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OVERSIGHT OF THE UNITED STATES CAPITOL POLICE

HEARING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

JULY 16, 2019

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COMMITTEE ON HOUSE ADMINISTRATION

116TH CONGRESS

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OVERSIGHT OF THE UNITED STATES CAPITOL POLICE

TUESDAY, JULY 16, 2019

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C.

The Committee met, pursuant to call, at 9:58 a.m., in Room 1310, Longworth House Office Building, Hon. Zoe Lofgren [Chairperson of the Committee] presiding.

Present: Representatives Zoe Lofgren, Jamie Raskin, G.K. Butterfield, Marcia L. Fudge, Pete Aguilar, Rodney Davis of Illinois, Mark Walker, and Barry Loudermilk.

Staff Present: Sean Jones, Legislative Clerk; Jamie Fleet, Majority Staff Director; David Tucker, Parliamentarian; Khalil Abboud, Deputy Staff Director; Aaron LaSure, Professional Staff Member; Lauren Doney, Communications Director and Deputy Chief of Staff for Mr. Raskin; Lisa Sherman, Chief of Staff for Mrs. Davis of California; Veleter Mazyck, Chief of Staff for Ms. Fudge; Evan Dorner, Legislative Assistant for Mr. Aguilar; Kyle Parker, Senior Policy Advisor for Mr. Butterfield; Peter Whippy, Communications Director; Jennifer Daulby, Minority Staff Director; Timothy Monahan, Minority Director, Oversight; Cole Felder, Minority General Counsel; Susannah Johnston, Legislative Assistant for Mr. Loudermilk; Nicholas Crocker, Minority Professional Staff; and Courtney Parella, Minority Communications Director.

The CHAIRPERSON. Good morning to our Members, witnesses, and guests. This morning, we will discuss the important work of the United States Capitol Police.

Let me begin by thanking you and your families for your service to the Congress and the Nation. We are grateful to you for your work every day.

The United States Capitol Police and its men and women have a long history of service. To put this tradition in perspective, the department is older than half the 50 States. For nearly two centuries, its officers have protected those who work in and visit the Capitol complex. Two years ago, Mr. Davis and our other Republican colleagues on the Committee saw their bravery firsthand. When a gunman opened fire at a baseball practice, the lives of many of our colleagues were threatened and Republican Whip, Mr. Scalise, was nearly killed.

The intervention of the Capitol Police and local law enforcement undoubtedly made the difference that day. Officers Crystal Griner and David Bailey helped save many lives despite being injured. Next week, we will commemorate the ultimate sacrifice made by

two other members of the force. July 24th will mark the 21st anniversary of the murder of officer Jacob Chestnut and Detective John Gibson, two brave Capitol Police officers who gave their lives in the Capitol Building protecting the Congress.

The example of these four heroes is a powerful reminder that, day in and day out, the women and men of the department dutifully stand watch protecting Members, staff, and the 12 million people who visit the Capitol complex each year, ready to put themselves in harm's way, if necessary.

The officers of today's Capitol Police have something in common with the first four members of the force back in 1828: a noble commitment to public service that could, in the blink of an eye, entail putting their lives on the line to protect others.

But the 1,918 sworn officers and 366 civilian employees of today's force operate in a vastly different world with threats and challenges that sometimes seem to change by the day.

This Committee's job is to ensure that the Department, like any other legislative branch agency, successfully executes its core mission in a complex and changing world. Our witnesses here today represent the leadership of the Department, including our representative to the Police Board, our brand new Chief, the new Inspector General, and the President of the union. Each of you has a vital role to play in keeping the Congress secure and operating.

The Committee's oversight includes ensuring the United States Capitol Police continue to critically review its policing practices to ensure those practices evolve and are refined based on best practices and new information. We want to make sure the Department is focused on its core mission, protecting Congress, and has enough resources to do so.

Threats to Members are coming from new places, from the private messages of social media platforms to intense interactions at public events and townhalls. We must understand how the Department is adapting to the new threat environment. We also want to understand more about how the Department is operating from your intelligence collection and assessment to your own internal cybersecurity practices and posture.

Moreover, the police must seek to ensure the diversity of its employees by establishing sound recruiting practices and sound employee diversity training. A diverse workforce is a strong workforce and investing in training and development will telegraph to the rank-and-file officers of the Department that Congress is committed to investing in you and your career and that there are more opportunities for you to compete for roles of increasing and different responsibilities.

With respect to workforce issues, the Committee is concerned with the status of the relationship between the United States Capitol Police executive management and the Fraternal Order of Police Labor Committee. The current collective bargaining agreement was last ratified 3,325 days ago on June 8, 2010, and negotiations to establish a new contract have failed to produce a new agreement. It is our hope that labor and management come to the table and reach an agreement that is fair for employees and productive for management.

As the U.S. Capitol Police completes its second century of service to the Congress and the Nation, it should be a bipartisan goal of this Committee and the Congress to ensure that it has the resources it needs and continues to fulfill its core mission. The Committee's oversight of the Department stewardship of those resources and continued development of its employees is one of our highest priorities.

I will recognize the Ranking Member, Mr. Davis, when he arrives for his opening statement, and other Members are invited to put their opening statements into the record.

I will now recognize our witnesses joining us today.

The Honorable Paul Irving, House Sergeant at Arms, is the 36th person to serve as Sergeant at Arms, having previously served as Assistant Director of the United States Secret Service and a special agent with the Service for 25 years. Mr. Irving's experience includes service on the Presidential protective details for President George H.W. Bush and President Bill Clinton.

