmer had been "administratively dismissed."

That same day, Raucci emailed Buckley and others a copy of a newspaper article reporting Rice's indictment. The article quoted Diamondstein as saying that he had not yet seen

the in-elevator video, that he had asked the Revel to provide it to him, and that he had been refused. Raucci stated in that email: “We have heard nothing official. Just Public Source documents.” Buckley replied, “Same on my end and will try to get more definitive info (govt source) ... FYI Atlantic [C]ity/Atlantic [C]ounty is hard to deal with ... Seems they have their own interpretation [of] FOIA/OPRA laws.”

*Davenport Calls The NFL Switchboard*

The League’s phone records reveal that the ACPD extension assigned to Davenport called the main number of the NFL at 1:00 p.m. on Friday, March 28. A floater operator answered the call and did not transfer it from the switchboard. Instead, there was a 59-second interaction with the switchboard operator. ACPD has declined our request to explain the nature of that call. The switchboard operator does not have a substantial memory of the call.

*Diamondstein Receives A Copy Of The In-Elevator Video*

On March 31, the General Counsel of the Revel again asked whether the Prosecutor’s Office would have any concern if the Revel made the in-elevator video available to Diamondstein. A member of the office responded that she had “no concerns at this point as he will be receiving everything as part of criminal discovery anyway. Thank you for checking.” Diamondstein had an investigator/messenger pick up the video on or about April 1, 2014.

In addition, Diamondstein received formal discovery from the Prosecutor’s Office in early April, which included the in-elevator video. Sometime later in April or May, Diamondstein spoke by phone with Cass about the in-elevator video. Cass and Diamondstein disagree on the timing and amount of information they discussed concerning the video, but both agree that Diamondstein told Cass the content was “terrible.”

*Buckley's Investigative Efforts In March Through May*

The League's investigation of the Rice incident between March and May consisted of Buckley monitoring developments in the ongoing criminal proceeding against Rice by reviewing public news articles. He did not perform any additional investigative steps, nor was he instructed by the League to seek additional information.

*Rice Pleads Not Guilty And Is Accepted Into The PTI Program*

On May 1, Rice attended a court hearing at which he pleaded not guilty. Shortly after the hearing, Rice applied for the PTI program. The program "provides defendants, generally first-time offenders, with opportunities for alternatives to the traditional criminal justice process of ordinary prosecution."

The next day, Buckley filed a report in SARAX. Based on a news report, Buckley explained that Rice had pleaded not guilty; that he applied for the PTI program; and that the prosecutors will decide whether Rice is allowed to enter the program. The SARAX report also noted that, "[r]eportedly, the AC Prosecutors Office has more video than what appeared through the media/website but the ACPO would not provide what the video shows."

On May 13, the Director of the PTI program signed an order admitting Rice into the program. On May 19 and 20, respectively, the Assistant Prosecutor and Superior Court Judge signed the order. The Prosecutor's Office publicly announced its approval of Rice's participation in the program on May 20. The Atlantic County Prosecutor explained that the decision was made after his office "considered all relevant information."

The following day, Buckley filed a SARAX report. The report noted that, according to a news report, Rice "received initial approval to enter a court program that could result in

dismissal of an assault charge against him.” Buckley added that he “will attempt to confirm this information as well as identifying the source and the actual court program mentioned.”

*The League Renews Its Investigation*

On the morning of May 24, Miller emailed Raucci, asking, among other things, “Have we provided as clear a picture as possible for Commissioner Goodell to make an appropriate decision here?” and “Were we able to see video from inside the elevator as to him striking her?” Raucci replied, explaining that “[n]ow that the court action is over, I think [Buckley’s] engagement with the police is going to provide us with the most accurate detail of what actually happened while the elevator doors were closed. But, the Atlantic city [sic] police are an extremely closed organization and they seldom, if ever, cooperate with us – including [Buckley] and his associate.” Miller stated: “[I]t’s important that we establish factually what occurred inside the elevator. ... [I]f the lead detective would be willing to talk to us, he can hopefully definitively describe whether Rice struck her and if so, how many times in what manner.” Neither Miller nor Raucci was aware that Sanders had had just such a conversation with Ruark in February. Nor were they aware that Diamondstein had had a copy of the in-elevator video as early as the first week in April, and that Ravens personnel, including Cass, were aware the lawyer had a copy of that video.

That same morning, Raucci asked Buckley to reach out to the police detective involved in responding to the Rice incident to ask about the possibility of an interview. Specifically, Raucci asked that Buckley, when he returned from a trip, “please see if the police detective or someone would submit to an interview regarding the circumstances which actually took place in the elevator (ie, behind closed doors).” Buckley responded to Raucci that evening: “Will do, John although I doubt we will get the cooperation but will give it a good try.”

On June 3, Buckley again called the Atlantic City Solicitor's Office and left another message, seeking information about officers involved in the investigation. No one called Buckley back. Three days later, Buckley called the Atlantic County Superior Court and spoke with the PTI Director. She advised Buckley that the police reports were confidential, but agreed to provide him with a copy of the indictment and PTI order.

Buckley then faxed a records request. The cover letter explained that he wanted "copies of the Indictment and the Pre-trial Intervention (PTI) order as it pertains to ... Ray Rice." The records request itself sought the "Arrest report from Atlantic City P.D. regarding Subject's arrest ... at Revel Casino for aggravated assault; victim identified as Janay Palmer, Subject's reported fiancée. Disposition of matter and any documentation available regarding a diversion program that Subject may have been admitted into by the Court." That same day, the PTI Director faxed Buckley a copy of the indictment and PTI order.

**E. The League Considers And Imposes Discipline (June To July)**

*The League Disciplines Rice*

Rice's acceptance into the PTI program was understood by the League to mean that the criminal matter had been substantially resolved. Accordingly, the League started its disciplinary consideration. It was for that reason that Miller asked Raucci on May 24 to get additional information from Buckley to "provide[] as clear a picture as possible for Commissioner Goodell to make an appropriate decision."

On June 9, Birch wrote a letter to Rice, copying Goodell, Newsome, and a representative of the National Football League Players Association ("NFLPA"). The letter stated that Birch has been "advised of the resolution of the Domestic Violence charge filed against you in New Jersey," and explained that, "[b]ased on the initial reports, we have determined that the matter

warrants additional expedited review for potential disciplinary action.” The letter directed Rice to attend a meeting at the League office on Monday, June 16, and stated that Rice could be represented by his “agent and/or attorney, and the NFL Players Association.” On June 13, the NFLPA representative notified Birch that she, Rice, Palmer, Rice’s agent, Newsome, and Cass would attend the meeting.

The meeting took place on June 16. Prior to the meeting, Goodell was provided with a file about the Rice incident, which included, among other things, the write-up from Wilson, and a summary memorandum describing the disposition of the criminal case. As was typical, the meeting was neither recorded nor transcribed. Rice’s later appeal of the League’s September indefinite suspension focused on what Rice said during the June 16 meeting. After holding a hearing, Judge Jones, acting as the arbitrator in the appeal, made findings in that regard in her November 28 decision. It is not necessary for us to address those findings or the evidence supporting them because our investigation was not directed to the appropriateness of the discipline imposed in either July or September.

On July 23, Goodell wrote to Rice to explain that he had decided to discipline him. Goodell stated that, in the June 16 meeting, Rice “candidly described the events and confirmed the essential facts underlying your arrest. As a result of video footage that was widely publicized, the nature of the incident and your role in it were the subject of significant public attention and disparagement.” Goodell suspended Rice for two regular seasons games without pay and assessed a fine of approximately \$58,000.

*Reaction To The League's Discipline And A New Domestic Violence Policy*

Goodell's decision was negatively received in the media and by the general public. In an August 28, 2014 letter to NFL club owners, Goodell acknowledged his decision "led the public to question our sincerity, our commitment, and whether we understood the toll that domestic violence inflicts" and stated, "I didn't get it right." The letter also described new discipline standards, including that, "[e]ffective immediately, violations of the Personal Conduct Policy regarding assault, battery, domestic violence or sexual assault that involve physical force will be subject to a suspension without pay of six games for a first offense, with consideration given to mitigating factors, as well as a longer suspension when circumstances warrant." A second offense, the letter explained, "will result in banishment from the NFL; while an individual may petition for reinstatement after one year, there will be no presumption or assurance that the petition will be granted."

**F. TMZ's Release Of The In-Elevator Video, And The Indefinite Suspension Of Rice (September)**

*The TMZ Video Is Released*

On September 1, 2014, the Revel began closing all public activities and laying off staff, including security employees.

On September 5, the League received an email from TMZ asking whether the League had ever seen the in-elevator video. Three days later, on September 8, TMZ released the in-elevator video from the Revel on the night of the Rice incident. The video appears to have been shot by Non-Gaming cameras; it contains no audio.

In a story accompanying the release of the video, TMZ reported that "[a]n employee of the hotel – which just shut down for good – tells TMZ Sports he was working there at the time

and says the NFL saw the elevator footage before imposing the 2-game suspension.” Later that day, the founder of TMZ cast doubt on the claim the League saw the in-elevator footage before disciplining Rice: “I have gotten conflicting stories on this, and we have some people saying [the League] saw this, but I now believe they actually turned a blind eye to it, and it’s a shameful story. The NFL knew this surveillance video existed. ... — and they didn’t do anything to look at this video.” TMZ reported the next day, September 9, “Sources connected with the Revel ... tell TMZ Sports ... NO ONE from the NFL ever asked for the video inside the elevator.”

The TMZ release of the in-elevator video resulted in a flurry of internal emails at the League about whether anyone at the NFL had previously seen the video. On September 8, for example, at 5:54 a.m., Miller forwarded a story about the TMZ video to Raucci. At 6:57 a.m., Miller emailed Raucci, stating, “Wish we could have gotten that in advance.” On a separate email thread, McCarthy explained to several League officials that “we’re digging to find any mentions that the league saw the video of the incident inside the elevator.” Pash responded that “I have a pretty clear recollection that all the Commissioner saw ... was what [Peter King] calls the ‘damning video’ of RR pulling her out of the elevator.”

That night, September 8, the League received from Barry Wilner of the *Associated Press* a draft of a story reporting that a law-enforcement official had sent the League the in-elevator video months before Rice’s suspension. According to the draft story, the official allowed an *Associated Press* reporter to listen to a voicemail from the League stating, “It’s terrible,” and allowed the reporter to see the timestamp on the call from April 9.