The Honorable Steven Sund is the Chief of Police. Chief Sund has been Chief for 33 days. Welcome. He has served the prior two and a half years as Assistant Chief and Chief of Operations. Chief Sund came to the Department from the Metropolitan Police Department, where he began his career in 1990 as a patrol officer. The Chief was steadily promoted, retiring as Commander of the Special Operations Division where he was the lead planner for the 2009 and 2013 Presidential Inaugurations as well as the incident Commander for the 2009 shooting at the Holocaust Museum, the 2012 shooting at the Family Research Council, and the 2013 active shooter incident at the Navy Yard.

Michael A. Bolton is the Inspector General of the United States Capitol Police. Mr. Bolton has been with the Department since 2006, serving as agency's first assistant Inspector General for investigations and, later, as the acting Inspector General until his selection for the permanent position in January of this year.

Gus Papathanasiou, he introduced himself to me as Pop, is the Chairman of the Fraternal Order of Police. He joined the Department in 2003 and first became involved in the FOP in 2006 when he became a shop steward. From 2009 until 2016, he was the union's first Vice Chairman, and he was elected as Chairman in 2016.

As I said earlier, I ask unanimous consent that all Members have five legislative days to revise and extend their remarks and that written statements be made part of the record.

Now, I will remind our witnesses that your full statements will be made part of this official record. We ask that you summarize your testimony in about five minutes. I think you are familiar with the little light warning system on the desk. When it turns yellow, you have a minute left. Red, time is up. And then we will go to questions by the members.

We will start with you Mr. Irving.

[The statement of The Chairperson follows:]

ZOE LOFGREN, CALIFORNIA
CHAIRPERSON

JAMIE RASKIN, MARYLAND
VICE CHAIRPERSON

SUSAN DAVIS, CALIFORNIA
G.K. BUTTERFIELD, NORTH CAROLINA
MARCIA FUDGE, OHIO
PETE AGUILAR, CALIFORNIA

JAMIE FLEET, STAFF DIRECTOR

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ONE HUNDRED SIXTEENTH CONGRESS

JEN DAULBY, MINORITY STAFF DIRECTOR

Chairperson Zoe Lofgren
Oversight of the United States Capitol Police
July 16, 2019
Opening Statement

So good morning to our Members, witnesses and guests. This morning we will discuss the important work of the United States Capitol Police. Let me begin by saying thank you and your families for your service to the Congress and the Nation. We are grateful to you for your work every day.

The United States Capitol Police and its men and women have a long history of service. To put this tradition in perspective, the Department is older than half of the 50 U.S. States. For nearly two centuries, its officers have protected those who work in and visit the Capitol complex.

Two years ago, Mr. Davis and our Republican colleagues on the Committee saw their bravery firsthand. When a gunman opened fire at a baseball practice, the lives of many of our colleagues were threatened, and Republican Whip Mr. Steve Scalise was nearly killed. The intervention of the Capitol Police, and local law enforcement undoubtedly made the difference that day. Despite being injured, Officers Crystal Griner and David Bailey helped save many lives.

Next week, we will commemorate the ultimate sacrifice made by two other members of the force. July 24th will mark the 21st anniversary of the murder of Officer Jacob Chestnut and Detective John Gibson, two brave Capitol Police Officers who gave their lives in the Capitol building protecting the Congress.

The example of these four heroes is a powerful reminder that day in and day out, the men and women of the Department dutifully stand watch, protecting Members, staff, and the twelve million people who visit the Capitol Complex each year—ready to put themselves in harm's way if necessary.

The officers of today's United States Capitol Police have something in common with the first four members of the force back in 1828: A noble commitment to public service that could, in the blink of an eye, entail putting their lives on the line to protect others. But the 1,918 sworn officers and 366 civilian employees of today's force operate in a vastly different world, with threats and challenges that sometimes seem to change by the day.

This Committee's job is to ensure that the Department, like any other legislative branch agency, successfully executes its core mission in a complex and changing world. Our witnesses here today represent the leadership of the Department, including our representative to the Police Board, our brand-new Chief, the new Inspector General, and the President of the Union. Each of you has a vital role to play in keeping the Congress secure and operating.

The Committee's oversight includes ensuring the United States Capitol Police continue to critically review its policing practices to ensure those practices evolve and are refined based on best practices and new information. We want to make sure the Department is focused on its core mission—protecting Congress—and has enough resources to do so.

Threats to Members are coming from new places, from the private messages of social media platforms to intense interactions at public events and town halls. We must understand how the Department is adapting to the new threat environment. We also want to understand more about how the Department is operating—from your intelligence collection and assessment, to your own internal cybersecurity practices and posture.

Moreover, the Police must seek to increase the diversity of its employees by establishing sound recruiting practices and sound employee diversity training. A diverse workforce is a strong workforce and investing in training and development will telegraph to the rank and file officers of the Department that Congress is committed to investing in you and your career, and that there are more opportunities for you to compete for roles of increasing and different responsibilities.

With respect to workforce issues, the Committee is concerned with the status of the relationship between the United States Capitol Police Executive Management and the Fraternal Order of Police Labor Committee. The current collective bargaining agreement was last ratified 3,325 days ago, on June 8, 2010, and negotiations to establish a new contract have failed to produce a new agreement. It's our hope that labor and management come to the table and reach an agreement that's fair for employees and productive for management.

As the United States Capitol Police completes its second century of service to the Congress and the Nation, it should be a bipartisan goal of this Committee and the Congress to ensure that it has the resources it needs and continues to fulfill its core mission. The Committee's oversight of the Department's stewardship of those resources and continued development of its employees is one of our highest priorities.

STATEMENTS OF THE HONORABLE PAUL D. IRVING, SERGEANT AT ARMS, U.S. HOUSE OF REPRESENTATIVES; THE HONORABLE STEVEN A. SUND, CHIEF OF POLICE, UNITED STATES CAPITOL POLICE; THE HONORABLE MICHAEL A. BOLTON, INSPECTOR GENERAL, UNITED STATES CAPITOL POLICE; AND GUS PAPATHANASIOU, CHAIRMAN, U.S. CAPITOL POLICE LABOR COMMITTEE

STATEMENT OF THE HONORABLE PAUL D. IRVING

Mr. IRVING. Chairperson Lofgren, Ranking Member Davis, and Members of the Committee, thank you for the opportunity to testify today on the oversight of the U.S. Capitol Police.