#### *The Ravens Release Rice*

The day that TMZ released the in-elevator video, September 8, the Ravens terminated Rice’s contract. The Ravens also stated they had not seen the in-elevator video previously and



that the team had recently announced a partnership with House of Ruth, a local shelter for battered women.

### *The League Suspends Rice*

That same day, an NFL spokesperson announced that “Roger Goodell has announced that based on new video evidence that became available today he has indefinitely suspended Ray Rice.” The League released a statement that day, explaining: “We requested from law enforcement any and all information about the incident, including the video from inside the elevator. That video was not made available to us and no one in our office has seen it until today.”

### **G. The Associated Press Reports On The In-Elevator Video**

The next day, September 9, the *Associated Press* published a story about a law-enforcement official showing the *Associated Press* a video on Monday night (September 8) that “includes audio and is longer than the grainy TMZ Sports video released earlier that day.” The story described audio “right before” Rice strikes Palmer: “Ray Rice and Janay Palmer can be heard shouting obscenities at each other, and she appears to spit in the face of the three-time Pro Bowl running back right before he throws a brutal punch in a video shown to The Associated Press by a law enforcement official.” The story also stated that “[t]he video was shown to the AP on condition of anonymity because the official isn’t authorized to release it.” The article was written by *Associated Press* reporter Rob Maaddi.

As noted above, the Revel’s cameras were not configured to transmit or record audio. At the time “right before” Rice strikes Palmer, they were alone in the elevator or were about to board the elevator. We reviewed video footage of Rice and Palmer as they approached and

prepared to board the elevator from two different angles; we saw no evidence that anyone recorded them by cellphone.

The *Associated Press* later reported on December 20 that the law-enforcement official showed the *Associated Press* “multiple videos” (not one video) in September, and “[t]hose videos included security cameras from inside and outside the elevator and two cell phone videos that included some audio as staff members and others tried to assist Palmer.” While the September 9 story described audio “right before” Rice strikes Palmer in the elevator, the December 20 story describes audio only after the incident when the elevator has descended to the first floor and the doors have opened.

#### **H. Memorandum To The League And Letter To Rice**

On September 10, Goodell sent a memorandum to League executives and club presidents, titled, “Investigation of the Ray Rice Incident.” The purpose of the memorandum was to “provide a full understanding of the process that was followed” in disciplining Rice. The memorandum stated that “we did not see video of what took place inside the elevator until it was publicly released on Monday. When the new video evidence became available, we acted promptly and imposed an indefinite suspension on Mr. Rice.” That denial was consistent with statements by Goodell to the press that aired on national television earlier that day.

The memorandum made a number of statements about the League’s past efforts to secure the in-elevator tape. Goodell wrote that “we asked the proper law enforcement authorities to share with us all relevant information, including any video of the incident. Those requests were made to different law enforcement entities, including the New Jersey State Police, the Atlantic City Police Department, the Atlantic County Police Department and the Atlantic County Solicitor’s Office.” Goodell added that “[t]he requests were first made in February following the

incident, and were again made following Mr. Rice’s entry into the pre-trial diversion program.” The memorandum further stated that those requests were unsuccessful because, “[o]nce a criminal investigation begins, law enforcement authorities do not share investigatory material (such as the videos here) with private parties.”

The memorandum also addressed suggestions the League should have asked the Revel for the in-elevator video. Goodell stated that the League did “not ask the Atlantic City casino directly for the video.” He wrote that “our understanding of New Jersey law is that the casino is prohibited from turning over material to a third party during a law enforcement proceeding, and that doing so would have subjected individuals to prosecution for interference with a criminal investigation.” In addition, “our longstanding policy in matters like this – where there is a criminal investigation being directed by law enforcement and prosecutors – is to cooperate with law enforcement and take no action to interfere with the criminal justice system.”

Goodell also explained his indefinite suspension directly to Rice by letter dated September 11. He wrote, “On Monday, I saw for the first time video of what occurred inside the elevator between you and [] Palmer. This video shows a starkly different sequence of events from what you and your representatives stated when we met on June 16 and is important new information that warrants reconsideration of the discipline imposed on you in July.” Goodell explained that he had “determined ... to impose an indefinite suspension.” Judge Jones overturned that indefinite suspension in her decision of November 28, 2014.

### **I. Additional *Associated Press* News Reports**

On September 10, the *Associated Press* released an additional story, also authored by Maaddi, reporting that the League had received the in-elevator video by April 9, 2014. The article reported an unidentified law-enforcement official saying that months earlier he had sent a

video of Rice “punching” Palmer to “an NFL executive.” The story did not identify the NFL executive. The report stated that the *AP* source “sent a DVD copy of the security camera video to an NFL office and included his contact information. He asked the AP not to release the name of the NFL executive for fear that the information would identify the law enforcement official as the source.” The report also explained that the *AP* source had “played the Associated Press a 12-second voicemail from an NFL office number on April 9 confirming the video arrived. A female voice expresses thanks and says: ‘You’re right. It’s terrible.’” The article added that the *AP* source was “unauthorized” to release the video, but shared it “because he wanted the NFL to have it before deciding on Rice’s punishment.”

After this report, Maaddi stated in public interviews that he saw and recognized the number on the cellphone voicemail as belonging to the NFL, and that he called to confirm it. Maaddi also told a League official that he saw the League’s phone number—“212-450-2000”—on the cellphone voicemail record. By mid to late September, Maaddi suggested to the League official that the *AP* source may no longer have the cellphone. Maaddi then told the official in November that the source did not have the voicemail; the League official understood Maaddi was saying that the source no longer had the cellphone.

On September 25, the *Associated Press* released another story, again authored by Maaddi, that identified the “NFL executive” to whom the video was purportedly sent. The story reported that the in-elevator video was sent to “NFL headquarters to the attention of league security chief Jeffrey Miller in April.”<sup>15</sup> The story also reported that the *AP* source “told the AP two weeks ago that he sent the video to the NFL, but asked the AP not to report that he had

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<sup>15</sup> In addition to Miller (Security), another Jeffrey Miller works at the League office as a Senior Vice President of Player Health & Safety. As described further in this report and the appendices, we therefore included Miller (Player Health & Safety) in our investigation.

addressed the package to Miller. He eliminated that restriction Thursday [September 25].” The report quoted the unidentified source as explaining that “I mailed it anonymously to Jeff Miller because he’s their head of security. I attached a note saying: ‘Ray Rice elevator video. You have to see it. It’s terrible.’ I provided a number for a disposable cellphone and asked for confirmation that it was received.” The report added that the *AP* source “chose Miller because of his law enforcement background, even though he didn’t know him personally.”

### III. INVESTIGATIVE FINDINGS

As explained in the Executive Summary, there are two basic questions that must be addressed to discharge the investigation requested by the League. *First*, did Goodell, any of his senior staff, or any other person at the League receive or view a video of the Rice incident inside an elevator at the Revel, prior to September 8? *Second*, what information or evidence of the incident between Rice and his then-fiancée was obtained by, provided to, or available to the League in the course of its investigation? The results of our investigation with respect to these questions are below.

#### A. **We Uncovered No Evidence That Anyone At The League Received Or Viewed An In-Elevator Video Prior To September 8 Or Made A Call Acknowledging Receipt Of The Video**

##### 1. *We Uncovered No Evidence That Anyone At The League Received Or Viewed The In-Elevator Video Prior To September 8*

After a review of all information gathered from the League, as well as information made available to us by third parties, we found no evidence that the in-elevator video was sent to the League or, if sent, was actually received or viewed by the League. The pages that follow, as well as the appendices, describe the steps taken and information reviewed in investigating these allegations.

*First*, our interviews of Goodell, Pash, Miller, Birch, and Raucci did not uncover any evidence that these senior League officials had received the in-elevator video prior to September 8. Each emphatically and unequivocally denied having seen the video before its public release on September 8, or having heard any fact, rumor, or gossip that the video had been received by the League prior to its release. In addition, we interviewed more than 200 League employees. Again, each denied having seen the in-elevator video or even hearing a rumor that

an in-elevator video of the Rice incident had been received by the League before it appeared on TMZ on September 8. We did not rely on these denials alone, but took numerous additional investigative steps to verify them independently, as detailed below and in the appendices.

*Second*, our investigation uncovered no forensic evidence that, prior to September 8, the in-elevator video was received, downloaded, inserted into, or viewed on: (i) any League computer, mobile phone, or tablet used by senior League officials or someone reporting to them; (ii) any network file share used by those League officials; or (iii) any of the other 404 devices connected to the League's network that we searched. As explained in Appendix 1.C, the computers and mobile phones of Goodell, Pash, Miller (Security), Miller (Player Health & Safety), Birch, and Raucci were forensically imaged—that is, copies of the computers and phones were made. That enabled us to examine not only the files, videos, documents, texts, and programs active on those devices, but also to recover all or parts of the files, documents, videos, texts, and programs that had been deleted before the examination—and also to determine whether efforts had been made to delete files. We found no evidence that any file having any of the characteristics of the in-elevator video had been downloaded, inserted into, or viewed on any devices of any of those individuals.

In addition, we forensically imaged the computers and mobile phones of the assistants to Goodell, Pash, Miller (Security) (the other Miller does not have an assistant, nor does Birch), Raucci, and several other League employees; any network file share used by those assistants; the computers that run the audio-visual equipment in each of the League's conference rooms; and every computer in the League's mailroom. Once again, we did not find any indication that any file containing the characteristics of the in-elevator video had been downloaded, inserted into, or viewed on these devices.

Finally, together with our forensic consultant, we constructed a script that, when deployed on the League's computer network, searched the files of 404 additional computers connected to the League's network to determine whether any computer contained evidence that a file having the characteristics of the in-elevator video had been downloaded, inserted, or viewed. Again, the answer was negative.

**Third**, our document review uncovered no evidence suggesting that anyone at the League had seen the in-elevator video prior to September 8. As detailed above and in appendices to this report, we collected the emails, instant messages, and other communications of Goodell, Pash, Miller (Security), their assistants, Miller (Player Health & Safety), Birch, Raucci, and other individuals who logically might have received or seen the in-elevator video. We collected more than 3 million documents in search of any evidence suggesting anyone within the League had seen the in-elevator video. We found none.

**Fourth**, by contrast, our document review uncovered evidence inconsistent with a conclusion that senior League officials had seen the in-elevator video either during March or April or at any time prior to September 8. The following email exchanges are illustrative of this point:

- On May 24, six weeks after the video is reported to have arrived at the League, Miller emailed Raucci, asking, "Have we provided as clear a picture as possible for Commissioner Goodell to make an appropriate decision here?" and "Were we able to see video from inside the elevator as to him striking her?" Raucci replied: "Now that the court action is over, I think [Buckley's] engagement with the police is going to provide us with the most accurate detail of what actually happened while the elevator doors were closed. But, the Atlantic city police are an extremely closed organization and they seldom, if ever, cooperate with us – including [Buckley] and his associate." Miller stated: "it's important that we establish factually what occurred inside the elevator. ... [I]f the lead detective would be willing to talk to us, he can hopefully definitively describe whether Rice struck her and if so, how many times in what manner."



- Also on May 24, Raucci emailed Buckley, requesting that Buckley “see if the police detective or someone would submit to an interview regarding the circumstances which actually took place in the elevator (ie, behind closed doors).”
- On September 8, after the release of the in-elevator video, Raucci forwarded a news story about the TMZ release to Miller, stating, “May clear up the issue or question of what may have started the incident.” Miller responded: “Wish we could have gotten that in advance.”
- On that same day, there are multiple emails between and among League officials (for example, Pash and Miller) about whether the League had asked various entities for the in-elevator tape and, if not, why not—questions that would not make sense if the League had the video.

*Fifth*, we investigated whether a package containing the in-elevator video was received, processed, or delivered by the League’s mail system on a date shortly before the alleged April 9 call. Based on the steps described in Appendix 1.E, we can exclude the possibility that a package addressed to “Jeff Miller” was sent by any commercial delivery service, U.S. Priority Mail, or hand delivery to the League during the period from March 24 to April 9. We cannot, however, exclude the possibility that such a disk sent in a regular mail envelope bearing only first class postage and the name “Jeff Miller” could have been received at League headquarters and misdirected (that is, sent to the wrong person at League headquarters). But we did not find any evidence that a misdirected package could go undetected and uncorrected, and more generally, there is no evidence such a package was received or opened by anyone at the League.

In short, despite extensive investigative steps, we found no evidence that the in-elevator video was received or viewed by the League prior to September 8.

2. *We Uncovered No Evidence That Anyone From The League Acknowledged Receipt Of The In-Elevator Video On April 9*

We also investigated whether an unnamed woman at the League’s office left a 12-second voicemail on the disposable phone of the *AP* source on April 9. Once again, we found no evidence that such a call was made.

The League employs a phone system that records every number called from a League extension, every number that calls the League, and every internal extension-to-extension call within the League. As set forth in more detail in Appendix 1.D, our investigation established that the League’s phone system displays “212-450-2000”—the number reportedly seen on the *AP* source’s cellphone—on a recipient’s phone, no matter which extension is using the League’s New York office outgoing call gateway.<sup>16</sup> During our investigation, we obtained call detail records of all outgoing, incoming, and internal calls for the period from February 1, 2014, to September 15, 2014, which amounted to 1,173,869 calls.

In light of the above facts, had the *Associated Press* provided our investigation with the phone number of the disposable phone on which the voicemail was reported to have been left, we could have queried the available data and determined whether that number had been called and, if so, the extension from which the call was made. Without that information, we undertook substantial independent efforts to determine whether a call fitting the profile of the call described by the *AP* source was made from League headquarters on April 9.

We created a database of all 1,583 outgoing calls to 1,050 unique telephone numbers from the League’s office on April 9. We first excluded numbers contained in the 2014 NFL Blue

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<sup>16</sup> We found two exceptions to this in the course of our investigation. In those two instances, the League’s system displayed “212-450-xxxx,” where “xxxx” was the specific originating extension. We included calls made from those two extensions in our analysis, even though they would not have displayed 212-450-2000.

Book—a phone directory that lists senior NFL employees as well as owners, coaches, and employees of the 32 NFL teams. There were 143 such calls to 112 unique telephone numbers. We then researched and ultimately called the remaining 938 numbers, regardless of the length of the call, to identify each recipient. As part of that effort, we asked each League employee from whose extension calls were placed to identify the numbers he or she had called. The employees identified NFL vendors, former players, nearby restaurants, doctors' offices, family members, and the like. Finally, we validated that information by calling each person or entity identified.

In addition, we interviewed every female employee, contractor, vendor, or intern who entered the League headquarters on April 9 using an electronic badge and asked them whether they had made a call matching the profile of the call as alleged by the *AP* source. Every person denied making any such call, or having any knowledge of the in-elevator video before its public release on September 8.

Finally, we established an anonymous tip line for use by League employees, notified every employee in all three League offices (New York, New Jersey, and California) of its existence, and encouraged employees to call if they had any information about the video or the alleged call. We received no calls.

Through each of these processes, we found no unexplained or unidentified calls from the League on April 9 that reasonably could have been a call acknowledging receipt of the in-elevator video.

As noted above, however, we reach these findings without the benefit of all possible information. The *Associated Press* and ACPD did not provide certain information we requested. For example, had the *Associated Press* provided us with a phone number associated with the disposable phone used by the *AP* source, or the sound of the female's voice at the League (for

use with voice comparisons), our conclusion might have been different. We made several offers to the *Associated Press* to receive such information without identifying its source, including an offer to search our telephone data for any portion of the source's disposable cellphone number. Those offers were declined. Similarly, had ACPD provided information about certain officers' handling of evidence, we might have reached a different conclusion. We made several requests to ACPD for information, face-to-face interviews, and written responses to our questions. Those requests were declined.

**B. Additional Information And Evidence About The Rice Incident Was Available To The League Prior To September 8**

Putting to one side the *Associated Press* reports about the League's receipt of the in-elevator video, the next question we addressed is what information was obtained by, provided to, or available to the League during the course of its investigation of the Rice incident.

*1. The League's Policy Of Deferring To Law Enforcement Led It To Take Limited Investigative Steps*

Assessing the investigative steps taken by the League in the wake of the Rice incident requires first understanding the League's approach to player investigations. For years, the League has adhered to the principle that where a player—or other individual who may violate the Personal Conduct Policy—has been arrested, the League's investigation should avoid interfering with an ongoing law-enforcement investigation and prosecution. There are several explanations for this approach, and throughout interviews conducted during this investigation, League personnel offered reasons for this approach:

- Law-enforcement authorities are better equipped than the League to do a thorough investigation. For example, they have the power to compel witness testimony and incentivize witnesses to cooperate. They are more experienced at conducting investigations and evaluating conduct so as to get at the truth of what happened and place the event in a fair context.

- League investigators conducting investigations parallel to those of law-enforcement authorities run the risk of interfering with, and even obstructing, the work of those authorities. For example, were the League to obtain statements from critical witnesses separate from those given to law-enforcement authorities, it would run the risk of upsetting witnesses or creating inconsistencies in witness statements (thus, potentially, making League investigators witnesses in the criminal case).
- The League has long-standing relationships with law-enforcement authorities, which are extremely important to the League in the areas of stadium and event security. Independent investigations of player conduct could cause those relationships to become frayed or, in the extreme, create legal exposure for the League.
- Finally, deference to law-enforcement officials is a byproduct of the fact that senior management in League Security has traditionally been made up of former law-enforcement officials.

This deference to law enforcement can foster an environment in which it is less important to understand precisely what the player did than to understand how and when the criminal justice system addresses the event. That background provides context in assessing the specific steps that the League and its investigators took, or did not take, in the wake of the Rice incident.

Among the steps taken were the following:

- On February 16, the League received and recorded in SARAX the information sent by NJSP, including the write-up by Wilson.
- Di Fonzo spoke with Sanders multiple times, asking for information about the incident, and received a copy of the complaint-summons from him. Di Fonzo also collected information from the Internet, including commentary from *InsideHoops*.
- By February 19, Buckley assumed the lead investigative role. Buckley made two unsuccessful attempts that day to obtain any and all records of the incident from ACPD.
- Buckley had two conversations with a confidential source who confirmed the existence of the elevator camera but who did not himself have access to the in-elevator video.
- Buckley made two attempts, one on or about February 19 or 20 and one on June 3 to reach personnel within the Atlantic City Solicitor's Office, leaving messages on both occasions. His calls were not returned.

- Buckley followed the status of the Rice incident through public sources, reporting on the March 27 indictment, Rice’s May 1 not-guilty plea and application to the PTI program, and the May 20 approval of his admission to the program.
- On June 6, Buckley filed a public records request with the Atlantic County Superior Court seeking the arrest report, indictment, and PTI papers. The court sent him copies of the indictment and PTI papers.
- During part of this same time frame, Sanders, working on behalf of the Ravens, was gathering information. As described above, Sanders made a series of contacts with ACPD and the Revel during his investigation. However, this information was not shared with the League.

Miller also told us that he made an in-person request for information, including video of the incident, to NJSP officials at a February 20 luncheon. There is a dispute about what Miller said at the luncheon, but there is no dispute that Miller did not obtain information as a result of any request made during the luncheon.

2. *The League Had Substantial Information Suggesting A Need For A More Complete Investigation*

The investigative steps described above were limited. Nonetheless, our investigation determined that the League did have substantial information relevant to what occurred inside the elevator indicating the need for a thorough investigation. However, it did not fully consolidate, evaluate, and therefore appreciate the import of that evidence.

Specifically, our investigation found that the League knew the following information:

- On February 19, the League was aware of the outside-the-elevator video, showing Rice dragging an unconscious Palmer out of the elevator. Birch described this video to Goodell as “pretty bad.”
- On February 20, the League received a copy of the complaint-summons, written by ACPD officers who had seen the in-elevator video and charging Rice with “striking [Palmer] with his hand, rendering her unconscious.” A contemporaneous press release from ACPD indicated that the arresting officers reviewed video before making the arrest. Given that it was issued publicly, that release was available to the League.
- By June 6, the League had a copy of the March 27 grand jury indictment, alleging that Rice “did attempt to cause significant bodily injury to [Palmer], and/or did

purposely or knowingly cause significant bodily injury to [Palmer] and/or under circumstances manifesting extreme indifference to the value of human life, did recklessly cause significant bodily injury to [Palmer].”