It is an honor and a privilege to serve this institution, and I look forward to continuing to partner with the Committee on the oversight of the Capitol Police priorities and execution as this year progresses.

As the House Sergeant at Arms, I serve as a member of the three-person Capitol Police Board, which also includes the Senate Sergeant at Arms and the Architect of the Capitol. By law, the Board is charged with the appointment of new Chief of Police. I am proud to testify here with the recently appointed Chief of Police Steven Sund.

I am also very appreciative of Michael Bolton, who was appointed Inspector General of the Capitol Police this year. The Inspector General serves as a key partner in collaborations to make the Capitol Police a better and more efficient institution.

I am also glad to be here with Gus Papathanasiou, call him Gus or Big Papa; that is easier for me. As Chairman of the Capitol Police Labor Committee, he is a strong—a strong and effective partnership between the Labor Committee and the Capitol Police is necessary to accomplish the Capitol Police's mission.

The Capitol Police's mission is broad and challenging, designed to both protect buildings and people of our democracy. In the past several years, the challenges have become greater. For example, this year, the Capitol Police has responded to and investigated an immense number of threats and directions of interest against House Members. The Capitol Police is on the front line of this effort, and I commend their hard work as they investigate each threat.

I interact daily with the Chief and members of his executive management team, ensuring proper coverage of Member events, the progress of Capitol Police initiatives impacting Members, staff, and visitors, and the day-to-day security issues impacting the campus.

The Capitol Police Board meets at a minimum monthly serving as an oversight and governance structure of the Capitol Police. The Board works with the Capitol Police to develop its future strategy, melding the best law enforcement practices with the business processes of the institution that we serve. In addition to the development of law enforcement strategies, the Capitol Police Board also focuses on good governance of the resources of the Capitol Police that the Capitol Police receives.

In regard to oversight, the Board periodically requests that the IG examine a host of ongoing issues regarding strategic direction,

ongoing operations, such as intelligence, cybersecurity, and dignitary protective operations, as well as financial and budget accountability and resource management. The Inspector General serves as a vital partner in the Capitol Police Board's governance review of the Capitol Police. The Board relies on reports we receive from the Inspector General on the closure of audit findings to ensure the Capitol Police are effectively improving their own governance.

I am very appreciative of the Capitol Police Labor Committee's efforts to improve the working conditions and quality of life of the hardworking men and women of the Capitol Police. The Capitol Police Board worked with Gus last year as we spearheaded a waiver of the biweekly pay cap, and we have also supported other FOP initiatives and priorities so important to our dedicated officers who are on the front line of ensuring our safety and security every day.

Most importantly, the Capitol Police serve as a vital partner to the office of the Sergeant at Arms. Day to day, my office is working with the Department to help deliver better security outcomes to Members, staff, and visitors. I believe these day-to-day interactions help illustrate the close interaction between my office and the Capitol Police from which I can analyze the effectiveness and customer focus of the Capitol Police.

Thank you once again for the opportunity to appear before the Committee. I am so appreciative for the Committee's unyielding support and partnership as we strive to maintain the delicate balance between strong security measures and a free and open access to the Capitol complex.

I am happy to answer any questions you may have.

[The statement of Mr. Irving follows:]

Office of the Sergeant at Arms
Oversight of the United States Capitol Police

Statement of the Honorable Paul D. Irving
Sergeant at Arms
U.S. House of Representatives
Before
The Committee on House Administration
July 16, 2019

Chairperson Lofgren, Ranking Member Davis, and Members of the Committee, thank you for the opportunity to testify today on the oversight of the U.S. Capitol Police. It is an honor and a privilege to serve this institution, and I look forward to continuing to partner with the Committee on the oversight of the Capitol Police priorities and execution as this year progresses. As the House Sergeant at Arms, I serve as a member of three-person Capitol Police Board, which also includes the Senate Sergeant at Arms, and the Architect of the Capitol.

By law, the Board is charged with the appointment of the new Chief of Police. I'm proud to testify here with the recently appointed Chief of Police, Steven Sund. I know he's familiar to many of the Committee Members, having previously served as the Assistant Chief of Police.

I also want to welcome Michael Bolton, who was appointed Inspector General of the Capitol Police this year. The Inspector General serves as a key partner in collaborations to make the USCP a better and more efficient institution.

Finally, I am glad to be here with Gus Papathanasiou, Chairman of the US Capitol Police Labor Committee. A strong and effective partnership between the Labor Committee and the U.S. Capitol Police is necessary to accomplish the USCP's mission.

The USCP's mission is broad and challenging designed to both protect the buildings and people of our democracy. In the past several years, the challenges have become greater. For example, this year the USCP has responded and investigated an immense number of threats and directions of interest against House Members. Many Members receive threats and direction of interest communications that raise concerns for the Members, their families, and staff. The number of threatening communications has increased three-fold over the past few years. In light of this

increase, my office interfaces with Members' offices seeking security coordination for off-campus events in the Washington, DC area or elsewhere across the country.

Upon receiving a request for law enforcement support, the Sergeant at Arms will request the Capitol Police conduct a security survey and/or risk assessment to determine what protective services are needed and if those services will be provided by Capitol Police and/or cooperating federal, state and local law enforcement partners. Furthermore, I have requested the USCP to provide a level of protective support that is based on a proactive set of criteria which forms the basis of an enhanced level of support, such as an increased public profile on social media platforms. Protective services can range from a notification to local law enforcement, to additional assistance to the Member's District Office staff, to a Capitol Police deployment. The USCP is on the front line of this effort and I commend their transition to this new protective paradigm.