Standing alone, those three pieces of information—one piece of concrete visual evidence from outside the elevator and two generated by the criminal justice system—indicated that a serious assault had occurred inside the elevator, thus suggesting a need for further investigation.

In addition, press reports and other sources of information, some based on anonymous sources with apparent firsthand knowledge, were known to and discussed within the League, illustrating an awareness of important factual questions needing independent investigation:

- By February 16, the League was aware of information provided to Wilson by an anonymous source who identified himself as a Revel employee. The source allegedly stated: “It was horrific. It shocked the conscience. He knocked her out with one punch. She was out for three minutes. He dragged her out like a limp noodle. He hit her so hard. It was unbelievable. We gave her ice packs for her head.” Wilson’s source included specific details like Rice’s full name, date of birth, and home address (all of which appeared in the Revel’s non-public incident file) suggesting that the source had first-hand—or access to first-hand—information. This report was labeled a “witness account” in the materials assembled by the League for the June 16 meeting.
- By February 16, the League was aware of an anonymous post on an online message board by a person claiming that a former co-worker at the Revel said Rice “[k]nocked out his girlfriend TKo [sic] style.”
- On February 17, Senior Labor Relations Counsel for the League emailed Raucci stating that “[Rice] either punched a female acquaintance or knocked out, with one-single punch to the head, his fiancé.”
- By February 19, the League was aware of information from Buckley’s confidential source that Rice “allegedly struck [Palmer] (unknown whether a slap or closed fist).”
- On February 20, Raucci reported to Buckley that “we have heard from a source, with no attribution, [that] the interior camera shows RR striking his fiancé, more than once, above the shoulders, after she knocked off his hat.” This is likely a reference to the Wilson source report.
- On February 21, Birch emailed Goodell, stating, “Media today is reporting that there is also video of him delivering the blow that knocked her out.”

In addition to that information, not known to the League but known to the Ravens, Sanders learned sometime in February details about the incident after hearing Ruark describe the events depicted on the in-elevator video over the phone. Sometime in April or May, after viewing the in-elevator video, Diamondstein described it to Cass as “terrible.”

Despite this information, the League relied heavily on the final disposition of the criminal proceeding—Rice’s admission into the PTI program—which the League interpreted as diminishing the seriousness of Rice’s conduct. Once the case had concluded with this outcome, the League did not critically evaluate the other key information that it had. That information did not provide the graphic detail the in-elevator video provided, but it should have put the League on notice that a serious event had occurred, requiring a thorough investigation. A critical evaluation of the information in its possession might have led the League to take additional investigative steps.

The information provided to Goodell ahead of the June 16 meeting with Rice illustrates the absence of such critical analysis by the League. Before that meeting, Goodell and others were provided with a file of background information. Among other things, the file included the indictment and PTI paperwork, the write-up by Wilson, and a short summary memorandum about the incident. In three paragraphs, that memorandum described the “Incident” and the “Disposition.” The memorandum stated, for example, that “[d]uring the course of the argument, Rice struck Palmer, rendering her unconscious. ... According to news reports, after being notified by hotel security, police reviewed the surveillance footage, which revealed both Rice and Palmer striking each other. Both parties were arrested. Police have not released any reports to NFL Security.” The memorandum is the only document in the League’s file that purports to summarize and analyze all available information. Yet, it does not reflect or analyze all of the



information the League had about the seriousness of the incident (setting aside information the League could have learned had it taken additional investigative steps).

3. *Further Investigation By The League May Have Yielded More Information About What Occurred Inside The Elevator*

Had the League taken additional investigative steps, it may have obtained more information about what occurred inside the elevator, including possibly securing the in-elevator video. The League could have, but did not, do the following:

- League investigators did not contact any of the police officers involved in responding to or investigating the incident for information about the incident.
- League investigators did not contact the Atlantic County Prosecutor's Office.
- League investigators did not contact the Revel in an effort to obtain a copy of or at least see the video of what had occurred in the elevator or to obtain a copy of any internal Revel reports.
- After the initial contacts with Sanders in February, League investigators did not periodically check with the Ravens to determine whether the team was in possession of additional information. The Ravens, in turn, did not share information that the team learned with the League.
- League investigators did not contact Rice's lawyer for information either while the criminal case was active or after the PTI disposition on May 20 in anticipation of the June 16 meeting, nor did League investigators contact Rice himself at any point in time.
- League investigators did not go back to ACPD or the Revel after May 20, when Rice's PTI application was approved, to see if more information might then be available to the League.

Assessing whether those steps would have made a difference requires some prediction of how other actors, including some who have refused to speak with us, would have responded to a request from the League for information about the Rice incident. Some investigative steps—namely, pursuing contacts with ACPD, pressing the Ravens for information, and contacting Rice, or Rice's lawyer, for access to the in-elevator video or other relevant information—may have

made a difference. Other investigative steps likely would not have resulted in the League securing access to the in-elevator video or other information before September 8.

To start, there is some reason to believe that the League may have obtained either the in-elevator video or at least a recounting of its contents through one of three sources:

**ACPD.** As explained above, sometime in February, Ruark of ACPD provided Sanders a detailed description of the in-elevator video. Had the League been more persistent and tried to contact Ruark, it also might have obtained similar information. Although ACPD has not responded to our requests for information from Ruark, Ruark may have done for the League what he did for Sanders, had a League investigator with a law-enforcement background and diligence similar to Sanders contacted him directly. That is far from certain. But the fact that Ruark did share critical information with the Ravens provides some support for the view that additional efforts by the League would have been at least as fruitful.<sup>17</sup>

**The Ravens.** Had the League pressed the Ravens for any information the team had obtained about the Rice incident, the League might have learned not only about the recounting of the video from Ruark to Sanders, but also about the reaction to the video described by Diamondstein to Cass—and the fact that Diamondstein had the video in his possession. Rice told us that he directed his attorney to keep the Ravens informed of developments in his criminal case, and our review of telephone records shows multiple calls between Diamondstein, Sanders, and Cass. Cass and Diamondstein disagree on the timing and amount of information they

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<sup>17</sup> The League must ensure that it neither impedes law enforcement nor interferes with the rights of the accused in his criminal case, and talking to officers in the course of an open criminal investigation may implicate both issues. The League will not be able to determine whether grand jury secrecy or other obligations attach to individual items of evidence or information and, instead, will have to rely on law-enforcement officials to draw the line between evidence they are free to share and evidence they are bound to keep secret.

discussed concerning the video, but both agree that Diamondstein told Cass the content was “terrible.” Accordingly, had the League been more persistent in seeking such information from the Ravens, it may well have learned more about what appeared in the video. Indeed, both Sanders and Cass stated that if the League had asked them directly for information, they would have responded to the League’s request. That said, the Ravens possessed this information and well understood that the events inside the elevator were under League investigation. They should have shared with the League information critical to its investigation.

**Rice and Diamondstein.** Rice and Diamondstein were made available for interviews with us after the conclusion of the Rice appeal. During those interviews both claimed that, if the League had asked for a copy of the video, they would have complied with that request. Rice said he would have notified the NFLPA of the request, and then provided a copy. Diamondstein said he would have insisted on a written request from the League, and written direction from his client to provide it, and then would have provided a copy.

In short, had the League taken additional investigative steps, it may have learned more about the assault that occurred inside the elevator at the Revel on February 15. Indeed, it possibly may have secured a copy of the in-elevator video prior to its public release on September 8.

However, it is unlikely that a League request for information, including the in-elevator video, to the Atlantic County Prosecutor’s Office or the Revel would have yielded the video.

**The Atlantic County Prosecutor’s Office.** The Prosecutor’s Office, which refused to speak with us as part of this investigation, was prosecuting Rice in February and March and presenting its case to the grand jury. As explained above, the Prosecutor’s Office strongly encouraged the Revel not to disclose prematurely any information in its possession, even to

Rice's counsel, and there is no reason to believe that had the League made a request directly to the Prosecutor's Office that it would have been more forthcoming. There are also, of course, legal and ethical constraints on the ability of prosecutors to share information with third parties during a criminal case.

**The Revel.** The Revel ceased operations in September and is in the midst of bankruptcy proceedings. Its General Counsel managed the Revel's responses to requests for information, including the videotape, from Diamondstein. In light of the position taken by the Prosecutor's Office, the General Counsel refused to provide the videotape to Diamondstein until after Rice's indictment was returned. The Revel also refused Sanders' repeated requests for video of the incident. The General Counsel stated to us that she did not believe the Revel was obligated to provide a copy of the in-elevator video to the League and would not have done so had the League requested it. Her reasoning was twofold. First, the video was key evidence in an ongoing criminal case, and she would have been reluctant to provide such evidence to a third party, particularly in light of the position of the Prosecutor's Office. Second, from a business perspective, it would not have been in Revel's best interests to provide damaging video footage involving its guests. The video was provided to our investigation because an unauthorized copy had already been released publicly by TMZ, the Revel's bankruptcy removed any ongoing business concern, and the investigation was part of what had become a national conversation about domestic violence.

#### **IV. RECOMMENDATIONS**

As described above, the League long operated on the principle that, when potential misconduct resulted in a criminal investigation, it should defer to the criminal justice system both as to the investigation of the facts and the imposition of discipline. The Rice case illustrates that the League must not only understand how the criminal justice system addressed the player's conduct, but also have its own clear understanding of the conduct itself.

There are at least two reasons why the League should not rely wholly on the criminal justice system. First, it is not always possible to draw precise factual conclusions from outcomes in a criminal case. The outcome of a case may, therefore, not provide sufficient guidance for the League. For example, in situations of domestic violence or sexual assaults where the victim and the perpetrator have a prior relationship that may complicate or impede cooperation with the prosecution, wholesale reliance on the criminal justice system to decide discipline might not be advisable. A prosecutor might decide not to prosecute or to accept a non-punitive disposition simply because the state cannot prove its case to the high criminal standard of beyond a reasonable doubt due to evidentiary constraints and lack of cooperation, even though the player did engage in misconduct. The League, however, may reasonably conclude that, despite a criminal dismissal or modest sentence, the conduct still warrants discipline under the Policy. In such circumstances, the League's investigation should strive to learn more than just the status and outcome of the criminal case.

Second, the criminal justice system operates on a timetable that may not suit the League's needs. Arrests of players are often the subject of immediate and significant media scrutiny. Yet, criminal cases often take months or years to reach a conclusion. Where there is sufficient

evidence that the player violated the Policy, it may be in the interests of the League to act quickly, even while the criminal case is open.

There will, of course, be limits on what an independent investigation can accomplish. The League must conduct its investigations in different jurisdictions, each with its own set of rules and practices, including considerable variation with respect to access to arrest records, police reports, and witness statements. Unlike law enforcement, the League does not have the power to compel or obtain information through any means other than voluntary cooperation. Moreover, the criminal justice system must have primacy in matters involving potential criminal conduct. As such, the League must be careful not to impede law-enforcement activities or to interfere with the rights of the accused in his criminal case. Nevertheless, there are appropriate means by which the League can independently ascertain facts, as reflected in our findings on the League's investigation of the Rice case.

The League adopted a new Personal Conduct Policy on December 10, 2014. The Policy calls for substantial changes in the way the League conducts its investigations and imposes discipline for violations of the Policy. Importantly, it permits League investigations independent of law enforcement in appropriate cases. The Policy accordingly reflects the importance of imposing discipline on the basis of the underlying conduct and not based only on the disposition of the criminal case. At the same time, the Policy appropriately acknowledges that the League should not interfere with law-enforcement investigations.

Set forth below are our recommendations as to how the League could further strengthen the conduct of its investigations:

**A. *Expand The Security Department.*** The League has committed, in connection with its new Personal Conduct Policy, to adding a Special Counsel for Investigations and

Conduct. It should also consider adding other experienced personnel to the Security Department to assist in supervising the 32 League-affiliated Security Representatives around the country. Investigations require persistence and follow through, and there must be sufficient supervision to manage and drive investigations run by the 32 Security Representatives (all of whom also have many other responsibilities) around the country. We recommend that this resource issue be addressed with the new Special Counsel.

**B. *Establish A Specialized Investigative Team.*** The League should establish (or have on retainer) a specialized investigative team—comprised of experienced domestic violence and sexual assault investigators and victim witness advocates—either to handle or assist with the League’s domestic violence and sexual assault cases.<sup>18</sup> Investigations of domestic violence cases present unique challenges. Unlike victims of stranger assault, victims of domestic violence often remain emotionally attached to their abusers and retain hope in their abusers’ ability to change. Accordingly, domestic violence victims often choose not to report their abuse or to deny that the abuse occurred, even in the face of obvious physical evidence. Investigators who lack expertise in this area may fail to appreciate the complex nature of domestic violence and how it may explain, at least in part, the lack of an arrest or the charging of a serious assault as a simple misdemeanor.

**C. *Adopt Investigative Guidelines.*** The Security Department should create written guidelines for conducting investigations. We understand that most Security Representatives have extensive law-enforcement backgrounds and are capable investigators. But the League should set forth clearly what it expects from its Security Representatives and any additional

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<sup>18</sup> We understand that the League has retained outside advisors who are experts in this area to assist in disciplinary proceedings. Our recommendation addresses the need for such expertise in the pre-discipline, investigative process.

personnel it engages to conduct League investigations. In drafting the guidelines, the Security Department should consider providing the following: 1) a specific statement that investigators must focus on the underlying player conduct, including regularly updating the League on what is known and what is not known about that conduct; 2) a specific set of guidelines for investigations when there has been no arrest and, therefore, little risk of interference with law enforcement; 3) directions on obtaining relevant records and contacting relevant individuals and authorities in instances in which law enforcement is involved; and 4) expectations in terms of the timing and thoroughness of the resulting work product.

**D. Provide Annual Training.** The Security Department should add some measure of formal training to its annual conference. Security Representatives have attended these conferences recently, and the performance of player conduct investigations received some attention; the League should consider additional and more formal training. Training topics would include the League's new Personal Conduct Policy, guidelines on investigations, domestic violence and sexual assault investigations, and a review of public access laws and practices in relevant jurisdictions.

**E. Establish Formal Performance Reviews.** The Security Department informally reviews the performance of Security Representatives as their contracts come up for renewal. The Department should consider a more formal and frequent evaluation process for its Security Representatives and any additional personnel engaged to conduct investigations. This would provide better quality assurance and more confidence that the League's investigators are following guidelines and best practices.

**F. Clarify League Policy For Information Sharing By The Clubs.** The new Personal Conduct Policy adds to the earlier policy with regard to club reporting of potential



violations, including noting that the “obligation to report is broader than simply reporting an arrest; it requires reporting to the league any incident that comes to the club’s attention which, if the allegations were true, would constitute a violation of the Personal Conduct Policy.” We recommend that the League make clear that the information-sharing obligation, including for the clubs, is an ongoing one.

First, the League should address information sharing when a club investigates player misconduct. We do not suggest that the League mandate such investigations. Many clubs may not have the resources to conduct them, the closeness of the relationship between the club and its players can make investigations difficult, and the presence of another investigating party (beyond law enforcement and the League) might be counterproductive. But some clubs have the resources and believe it is in their interests to do their own investigations. The League should mandate that in those cases, the club must promptly share with the League information learned during the club’s investigation. Second, even where the club does not conduct its own investigation, League policy should be clear that the club has an obligation to inform the League immediately of any new information that comes into its possession that is relevant to the allegation of player misconduct.

**G. *Transcribe Proceedings.*** Where a player and interested parties appear before the disciplinary officer,<sup>19</sup> Commissioner, or designee during a disciplinary proceeding, the meeting should be transcribed so that there is no ambiguity as to what was presented and discussed.

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<sup>19</sup> The League has announced its creation of a new position of Special Counsel for Investigations and Conduct who, under the new Personal Conduct Policy, will be the disciplinary officer for disciplinary proceedings.

## APPENDICES

### **Appendix 1: Overview Of The Investigation**

#### **A. Independence Of The Investigation**

The League asked me to conduct an independent investigation concerning the Rice matter. The NFL did not direct, oversee, or otherwise manage or influence our independent investigation in any manner, and we did not report to the NFL during our investigation or on the results of our investigation. Instead, as explained in the report, the NFL authorized John Mara, owner of the New York Giants, and Art Rooney, owner of the Pittsburgh Steelers, to act as our points of contact to assist with our access to the League, its personnel and information, and other League resources necessary to complete the investigation. As requested by the League, and as they specifically agreed, Rooney and Mara did not conduct, direct, influence, or otherwise manage our investigation in any manner. We had sole discretion to employ investigative resources, techniques, and processes that we deemed appropriate in order to complete our investigation and to issue our report.

In this regard, however, let me address concerns that have been raised in the media questioning the independence of the investigation because of my association with the law firm WilmerHale, which in the past has provided legal services to the NFL. Let me put these relationships in context:

- I only recently joined WilmerHale—in March of last year—after spending almost 20 years in the federal government as a federal prosecutor, as the United States Attorney in San Francisco, and as Director of the Federal Bureau of Investigation.
- Neither I nor any member of my team has ever provided legal services to the NFL.
- I do not know Richard Cass (President of the Ravens), who left Wilmer, Cutler & Pickering, one of WilmerHale's predecessor firms, in April 2004—10 years

before I joined WilmerHale. To the best of my knowledge, I have never met Cass. No one on my team worked at Wilmer, Cutler & Pickering, the firm at which Cass worked.

- WilmerHale's work for the NFL on the renewal negotiations with Total Sports Network concluded seven years ago, in 2007.
- WilmerHale's work for the NFL on the renewal negotiations with DirecTV concluded five years ago, in 2009.
- WilmerHale's only work for the NFL since 2010 consisted of advice related to immigration issues. That work generated fees of \$5,672.

Placing these relationships in context, I am quite confident that the ties described above have in no way influenced the conduct of this investigation.

## **B. Interviews And Document Review**

Our investigation began with interviews and document review.

### **1. Interviews**

We interviewed, in person, more than 60 people, including Goodell, Miller, other NFL executives and staff, NFL contractors and consultants, Ravens executives and staff, current and former Revel personnel, Rice, and Diamondstein. No League employee declined to be interviewed.

Many third parties agreed to voluntary interviews, as set forth above. Others declined, including ACPD officers who investigated the Rice incident and members of NJSP.<sup>1</sup> We interviewed or attempted to interview every former law-enforcement official known by us to have been employed by Revel Security Operations on February 15, and who had access to the monitoring room that contained the in-elevator video footage; many declined to be interviewed.

As one of the first steps in our investigation, we called Maaddi of the *Associated Press* to request his assistance. We had numerous communications with Maaddi and the *Associated Press* requesting their assistance over the course of our investigation, as described in the body of the report.

### **2. Document Review**

We collected from the League more than 3 million documents. These documents included all of Goodell's and both Millers' emails for the period of February 1 to September 11, and all documents contained on their League computer hard drives. We collected similar documents from more than 20 other League officials.

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<sup>1</sup> The Office of the New Jersey Attorney General provided written responses to written questions for NJSP and DGE.

From the collection of more than 3 million documents, we used a variety of means to identify and review any and all relevant documents. We ran broad search terms across all of the collected documents. For example, we searched for and reviewed every document containing the word “Rice.” We also reviewed all of the collected documents created, sent, or received by certain League officials during key timeframes. For example, we reviewed every email and text message sent or received during the week of April 7 to 11 and September 8 to 12 by Goodell, Pash, and Miller (Security).

We also used predictive coding—a tool that automatically searches for additional documents connected (by concept, for example) to documents already determined to be relevant, but that did not otherwise contain one of our search terms. Finally, we validated the thoroughness of our searches throughout our investigation by randomly sampling the collected documents, as well as by conducting manual queries and reviews.

We also collected and reviewed documents from numerous third parties. Many third parties voluntarily provided materials upon request (others declined to do so, and we had no means to compel them to produce relevant documents and information). Third-party documents we reviewed included emails, telephone records, and other documents from the Ravens; video, incident reports, and emails from the Revel; documents and/or informational responses from the Atlantic City Clerk’s Office, ACPD, the New Jersey Judiciary, the New Jersey Office of the Attorney General, and the Atlantic County Prosecutor’s Office; and package sent/delivery records from Federal Express, UPS, and the U.S. Postal Service.