Commensurate with our continued dialogue, effective and robust oversight of the Capitol Police is critical because of the importance of their mission. The Capitol Police Board meets, at a minimum, monthly, serving as a governance structure of the Capitol Police. The Board works with the USCP to develop its future strategy, melding the best law enforcement practices with the business processes of the institution that we serve. In addition to the development of law enforcement strategies, the Capitol Police Board also focuses on good governance of the resources that the USCP receives. I also interact daily with the Chief and members of his executive management team ensuring proper coverage of member events, the progress of USCP initiatives impacting Members, staff and visitors, and the day-to-day security issues impacting the campus.

With regards to continued oversight, I continually request that the IG examine DPD staffing and career track options for the agents. I have also asked the IG to examine cybersecurity for the Department and the operations and structure of the USPC intelligence division.

The Capitol Police Board also takes focus on budget oversight. The USCP has received significantly increased resources to respond to increased demand for their services. The Board has concentrated on how these increased resources can both accomplish key projects and be integrated into the USCP in a sustainable manner. Several key initiatives, for example, the House Garage Security program, and the staffing of the O'Neill building, require that resources are

carefully used to ensure that we have appropriate FTEs to launch a project, and to continue the necessary added staffing in future years. Integration with the Department's strategic planning, human capital planning, and other planning tools can also help ensure that key initiatives are executed correctly. I would like to thank this Committee for its support of these services and the USCP's mission.

Integrated with budget oversight is the important monitoring of the implementation of key initiatives and programs. On August 5, we will launch the Garage Security program for the House of Representatives. This project has been a result of years of consistent support and planning by this Committee, the Office of the Sergeant at Arms, the Capitol Police and the Architect of the Capitol and it will bring the entire Capitol complex closer to 100% screening by bringing the House Office Buildings into the secure perimeter and in line with the Senate Office Buildings and the Capitol. The addition of the garage screening will allow Members and staff to move from the House Office Buildings to the Capitol without additional interior magnetometer screening in the Rayburn and Cannon tunnels. Other key initiatives, such as the Joint Audible Warning System (or JAWS) system, as well as the planning and construction of the new North and South Screening Kiosks, are also closely monitored by the Capitol Police Board. As with any project, there may be required adjustments along the way, but often these result in better outcomes.

The USCP Inspector General also serves as a vital partner in the Capitol Police Board's governance review of the USCP. The Inspector General provides valuable insights into how the Department may become a better version of itself. The Capitol Police Board relies on weekly reports we receive from the USCP Inspector General on the closure of audit findings to ensure the Capitol Police are effectively improving their own governance. One of the aspects of the IG's approach that I appreciate is that they recognize certain findings are more difficult to close – sometimes because they require changes that would have a significant impact on interests of the USCP Labor Committee. Recognizing that the department and the Labor Committee need to negotiate and come to an agreement on some of these issues shows a holistic view of the department that is not necessarily seen in all Inspectors General.

Finally, the USCP serves as a vital partner for the Office of the House Sergeant at Arms. Day-to-day, my office is working with the department to help deliver better security outcomes to

Members, staff, and visitors. I wanted to take this moment to note some of the collaboration between my office and the United States Capitol police because I believe it illustrates some of the effective interactions between my office and the USCP. Since the beginning of this year, my office has worked with the Capitol Police to conduct 426 law enforcement coordinations. This is almost the same amount of law enforcement coordinations that my office assisted with for the entirety of last calendar year. The coordinations include USCP support at D.C. events, field hearings, D.C. Committee hearings, district public events, and district town halls. In each case, the USCP has worked with the appropriate local, county, state and other federal law enforcement entities to ensure appropriate coverage for the event.

My office has also partnered with the Capitol Police's dignitary protection division to provide coverage to hearings, including the field hearings or listening sessions held by this Committee. My office is also working to provide briefings and visits to Members. To date, my office, in conjunction with the Capitol Police has completed 61 Security Awareness Briefings and district office visits.

I believe these day-to-day interactions help illustrate the close interaction between my office and the USCP from which I can analyze the effectiveness and customer focus of the USCP.

Thank you once again for the opportunity to appear before the Committee. I am so appreciative for the Committee's unyielding support and partnership as we strive to maintain the delicate balance between strong security measures and free and open access to the Capitol complex. In addition, the Committee's partnership is vital to an effective outreach to Member district offices so that we are able to provide and educate on the range of security measures available to them. I am happy to answer any questions you may have.

The CHAIRPERSON. Thank you very much.

Chief, we would be pleased to hear from you for five minutes.

STATEMENT OF THE HONORABLE STEVEN A. SUND

Chief SUND. Good morning, Chairperson Lofgren, Ranking Member Davis——

The CHAIRPERSON. I think the microphone needs to be turned on. There is a little button there.

Chief SUND. Let me try that again.

The CHAIRPERSON. Better.

Chief SUND. Good morning, Chairperson Lofgren, Ranking Member Davis, and Members of the Committee. Thank you for the opportunity to update you on the operations, workforce, and priorities in carrying out our missions to protect Congress and to secure the Capitol complex. I am pleased to be joining Paul Irving, House Sergeant at Arms, and members of the Capitol Police; Michael Bolton, U.S. Capitol Police Inspector General; and Gus Papathanasiou, Chairman of the United States Capitol Police Fraternal Order of Police and part of the panel. Each of them plays an important role in our success and operations, and I appreciate and respect their input and working relationship.

This week marks my first month as Chief. Having served in law enforcement for more than 27 years, the past two and a half years as Assistant Chief, I cannot think of a more noble place to serve our country as a law enforcement officer than at the U.S. Capitol. I am truly honored to be selected for this position, and I appreciate all the hard work my civilian and sworn colleagues do each day to make my department successful.

I want to thank the Committee for the opportunity to lead this outstanding organization. I appreciate your continued support as well as Congress' generosity in providing the resources we need to support our critical mission. The type of policing we do is unlike any other police department. It is highly specialized to focus on the unique requirements of protecting our legislative process and the First Amendment rights of our citizens, maintaining an open and accessible campus, and preventing crime and terrorism. Our daily reality is that the U.S. Capitol remains a desired target for assailants both domestic and foreign. Therefore, we continually assess the risk and adjust our strategies for addressing any threats.

Over the past five years, the number of threats that we have been investigating have steadily increased. As a result, we work closely with the Capitol Police Board to augment and strengthen how we protect Members of Congress. My priorities and focus areas for the U.S. Capitol Police include enhancing Member protection both on and off campus; further enriching the professionalism of the Department through training, modern equipment, and leadership; and investing in our employees, from recruiting to retirement, and to encourage personal and professional growth and development.

Protecting Congressional facilities is a key part of our overall operation. We recently began implementing our security plan for the Rayburn Garage. We are now training our officers and will begin staffing garage security posts in the very near future. We are working with the Sergeant at Arms and our oversight committees on

plans to communicate a new procedure prior to their implementation.

We are also working on ensuring that we have the appropriate level and scope of leadership and supervision to successfully carry out our mission. This has required a critical look at our organization. I am continuing this evaluation and look forward to discussing recommendations with the Capitol Police Board. To ensure the department's continued success, we will continue to grow its diversity to include the representation of women and underrepresented populations as well as the inclusion of thoughts and expressions. Our diversity office continues to lay strong foundations for promoting and institutionalizing diversity, equity, and inclusion throughout the organization.

Over the past three years, we have focused on peer support and crisis management, inclusive mentoring to support career advancement, and succession planning, and increased our cultural competencies.

In regard to our recruiting efforts, our new recruits consist of the top 1 percent of those who apply to our department. We have been successful in recruiting a diverse groups of applicants. For example, our most recent graduates have a wealth of talents and experience and many of them are skilled in languages, to include Arabic, Creole, German, Gujarati, Italian, and Spanish and that is just one graduating class. Several of our officers have prior military services, and all have a deep commitment to our mission.

It is not enough to simply attract the best. We also provide our employees with training they need to grow professionally, the equipment and systems they need to work effectively, and the proper tools to ensure they maintain a well-rounded life. Over the next 18 months, this department will play a critical role in developing security plans for the Democratic and Republican National Conventions and the Presidential Inauguration. In fact. We have already begun planning for the conventions and are in the initial planning stages for the Inauguration.

For 191 years, the United States Capitol Police have quietly and professionally protected Congress, staff, and visitors from harm. As Chief, I will continue building upon this legacy.

Again, I want to thank the Committee for this opportunity to testify. I look forward to continuing to work with you to ensure we successfully accomplish our mission today while preparing for the challenges and opportunities for tomorrow.

I would be happy to answer any questions that you have. Thank you.

[The statement of Chief Sund follows:]

Testimony of
Steven A. Sund, Chief of Police
United States Capitol Police

Before the Committee on House Administration
U.S. House of Representatives

July 16, 2019

Good morning, Chairperson Lofgren, Ranking Member Davis, and Members of the Committee. Thank you for this opportunity to update you on United States Capitol Police (USCP) operations, workforce, and priorities in carrying out our mission to protect the Congress and to secure the U.S. Capitol Complex in an environment of increasing threats.

This week marks my first month as Chief of the United States Capitol Police. Having served in law enforcement for more than 27 years, with the last 2½ as the USCP Assistant Chief of Police, I cannot think of a nobler place to serve our country as a law enforcement officer than at the U.S. Capitol. I want to thank the Committee for the opportunity to lead this outstanding organization, and I appreciate your continued support of the women and men of the Department as well as Congress' generosity in providing the resources necessary to support our crucial mission.

The USCP has a unique role – we are the only police department responsible for protecting the Congress, the legislative process, and the U.S. Capitol Complex. I believe that the Department represents the best in American policing. I am truly honored to have been selected to lead such an outstanding organization as the United States Capitol Police. From our civilian employees who play a critical role in our daily operations and success, to our sworn members of all ranks who are out getting the job done in all types of weather and conditions, I value each and every one of their contributions to our mission. I strongly believe in our mission, and I know that our team is the best at what we do in successfully achieving our mission each and every day.

Among those who are deeply committed to serving the Department are my Executive Team who are here with me today, including Chief of Operations, Acting Assistant Chief Chad Thomas,

Chief Administrative Officer Richard Braddock, and General Counsel Gretchen DeMar, as well as members of my Executive Management Team, to include my Diversity Officer, Natalie Holder.

I'm also joined at the witness table today by the Honorable Paul Irving, House Sergeant at Arms and member of the Capitol Police Board; Mr. Michael Bolton, USCP Inspector General, and Officer Gus Papathanasiou, Chairman of the USCP Fraternal Order of Police. Also attending today's hearing are representatives of the USCP International Brotherhood of Teamsters, who represent our bargaining unit civilian employees. They and their organizations are important partners in the Department's overall success.

The Department also receives tremendous support and direction from the Capitol Police Board. I coordinate closely with the Capitol Police Board each day to ensure that we are meeting the security and law enforcement needs of the Legislative Branch community. Since joining the Department, I have worked closely with Mr. Irving on critical security requirements, such as Member protection, pre-screening, securing the O'Neill House Office Building, and House Garage Security. It is these close working relationships, including our close relationship with the Chairperson, Ranking Member, and your staffs, that have made it possible for us to successfully achieve these very critical security requirements.