### **C. Forensic Computer Analysis**

To determine whether the in-elevator video was viewed on a League computer or mobile device prior to its public dissemination, we collected and forensically analyzed League-owned computers and mobile devices. We also searched computers connected to the League's network. An experienced computer forensic firm assisted us in this effort.<sup>2</sup>

As more fully discussed below, we searched League computers and mobile devices for the in-elevator video. Because the *AP* source stated that the in-elevator video was sent to "Jeff Miller," we searched for evidence that such a video was or had been on Miller's (Security) computer, Miller's (Player Health & Safety) computer, Goodell's computer, and on the computers of other officials at the League. To do this, we first created digital signatures of all versions of the in-elevator video known to us.<sup>3</sup> Second, we imaged more than 90 League computers and mobile devices; and we collected the file share or network space assigned to the users of those devices. Third, we searched those images and file shares for the digital signatures of the in-elevator video. We also visually examined a minimum of one frame of every video file found on those League devices and file shares with a creation date after February 14, 2014. We found no evidence of the in-elevator video on any imaged device through these separate digital and human/visual searches.

Then, we looked for evidence that a League computer was used to view the in-elevator video. We examined all imaged computers and devices, as well as the data collected from computers attached to the League's network by a PowerShell script, to determine what video

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<sup>2</sup> Elysium Digital LLC.

<sup>3</sup> We also created digital signatures for video footage from outside the elevator, and searched for those signatures as well. Because the principal issue was the League's alleged receipt and viewing of the in-elevator video, we limited our discussion in this appendix to the in-elevator video.

players were used on the device and what videos had been viewed on the device. We found no evidence of the in-elevator video in this search.

**1. Forensic Search Of League Computers And Mobile Devices**

**a. We Created Digital Signatures For The In-Elevator Videos**

Because the *AP* source reported only that he or she had mailed what was described to be “the inside elevator video,” we used every version of the in-elevator video available to us to create signatures to be used to search the imaged League devices. The first “original” video we used to make signatures was that released by TMZ on September 8, 2014 (both the raw and edited versions).

The second “original” video was provided to us by the Revel. The Revel gave us a DVD containing 22 files, which we understood to be every video file created by the Revel of the Rice incident and provided to ACPD, the Atlantic County Prosecutor’s Office, DGE, or Diamondstein. Those files were encoded in one of three formats: a .pef proprietary format unique to the Pelco Systems and Security Systems cameras used by the Revel (which can be read only with a proprietary reader); a .wmv format; or an .avi format.

Our computer forensic consultant used both the TMZ and Revel videos to construct digital signatures to use in our search. Because the *AP* source might have renamed the video file, we based signatures on both file-level information (such as file name, file extension, and file size) and on content that was specific to each video file, like a fingerprint. For example, a digital signature (known as a “hash”) can be generated that is based on the individual bits contained in a file. Files that have the same content will have the same hash value, and files with different content will have different hash values.

In addition, because the source might have altered the format of the video file or sent only a portion of a file, or a portion of the file might have been deleted, the forensic consultant broke the videos down even further—to search for what are known as “key frames.” A key frame may best be thought of as a frame that forms the unchanging background of a scene. Non-key frames in the video file can be smaller and need to represent only the movement of the actors in the foreground. In all, 994 frame-level signatures were generated from the “original” videos to search for the video allegedly sent by the *AP* source.

**b. We Imaged League Computers And Mobile Devices And Collected Data From 404 Additional Computers Attached To The League’s Network**

*i. We Imaged League Computers And Mobile Devices*

We identified the most logical persons to have received and viewed the in-elevator video. We imaged each of their devices—their computers, as well as their League mobile phones and tablets, if they had one.

We began with Miller (Security), the person to whom the video was reportedly sent. We imaged his devices, his assistant’s devices, and the devices of nine people who reported to him, most of whom sat near him at the League.

We imaged the devices of Goodell, Pash, their assistants, Birch, and the Senior Labor Relations Counsel (neither of whom have assistants). Although the video was not said to be addressed to any of them, each was expected to be a participant or decision maker in any disciplinary proceeding, or supporting them.

We added Miller (Player Health & Safety) because of the possibility that the mail of Miller (Security) might have been misdirected to him. We imaged his devices and those from three people reporting to him.



In addition, we imaged devices from other League officials who, for various reasons, could have viewed a video sent to the League under the circumstances described by the *AP* source. For instance, we added two women based on press speculation they might be the person who acknowledged receipt of the in-elevator video in the April 9 voicemail described by the source. We also added individuals in the communications and public relations group because of the expectation that they would be involved in any decision to release or comment on the video.

Further, as described in Appendix 1.E below, mailroom personnel, on occasion, will open mail addressed to “Jeff Miller” when they are uncertain which Jeff Miller should receive the mail. For that reason, we imaged the four computers located in the mailroom, as well as the computer of the mailroom supervisor.

Finally, we imaged the computers in the 17 conference rooms at the League’s New York office because those computers run the audio visual systems in the conference rooms.

In total, we imaged 51 computers, 42 mobile devices or tablets, and two external storage devices. We obtained forensic images of those devices using standard forensic techniques.<sup>4</sup> In addition, we obtained a copy of the network file shares that were used by the individuals identified above.

We took the data collected from all of these computers, mobile devices, and file shares and searched for every video file. We searched in two ways. First, we searched for files with

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<sup>4</sup> Our computer forensic consultant made forensic images—that is, precise copies—of the computers and storage devices. The firm made “logical images” of the mobile phones. These images enabled us to examine not only the files, videos, documents, texts, and programs active on those devices, but also to recover all or parts of the files, documents, videos, texts, and programs that had been deleted before the examination.

Because we were able to examine deleted items on the imaged devices, we were able to investigate those items to determine whether they were relevant to the investigation, including by obtaining copies of the deleted items from other sources. We found no deleted items that were relevant to the investigation.

one of 111 common video file extensions, such as .3gpp, .avi, .m4v, .mov, .mpg4, and .wmv.

Second, we searched for files or portions of files with characteristics known to be associated with video files.<sup>5</sup> We found 38,602 video files; 7,211 of those video files were unique, and only 4,797 of those video files had a creation date after February 14, 2014.

*ii. We Also Searched 404 Additional Computers Attached To The League's Network For Indicators Of The In-Elevator Video*

We also collected data from 404 additional computers attached to the League's network. To do so, we used a PowerShell script created by our forensic consultant to collect remotely information from computers logged onto the League's network.<sup>6</sup>

The PowerShell script captured the name and file system metadata for every file on each computer. In addition, the script captured data relevant to the viewing of a video, such as registry information and shortcut files. The collected data could then be used to determine whether there was any indication that a video viewed on a computer might have been the in-elevator video. Had there been any such indication, we would have forensically imaged those computers and included those images in the search for the digital signatures of the in-elevator video. There was no such indication.

**c. We Searched The Images Of The League Computers And Mobile Devices For The Digital Signatures Of The In-Elevator Video And Visually Examined Frames From All Video Files**

We used four tests to determine whether the in-elevator video was on any of the imaged League computers and mobile devices.

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<sup>5</sup> For example, a Microsoft .asf file is a common video format that includes a well-known byte sequence at the beginning of the file. By searching for that sequence, it is possible to identify unknown files as .asf files, even if the unknown files do not have an .asf extension.

<sup>6</sup> PowerShell is a command-line shell and scripting language included in modern versions of the Windows operating system.

First, we performed a search to determine whether any digital signature for the in-elevator videos matched any signature for the video files collected from the League computers and phones.<sup>7</sup> None did.

Second, for every file created after February 14, we extracted every key frame (if the format used key frames) or a frame at every ten-second interval and compared those key frames to the key frames from the TMZ and Revel in-elevator videos. There were no matches.

Third, in addition to checking whether a key frame extracted from a League video was bit-for-bit identical to a key frame from the TMZ and Revel in-elevator videos, our forensic consultant attempted to determine the level of similarity between the two key frames as they would be seen by the eye. Because the similarity between two frames to the human eye is unrelated to the digital format in which the frames were recorded, this test accounted for the possibility that the digital format may have been changed by, for example, recording the display of a monitor with a cellphone. Our forensic consultant developed software that used well-known algorithms to measure and rank the similarity of two key frames. This was done by performing a number of algorithmic comparisons between every key frame of the “original” video files and the key frames from the video files collected from the League computers.<sup>8</sup> When we ran the algorithm against the collected videos, it did not return any matches or near matches.

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<sup>7</sup> To search the video files from the League computers and mobile devices, our computer forensic consultant created a set of signatures for each of the recovered video files having a creation date after February 14 in the same way that signatures were prepared for each of the “original” TMZ and Revel videos.

<sup>8</sup> We tested the algorithms to determine whether they were reliable: we extracted a key frame from the TMZ “original” video and searched for matching frames in the “original” videos on the DVD provided by the Revel. That allowed us to test whether the algorithms would find frames that looked the same, even though the frames were not identical. The algorithms successfully identified the same frames within the video files on the Revel DVD despite the fact that the sample frame had been cropped and included the TMZ Sports logo.

Fourth, to provide a final check, our investigative team visually examined individual key frames from every video recovered from the League. For files that contained more than one key frame, two key frames were extracted. The first key frame was taken from ¼ of the way into the video and the second key frame was taken from ¾ of the way into the video. A total of 14,202 key frames were extracted. Each key frame was viewed to determine whether it showed a portion of the in-elevator video. None did.

## **2. Analysis Of Viewing History Of Imaged Computers And Devices**

Finally, in addition to searching for the relevant signatures on each of the imaged devices, we took a further step of exploring whether an in-elevator video was viewed using any of the imaged devices or the devices attached to the League's network. Our forensic consultant examined all imaged devices, as well as the data collected from the League's network by the PowerShell script (described above), to determine, to the extent possible, what videos had been viewed on the device.

First, we identified the media players installed on each device. For example, for Windows computers, we extracted information from the Windows registry to determine every application on that computer able to play any known video format, including DVDs. We inspected the list of all installed software.

Second, we analyzed each media player to determine what, if any, trace evidence would be left behind if that media player had been used to view a video. When a media player opens and plays a file, it typically creates some evidence of those operations. For example, the "recently played" list in some media players will list that a video has been played even if the video file has been deleted.

We searched for cache files, log files, “recently played” lists, LNK files, prefetch files, jumplists, and other trace evidence.<sup>9</sup> Our forensic consultant tested the operations and behavior of every identified video player, including the Pelco video player on the DVD provided by the Revel, to define the types and locations of such trace data. We analyzed the collected trace evidence to determine if any evidence indicated the in-elevator video was viewed or accessed.