The Office of Inspector General (OIG) plays a very important role in assisting the Department in improving our operations and performance. I am pleased to note that the Department received its seventh consecutive unmodified "clean" opinion on our Fiscal Year 2018 financial statements from the OIG, and we are actively working to provide them with the information they need to conduct our FY 2019 financial statement audit. In addition, the OIG routinely conducts audits, reviews, and investigations and makes recommendations for business improvements. The resolution of OIG recommendations regarding the Department's internal controls and business processes is among the top priorities of our leadership team. Since 2006, when the OIG was established, the Department has successfully closed nearly 91 percent of the recommendations made by the OIG. Today, the Department continues to make significant progress in closing open recommendations by developing long-term resolutions to the issues identified by the OIG. I am very proud of our level of success in improving the Department's practices and procedures, which is due to our relationship with the OIG and the hard work of my team.

I have also had the pleasure over the past 2½ years of working with the USCP's FOP Labor Committee Chairman, Gus Papathanasiou, and his leadership team to collaboratively implement policy and procedures, as well as address personnel concerns with the shared goal of supporting our overall mission. I value our relationship with the Labor Committee and the Chairman, and recognize their role in the Department's mission. I believe that we have an effective relationship and the respect for each other' positions that allows us to address issues facing the workforce.

The type of policing that our Department engages in is unlike that of other police departments. It is highly specialized to focus on the unique requirements of protecting our nation's legislative process, the First Amendment rights of our citizens, maintaining an open campus so that visitors from around the world can witness representative democracy in action, and preventing crime and terrorism. No other law enforcement agency in this country has these equivalent responsibilities.

As the Chief of Police, I will continue to hold my team to the highest professional standards. When we look and act professional, we portray an aura of preparedness and unassailability. The Department's success also depends upon our ability to connect and work with the communities we protect and serve. This includes providing outstanding customer service and continuing to strengthen our partnerships with our employee unions, the Capitol Police Board, the Congress, and all who work in and visit the U.S. Capitol Complex.

Our officers interact with thousands of people each day, in a professional manner, and in a highly-visible environment. In fact, in 2018, our officers screened 11.2 million individuals at building entrances and interior checkpoints. We manage an ever-increasing number of demonstrations, which are approved for specific outdoor demonstration areas; and we manage responses to numerous instances of prohibited civil disturbances across the U.S. Capitol Complex.

We balance this public interaction with the need to be prepared at all times to respond to potential threats and other emergency situations. For example, in October 2018, two of our officers responded to a jogger who suffered a heart attack, collapsed, and struck his head on a parked car. The officers began CPR, and using an Automated External Defibrillators (AED), they revived the man as DC Fire and EMS arrived on scene. I'm pleased to note that the jogger has made a complete

recovery. From the time they were installed throughout the campus, I know our officers have saved numerous lives with the AEDs.

Police officers are often the first to arrive on the scene of incidents involving critical injuries. Studies have shown that lives can be saved if immediate efforts are implemented by first responders to control bleeding. While I was serving as Assistant Chief, it was a priority of mine to deploy Tactical Combat Casualty Care (TCCC) Kits and ensure that our sworn personnel received the proper training to use them during an emergency. The mandatory eight-hour training course teaches officers techniques to control life-threatening bleeding as well as how to evacuate victims from a potentially hostile environment. Upon the successful completion of the training, USCP officers are required to carry the TCCC Kits with them while on duty. Since December 2018, we have trained more than 700 officers and officials in the kits' use, and since May 2014, all USCP recruits have received this training while attending the USCP training academy; bringing our total workforce trained to nearly 1,300.

In May 2019, our TCCC Kits were utilized when three of our officers attended to a man with life-threatening wounds near the Library of Congress. He had already suffered a tremendous loss of blood, and they knew they did not have much time to respond to his emergency needs. The officers immediately utilized a TCCC Kit, applied a tourniquet and special bandages, and were able to control the bleeding until emergency responders arrived.

Our daily reality is that the U.S. Capitol Complex is a desired target of foreign and domestic terrorists. Therefore, we must continually assess the risks and adjust our strategies for addressing any threat. As we have seen over the past several years, communities are increasingly vulnerable to "lone wolf" attacks in public places such as schools, churches, work sites, and baseball fields. As a result, there also is a heightened awareness by Members and staff of how important it is to be cognizant of their surroundings for their own personal safety and security. Consequently there is increased reporting of unusual activities and individuals to the USCP.

The Department continues to work closely with the Capitol Police Board to augment and strengthen the formal processes related to off-campus security and Member protection. Over the past five years, the number of threat assessment cases that we have opened and investigated has

been steadily increasing. Our investigators are aggressively pursuing all leads and investigating threats from many sources. As a result of their efforts, we have made several high-profile arrests in threat cases involving Members of Congress, including the doxing incident last fall. Based on the thoroughness of our investigations, these cases have been successfully prosecuted and tried by our law enforcement partners in U.S. Attorney's Offices across the country.

The Department also maintains a significant, visible presence throughout the U.S. Capitol Complex and other venues where groups of Members are assembled. This includes having a security presence even where we are not physically located. We routinely coordinate with the House and Senate Sergeants at Arms to assess Members' state and district office security and provide recommendations on ways to improve and enhance security measures and practices. We also continue to provide security awareness briefings for both local and district staff. Our special agents also work closely with state and local police departments to coordinate security arrangements for Members while they are at public events in their home states or districts. Additionally, we have increased our focus on Member events in the National Capital Region.

Protecting the facilities and other physical assets throughout the U.S. Capitol Complex goes hand-in-hand with our overall operational plans. One of the major projects that the Department has testified about at previous hearings is the effort to enhance security in and around the House garages.

Now that the Architect of the Capitol is completing final construction in the Rayburn Garage, we are preparing to implement our House Garage security perimeter plan. We are training officers on the security plan, and we will begin staffing garage security posts on August 5, 2019. We are working closely with the Sergeant at Arms, our Oversight Committees, and House Leadership on communicating the new procedures to Members and staff prior to implementation. While we know this will be a significant change in process for Members and staff, we are grateful for the Committee's support, and for the leadership of Mr. Irving, in implementing this very important security enhancement.

While physical security elements are an important part of any operations plan, our officers who are on the job 24 hours a day, 365 days a year, are our greatest assets to help prevent threats or

to respond to any crisis. Congress has continued to provide the necessary resources to staff the Department in accordance with our operational plans, and we are very appreciative for your steadfast support of our efforts. In fact, the additional resources we have received from Congress over the past several fiscal years have allowed us to realize several of our strategic security enhancement goals.

Another significant effort of the Department is to ensure that we have the appropriate level and scope of leadership and supervision to successfully carry out our mission. This has required a critical look at the Department's organization, the manner in which we have aligned our current leadership span of control, and the level of supervision needed for the various new security enhancement initiatives. In my new role as Chief of Police, I am continuing this evaluation and look forward to discussing future recommendations with the Capitol Police Board.

In June, the Department promoted 29 officers to the ranks of Sergeant, Lieutenant, Captain, Inspector, and Deputy Chief. The assignments given to these new commanders are determined based on operational needs, and the Department's overall objective to further develop well-rounded, experienced leaders who can successfully achieve and perform at higher ranks and leadership positions within the Department. All promotions are based on merit, and are designed to identify, train, and mentor the Department's next generation of leaders. I am heartened to see the group of highly-qualified professionals currently in our sworn and civilian leadership and supervisory ranks.

In order to ensure the success of the Department, I believe we must continue our efforts to expand its diversity to include the representation of women and underrepresented populations, as well as diversity of thoughts and experiences. Therefore, I have asked my Chief Administrative Officer (CAO) to continue our efforts to recruit and hire the best qualified candidates with a focus on women, African Americans, Hispanics, Asians, and other underrepresented groups we may identify.

According to 2017 data from the U.S. Department of Labor, in the United States the national average with regard to women in law enforcement is 14.1 percent. While the Department's sworn workforce is nearly 18 percent female, and 40 percent are from underrepresented populations, I am committed to increasing that level during my tenure.

Under the leadership of the CAO, our Diversity Officer continues to lay a strong foundation for promoting and institutionalizing diversity, equity, and inclusion throughout the Department. Over the past three years, the Department has provided resources to the Office of Inclusion, Diversity, Equity, and Action (IDEA) to develop the framework for these critical efforts. Our Diversity Officer leads an internal diversity council that is charged with prioritizing our initiatives and moving the Department to the intersection where leadership and diversity management meet. It has yielded focus group data that has led the Department to focus on peer support and crisis management; inclusive mentoring to support career navigation and succession planning; and increased our cultural competencies. Further, Ms. Holder is working with a well-regarded consulting firm to design and provide unconscious bias training for our leaders. We have also strengthened our relationships with Asian-American, African American, Latinx, LGBTQIA, and women-focused professional associations in law enforcement through our involvement in conferences, meetings, and recruiting events. Ms. Holder also has identified training opportunities for our employees to attend that teach strategies for critical thinking about management and operational practices and creative problem solving in a cognitively and demographically diverse workplace. This year, we have added both a training manager and program manager to the IDEA Office to ensure we offer consistent training, programs, and resources to our workforce.

I personally value my relationships with organizations such as the Women in Federal Law Enforcement (WIFLE), and other professional organizations, and look forward to continuing and expanding these relationships during my tenure as Chief of Police.

While police departments across the country are struggling to find and hire qualified applicants, we continue to work hard to attract the necessary level of highly-qualified candidates to hire without having to compromise our hiring standards. The women and men who make up our recruit classes are the top one percent of the candidates who have applied to work with us. Our recruiting staff has been very successful in reaching out to colleges and universities, as well as exploring other avenues, to meet and recruit very diverse groups of applicants. For example, our most recent recruit officer class that graduated in June has brought a wealth of talents, skills, and experiences to the USCP. Many of them are skilled in various languages including Arabic, Creole, French, German, Gujarti, Italian, and Spanish. Several have prior military service, and all have a deep commitment to our mission.

However, our goal is not just to fill our recruit officer classes, but to hire only those candidates who meet the standards to serve as law enforcement officers within the Congressional community. Although these standards are high, we have been mindful to constantly evaluate our processes to ensure that we identify and eliminate any barriers, and that all candidates have an opportunity to be a part of our Department.

It is not enough to simply attract the best and the brightest. As Chief, it is my responsibility to ensure that we continue to invest in our employees by providing them with the training they need to grow personally and professionally; to obtain and upgrade key equipment and systems they need to do their jobs efficiently and effectively; and to give them the proper tools to ensure that they achieve and maintain a well-rounded life.

Our CAO has been diligently developing a number of new initiatives designed to increase employees' well-being and enrich their personal and professional development. Last year, the CAO began working with the staff of the House Wellness Center, along with the Offices of the House Sergeant at Arms and House Clerk, to develop a comprehensive health and well-being platform. This was inspired to help employees understand their current health and financial wellness status; set realistic goals; provide personalized guidance; and identify programs and resources to ensure success in their health and well-being journeys. Some of the programs currently available to USCP employees include seminars and training sessions on creating household budgets and spending plans; providing access to numerous online tools to enrich their mental, physical, and nutritional health; access to a personal trainer in the USCP gyms; and contracting with experts to provide advice on healthy eating habits and money management.

In order to provide focus and set meaningful goals in any organization, it is important to have a strategic plan. Upon assuming leadership of the Department, I asked my Executive Management Team to begin the process of updating the Department Strategic Plan. In addition to setting key strategic goals and performance measures for the Department for the next five years, the new Strategic Plan will institutionalize the commitments we have made to support and promote our employees. Our updated Strategic Plan will not only define the Department's vision and goals, it will focus on ensuring that diversity, inclusion, and equity within our workforce are woven into all of our programs and initiatives. Under the direction of our CAO along with the executive staff from

our Human Resources, Recruiting, Training, and IDEA offices, we also are developing a Human Capital Plan that will focus on providing the tools and services our employees need throughout their entire USCP careers – from recruitment to retirement – and include strategies for employee retention, promotion, and succession planning.