None of these additional steps yielded evidence that the “original” TMZ or Revel videos were viewed on the imaged devices, or on any of the 404 computers connected to the League’s network.

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<sup>9</sup> Examples of trace information considered include: 1) .lnk files that point to video files; 2) “AutomaticDestination” Windows jump lists that contain most recently used data for essentially all media players; 3) Windows “Prefetch” files, which Windows uses internally to track files that should be loaded with a program and under certain circumstances may include the names of media files; 4) Flash Player registry keys that store a list of recent movies; 5) iTunes XML files that track information on files a user has added to a playlist such as the last played date and first added date; 6) QuickTime XML files that store a most recently used list; 7) VLC.INI files that contain a list of recently played media; 8) WMP “lastplayed.wpl” playlists that reference recently played media files; and 9) Windows Media Center XML files that contain references to played video DVD titles.

#### **D. Phone Analysis**

In addition to the forensic efforts described above, we searched for other evidence that the in-elevator video had been received by the League. Specifically, we searched for evidence that an unknown female at the League acknowledged viewing the video by leaving a 12-second voicemail from the NFL's main number on the *AP* source's disposable cellphone on April 9, 2014. We pursued several lines of investigation and found no unexplained or unidentified calls on April 9 that reasonably could have been a call about the in-elevator video.

First, we analyzed each of the 1,583 phone calls made from the League's New York office on April 9. We either called the destination number to verify that the person or organization called was not the source, or we identified the number as belonging to a senior NFL employee, or an owner, coach, or employee of one of the NFL clubs. We also analyzed the League's phone data in a variety of other ways, looking for noteworthy trends or phone numbers, and found none.

Second, we interviewed every female employee or contractor present at the League's office on April 9.

Third, we established an anonymous tip line, notified every employee of its existence, and encouraged any employee with knowledge of the video or the call to the *AP* source to contact it. We received no calls.

Each of these efforts is described in further detail below.

##### **1. Analysis And Exclusion Of All Calls Made On April 9**

**We built a database of League calls.** Because the *Associated Press* reported that the source's disposable cellphone displayed "212-450-2000," we collected information about every call to or from a phone that would display that number. We determined that all calls routed

through the League's New York office display the NFL main office number, "212-450-2000," on the recipient's phone.<sup>10</sup> Calls from the NFL's other offices (in Los Angeles and New Jersey) display a different phone number.<sup>11</sup> Calls from a League mobile phone display that mobile phone's actual number.

We asked the League's telephone provider to download all calls to and from any NFL landline operating through the NFL's New York office for the period February 1 to September 15, 2014 ("**the database period**"). There were 1,173,869 such calls, of which 242,669 were outbound calls, 361,122 were inbound calls, and 569,978 were internal calls.

We used those data to construct a sortable database containing every number called from the NFL and every number that called into the NFL during the database period. In particular, the database contained the number (an NFL extension) that placed any call to a number outside the League or the number that placed any inbound call to an NFL extension. It also contained the date, time, and length of each call. As a result, using the database, we could determine when and how many times the League called a particular number, and when and how many times a particular number called into the League, on a specific date or during a specific date range.

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<sup>10</sup> We found two exceptions to this in the course of our investigation. In those two instances, the League's system displayed "212-450-xxxx," where "xxxx" was the specific originating extension. We included calls made from those two extensions in our analysis.

<sup>11</sup> Calls from the Los Angeles office generally display "310-840-4635," and calls from the New Jersey office display "856-222-3500." We found, however, that there are two discrete circumstances in which a call from the NFL's other offices could generate the display of the NFL's main number. The first would be if the League's principal router and the backup router from Los Angeles or New Jersey failed, and calls were routed through New York. We examined the records of the New Jersey and Los Angeles routers and determined that there had been no such failure on April 9. The second would be if a phone physically located in New Jersey or Los Angeles has been improperly configured by the League's IT staff such that it routes through the New York bridge. We found that there were a number of such misconfigured lines. We treated each of those phones as if they were located in the main office and included calls from them in our analysis.

**We identified every call made on April 9 and called every number outside the League—938 numbers in all.** Because the *Associated Press* reported that the voicemail date stamp on the source’s phone was April 9, we isolated every outgoing call made on April 9 by a phone capable of displaying “212-450-2000.” There were 1,583 such calls made from 344 extensions to 1,050 unique telephone numbers. One-hundred twelve of those telephone numbers were listed in the NFL’s Blue Book directory, thus, we excluded them and investigated the remaining 938 numbers.<sup>12</sup> Although the person identified as making the call was described as a female, we did not limit ourselves to extensions assigned only to females.

We identified 254 current employees or contractors from whose extension one or more of the calls had been made, provided them with the number(s) their extensions called, and asked them to identify to whom the number(s) belonged. We then called each number (other than Blue Book numbers) to confirm the identity of the person or entity called to assure that the call was not to the *AP* source.

We could not conduct interviews regarding calls from the 90 remaining extensions that were not assigned to current League employees. Of those, three extensions were assigned to fax numbers. Another 37 extensions were assigned to conference rooms or other communal areas. Lastly, 50 extensions had been assigned to persons no longer at the League or were not assigned to an identifiable person or location.<sup>13</sup> In the absence of interviews, we used commercial databases and other online services to research calls made from those 90 extensions to identify

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<sup>12</sup> The NFL’s Blue Book directory contains information—including phone numbers—for senior NFL employees, as well as of the owners, coaches, and senior employees of the League’s 32 teams. Because the Blue Book was published before the start of the 2014 season and is the phone book used by employees to reach the numbers of the people described above, we excluded those numbers from our search. There were 143 such calls to 112 unique telephone numbers listed in the Blue Book.

<sup>13</sup> We did, however, interview two former employees who had placed calls on April 9. They helped identify phone numbers called from their old extensions.



the likely recipient. We then called each number (other than Blue Book numbers) to assure that the call was not to the *AP* source.

We prioritized our search by focusing first on those calls that fit the criteria established by the *Associated Press*, in its reporting and statements to the League. Because the caller was said to have left a single 12-second voicemail, we looked at numbers called only once on April 9 and never again during the database period. There were 160 such calls, ranging from one second in duration to more than an hour.<sup>14</sup> When our calls to those numbers failed to identify a call that reasonably could have been to the *AP* source, we continued to analyze each of the remaining calls.

We prioritized our examination of the remaining calls on April 9, looking at and calling numbers called fewer than five times in the database period, for example. Ultimately we looked at and called all of the other numbers called on April 9, regardless of whether, or how many times, the number had been called at any other time, or had made calls into the League. We eventually called all 938 numbers and found no unexplained or unidentified calls that reasonably could have been a call about the in-elevator video.<sup>15</sup>

For each of the 938 telephone numbers, save for the 15 described below, we reached:

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<sup>14</sup> We initially focused on calls that were under one minute after determining the length of time necessary to record a 12-second voicemail. To determine the approximate length of such a call, we made test calls from an NFL extension in the New York office to a cellphone having a generic Verizon voicemail message, leaving 12-second voicemails. Because the NFL's system records the elapsed time between a call being answered and hung up, and it is necessary to maneuver through the recorded message before leaving a voicemail, the League's system recorded those 12-second voicemail calls as 36 seconds long, on average.

<sup>15</sup> As a backstopping measure, we conducted a targeted review of all outbound calls from the NFL's New York office on April 8 and April 10 to build in a 24-hour margin of error in both directions from the April 9 date of the alleged call. There were 3,611 calls from the League on those two days. We analyzed those calls and identified the ones that met the precise criteria of the alleged call, and then called each of those numbers. Through this process, we found no number that appeared to have been contacted about the in-elevator video on April 9.

- A person or a personalized voicemail confirming that the number belonged to a family member or a friend of the League employee;
- A person at the current or former employer of the person called on April 9 confirming that the number belonged to the identified person; or
- A person or personalized voicemail confirming that the number belonged to an established business such as a doctor's office, restaurant, or the like.

For those calls for which no identification had been provided, we used the same criteria to determine that the call was made to an established business or to a person who had a relationship with the League.

We encountered 15 numbers called from the League on April 9 that were not in service or never answered at the time we performed our investigation. None met the characteristics of the call described by the *Associated Press* for at least the following reasons. Three calls lasted three seconds or less, too short for a 12-second voicemail, and were followed immediately by calls to similar numbers (in one case, the new number differed by only one digit). Two calls were too long for a 12-second voicemail; one lasted nine minutes and one lasted 16 minutes. Ten calls were to numbers that the League had called numerous times, and/or that had called into the League numerous times (the number of calls to/from these numbers ranged from 7 to more than 200).

**Additional Analysis.** We engaged an outside vendor with specialized analytic technology to look at the pool of 1,173,869 calls to identify patterns or anomalies. For example, the vendor looked for numbers called between April 4 and 14, and again on September 8 (the date of TMZ's release of the in-elevator video), but on no other days during the database period. That search and other searches returned no numbers. We also searched the total data pool for the phone numbers of any person or group (whose number we were able to acquire) that could logically have had access to the in-elevator video, including Revel personnel; Diamondstein;

TMZ and its officers; and individuals involved in the investigation and prosecution of the Rice incident from NJSP, DGE, ACPD, the Atlantic County Prosecutor's Office, and NJ Superior Court. We also searched for the area codes and exchanges of every law-enforcement agency in New Jersey and Pennsylvania. We found no calls to any of these numbers that reasonably could have been the call to the *AP* source, or reasonably provided any indication as to the identity of the source.

## **2. Interviews Of All Women Present At The League's New York Office On April 9**

In addition to looking for the call, we looked for the caller. We obtained records from the League's security system, which indicated that 442 employees and contractors—188 of whom were female—had gained access to the New York office on April 9.<sup>16</sup> Those 188 women were a mix of current and former employees of the League, contractors, vendors, and interns. The contractors performed a range of duties, working in the League's cafeteria, on the switchboard, as cleaners, or as temporary workers in other departments. We interviewed all of these women, most often by telephone.

Each woman we interviewed denied that she had received the video, heard any rumor that anyone else had received the video, had made a call acknowledging that she had watched the video, or heard any rumor that anyone else had made such a call.

## **3. Anonymous Tip Line**

We also set up a confidential, anonymous toll-free tip line. This enabled any employee who had information, but who might be reluctant to identify themselves, to speak with us. Every

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<sup>16</sup> Four female employees of American Express Travel entered a separate space in the subbasement of the building that houses the League. No phone in that space displays the League's telephone number when dialing outbound, and the badge records of those four women reflect that they entered only their space on April 9 and did not enter the League's main office.

employee at the NFL received an email about the tip line and an invitation to contact us. We received no calls.

## **E. Mailroom Specific Investigative Steps**

We investigated the report that the *AP* source sent the in-elevator video in a package addressed to “Jeff Miller” at the League. All incoming mail enters the League through its mailroom, which is operated by a third party vendor, Canon Business Process Services. The League mailroom is staffed by a manager (who is also responsible for the switchboard operations), a supervisor, and two employees. All incoming mail is subject to a security check and run through an onsite X-Ray machine.

### **1. Accountable Mail**

The NFL mailroom electronically logs each piece of mail arriving by Federal Express, DHL, UPS, U.S. Postal Service Priority Mail, messenger, or other in-person delivery requiring signature or receipt, collectively referred to as “accountable” mail. Logging involves scanning the unique bar code placed on each package by the delivery service or, for hand-deliveries, by manually logging the packages. When a mailroom staff member delivers accountable mail, he or she obtains a signature of the recipient or authorized signatory (usually an assistant) on a hand-held electronic device. Upon return to the mailroom, the staff member places the hand-held device into an electronic cradle, which syncs with the NFL’s tracking database and records the delivery.

From March 24 through April 9—the period in which the *AP* source is reported to have sent a package to the NFL—the League received a total of 1,494 pieces of accountable mail. We determined that all accountable mail was delivered during this period (that is, the mailroom did not fail to deliver any particular piece of accountable mail). We then reviewed the tracking database for every piece of that mail.

We examined all records for accountable mail addressed to Miller (Security) or Miller (Player Health & Safety), as well as all such mail addressed to Goodell. All of the packages originated from businesses or persons that could not reasonably have been the *AP* source.

We also examined records of all accountable mail, without regard to addressee, that originated from states near to Atlantic City (where the in-elevator video originated), including New Jersey, Maryland, Pennsylvania, Delaware, and New York. With seven exceptions, we identified the senders of all such mail as businesses or persons that could not reasonably have been the *AP* source. None of those seven exceptions had an originating address that was associated with a law-enforcement office or the Revel (entities that logically could have had possession of the in-elevator video). In addition, we interviewed the recipients of those seven packages, and each denied having received a package containing the in-elevator video or having viewed that video at any time in advance of its public release on September 8.

## **2. Regular Mail**

The NFL mailroom does not individually log and track incoming regular U.S. mail. The mailroom sorts regular mail by floor and individual addressee. Because this mail is not tracked by the League, we could not review individual sender names or addresses for packages received during the relevant time period. However, we interviewed Miller (Security)—the individual reported to be the intended recipient—and all persons in the delivery chain between him and the mailroom. We also interviewed Miller (Player Health & Safety) and all persons in the delivery chain between him and the mailroom. Similarly, we interviewed Goodell and all employees

responsible for handling mail addressed to Goodell.<sup>17</sup> All denied having received or seen the in-elevator video before its public release.

### **3. Unaddressed, Unsolicited, Or Confusingly Addressed Mail**

We also considered the possibility that Miller’s name did not appear on the outside of a package sent by the *AP* source via regular U.S. mail. Because the NFL receives a sizeable amount of mail from people who do not have a business relationship to the League (for example, football fans), mail is often addressed only to “The NFL.” If there is no indication of the intended recipient, the mail is delivered to a single employee in the Communications Department who opens it and directs it to the appropriate person or group to respond.

We interviewed the individual, a man, who was responsible for receiving, opening, and deciding where to direct items addressed only to “The NFL” during the relevant time period. He had been employed by the League and performing this function for approximately one year at the time of his October 2014 interview. He recalled receiving only three DVDs during his tenure—one within the first week of his employment, one within the two weeks preceding his interview, and one at a time he could not remember exactly. All three DVDs contained pictures or videos of youth football teams. He had no memory of having received anything unusual in March or April 2014, and told us he would have remembered receiving a video of Rice in an elevator.

We also inquired into how the League handles what it calls “unsolicited mail.” When employees receive unsolicited mail—for example, a proposed script for a movie or commercial—those materials are routed to the League’s Office of General Counsel, which generally returns them to the sender without retaining a copy. We interviewed the two people

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<sup>17</sup> Goodell’s Executive Assistant maintains a box containing all of the CDs and DVDs that Goodell has received. We reviewed all of those disks to determine whether any of them contained a copy of the in-elevator video. None did.

within the Office of General Counsel responsible for reviewing and responding to unsolicited mail. Neither person recalled receiving an unsolicited DVD during the relevant time period, and both stated that they did not see or receive the in-elevator video prior to its public release on September 8.

Finally, we explored the possibility that the mailroom might have opened a package containing the DVD. Because the League employs two Jeff Millers—Miller (Security) and Miller (Player Health & Safety)—the mailroom must determine which Miller is the intended recipient. If mail addressed to Jeff or J. Miller also says “Security” or “Health and Safety,” it is sent to the appropriate recipient. If the mail does not contain an indication as to which J. or Jeff Miller it should be delivered, the mailroom staff examine the return address. If the return address is a hospital, doctor, or other health-related service, they deliver the mail to Miller (Player Health & Safety). If the return address is related to security—a Security Representative or the like—it goes to Miller (Security). Occasionally, the mailroom supervisor will open mail to determine to whom it should be sent. We interviewed every mailroom employee and their supervisor. None recalled seeing a DVD addressed to either Miller (and all denied seeing the in-elevator video prior to its public release).

If unaddressed or confusingly addressed mail containing a DVD had arrived during the relevant period, mailroom staff had four computers in the mailroom to watch the DVD. We forensically examined all four computers (as described above) and found no evidence that the in-elevator video was or had been on the them, or had been viewed on any of them.

#### **4. Pouch**

The League mailroom forwards by pouch any mail intended for an individual team. For instance, video or other items labeled only with a player’s name are pouched to that player’s



team. We determined that there were no pouches sent to the Ravens, Rice's team, during the relevant time period.

## **Appendix 2: Key Persons**

- 1. Adolpho Birch:** Birch is an attorney and the Senior Vice President of Labor Policy & Government Affairs at the NFL. Birch was one of the senior NFL attorneys involved in Rice's disciplinary proceedings. Birch reports to Jeff Pash (Executive Vice President of Labor & League Counsel/General Counsel).
- 2. James (Jim) Buckley:** Buckley is the NFL Security Representative for the New York Giants, a position he holds by contract (Buckley is not an NFL employee). Buckley's geographic area of responsibility is New Jersey and, therefore, he was the NFL's lead investigator of the Rice assault at the Revel in Atlantic City, New Jersey.
- 3. Richard (Dick) Cass:** Cass is the President of the Baltimore Ravens, the team for which Rice played from 2008 to 2014.
- 4. Ava Davenport:** Davenport is the Records Division Supervisor at the Atlantic City Police Department, the department that arrested Rice and wrote arrest and other reports.
- 5. Mario Di Fonzo:** Di Fonzo is the NFL Security Representative for the Baltimore Ravens, a position he holds by contract (Di Fonzo is not an NFL employee). Di Fonzo's geographic area of responsibility is Maryland, but he was nevertheless involved in the NFL's investigation of the Rice incident at its earliest stages.
- 6. Michael Diamondstein:** Diamondstein, a Philadelphia-based attorney, represented Rice in the Atlantic County Superior Court criminal case for third-degree aggravated assault.
- 7. Roger Goodell:** Goodell is the Commissioner of the NFL.
- 8. John Harbaugh:** Harbaugh is the head coach the Baltimore Ravens, the team for which Rice played from 2008 to 2014.

**9. Bryon Hargis:** Officer Hargis is a police officer in the Atlantic City Police Department. Officers Hargis and Coung Sam responded to a call from the Revel on February 15, 2014, and arrested Rice and Palmer for assault.

**10. Rob Maaddi:** Maaddi is a Philadelphia-based sports reporter for the *Associated Press*. In a series of articles published in September 2014, Maaddi reported that a law-enforcement source sent to the League the in-elevator video of Rice striking Palmer at the Revel, and that the source received a 12-second voicemail on a disposable telephone from a woman at the League acknowledging receipt of the video.

**11. Brian McCarthy:** McCarthy is Vice President of Corporate Communications at the League. He appears to have received the first report to the League about the Rice incident.

**12. Jeffrey Miller (Security):** Miller is the Senior Vice President of Security at the NFL. Miller oversees investigations (including the Rice investigation), stadium security, fan conduct, game integrity, special events, and security for the various NFL facilities.

**13. Ozzie Newsome:** Newsome is the General Manager of the Baltimore Ravens, the team for which Rice played from 2008 to 2014.

**14. Janay Palmer:** Palmer, now Janay Rice, was Rice's fiancée at the time of the February 15, 2014 assault at the Revel. Palmer and Rice were married on March 28, 2014.

**15. Jeff Pash:** Pash is Executive Vice President of Labor & League Counsel (General Counsel) at the NFL.

**16. John Raucci:** Raucci is the Director of Investigative Services at the NFL. He reports to Jeff Miller (Senior Vice President of Security).

**17. Raymell (Ray) Rice:** From 2008 to 2014, Rice was a professional football player for the Baltimore Ravens.

**18. Lt. Rodney Ruark:** Ruark is an officer at the Atlantic City Police Department, the department that arrested Rice.

**19. Coung Sam:** Sam is a police officer at the Atlantic City Police Department. Officers Sam and Hargis responded to a call from the Revel on February 15, 2014, and arrested Rice and Palmer for assault.

**20. Darren Sanders:** Sanders is the Director of Security for the Baltimore Ravens, the team for which Rice played from 2008 to 2014.

**21. Barry Wilner:** Wilner is a New York-based reporter for the *Associated Press*. Wilner sought comment from the NFL regarding Maaddi's source information (see above) before its publication.

**22. Aaron Wilson:** Wilson is a columnist for the *Baltimore Sun* who received information about Rice's arrest from an anonymous tip on February 16, 2014.

**23. "StateProperty":** "StateProperty" is the name used by a person who anonymously posted information about the Rice incident to *InsideHoops* on February 15, 2014.