Over the next 18 months, the Department will be playing a critical role in a number of very high profile events. In July 2020, the Democratic National Convention will take place in Milwaukee, Wisconsin, and in August 2020, the Republican National Convention will take place in Charlotte, North Carolina. On January 20, 2021, the United States Capitol once again will be the center of global attention as it hosts the Presidential Inauguration. Each of these events requires extensive planning and resources from the USCP. In fact, we have already begun planning for the two conventions, and are in the initial stages of planning for the Presidential Inauguration. The USCP has significant experience in handling major events of this nature, and has a proven track record of successfully coordinating these events with the various agencies and committees involved. The successful execution of this event every four years is a great source of pride of all the women and men of the Department.

For 191 years, the United States Capitol Police has stood in the shadow of the Capitol Dome, quietly and professionally protecting the Congress, staff, and the visiting public from harm. As Chief, I will continue building upon our legacy. We will continue to work closely with our federal, state, and local law enforcement partners, and monitor national and world events to provide the level of security required to protect the U.S. Capitol Complex.

One of my highest priorities is to ensure that our employees always have the resources they need so that everyone can perform their jobs safely and effectively. I will continue to enhance our protective capabilities by providing training and career development opportunities, to procure state-of-the-art equipment to help keep everyone safe, and to develop and implement policies that address new and emerging issues. Throughout these efforts, I will continue to rely on and appreciate the support of my Executive Team, Executive Management Team, the Capitol Police Board, Congress, our Inspector General and our two supportive labor unions to successfully accomplish our goals. I am very proud of our sworn and civilian workforce, and am humbled and honored to serve as their Chief of Police.

Chairperson Lofgren, I want to thank you again for this opportunity to provide an update on the Department's priorities and activities. I look forward to continuing to work with the Committee to ensure that the Department successfully accomplishes its mission today, while preparing for the challenges and the opportunities of tomorrow.

The CHAIRPERSON. Thank you.

Mr. Bolton, we would love to hear from you for five minutes.

STATEMENT OF THE HONORABLE MICHAEL A. BOLTON

Mr. BOLTON. Thank you.

Good morning, and thank you for the opportunity to appear before the Committee on House Administration to discuss oversight of the United States Capitol Police.

I have been with the Inspector General's Office since 2006 when it was stood up and was appointed as the Inspector General in January 2019. I would like to thank the Committee for its sustained unwavering support of the United States Capitol Police Office of Inspector General.

The OIG is dedicated to ensuring that the department, Board, and committees are accurately informed of audit and investigative reviews through a submission of our independent reports. These comprehensive reports serve the department in achieving the goals of their mission in providing a financially responsible operation as well as a safe and secure environment for all Members, staff, public employees, and visitors to the Capitol complex.

However, none of this would be possible without the support of Congress and that of the Capitol Police Board. We very much appreciate our discussions with you and your staff about our work and future projects. These discussions have provided us with a regular opportunity to provide the Committee with important updates about our activities, challenges, and focus.

By providing objective information for promoting government management decision making and accountability, the OIG contributes to the agency's success. OIG is an agent of positive change, focusing on eliminating waste, fraud, and abuse, and identifying problems and recommendations for corrective actions by agency leadership. OIG provides the agency, Board, and Congress with objective assessments and opportunities to be more successful.

The Office of Inspector General is comprised of three areas of responsibilities: audits, investigations, and administrations. As you may well know, investigations maintains the OIG hotline, a confidential channel for complaints or concerns about violations of laws or regulations, gross waste of funds, abuse of authority, or mismanagement.

Annually, the OIG prepares a summary of the most significant management challenges facing the Department. The challenges reflect continuing vulnerabilities that OIG identified over the last several years as well as new and emerging issues the department will face in the coming year. The top management challenges that face the Department are, one, protecting and securing the Capitol complex; two, strengthening cybersecurity strategies to address increasing threats; three, strong integrated internal control systems; four, managing Federal contracting more effectively; and, five, human capital management.

Protecting and securing the Capitol complex from terrorists and weapons of mass destruction while at the same time protecting Congress and its staff and welcoming the public continues to be a major challenge. In several reports, OIG made recommendations designed to bolster Capitol complex security. For example, OIG rec-

ommended that the department expand its counter surveillance prescreening program by including Committee hearings as well as outside entry points, such as garages.

Congress has indicated that cybersecurity threats are one of the most serious economic and national security challenges facing our Nation and that America's economic prosperity in the 21st century will depend on cybersecurity. As cybersecurity threats become increasingly sophisticated, more numerous, Capitol Police faces the challenge of reevaluating and expanding traditional approaches to security information technology systems. Although making progress in improving human capital operations during the past year, the department sometimes lacks the basic management and capabilities needed to effectively and efficiently implement new programs and policies. The Department faces new and more complex challenges, including budget constraints, recruitment, training of new officers, and involving security threats. At this time, the Department is in the process of formulating a strategic plan for fiscal year 2020 and beyond, which provides the department an opportunity for ensuring diversity, inclusion, equity, and associated data analytics at the forefront for the Department and its employees. In addition, OIG will continue to review policies and procedures related to discipline as the department moves forward in this ever-changing environment.

For fiscal year 2019, the Department challenges remain at five. But overall progress has been made possible by the actions of the Chief, Chief Administrative Officer, and the leadership and staff within the department.

Thank you for the opportunity to appear before you today. I would be very happy to answer any questions the Committee may have.

[The statement of Mr. Bolton follows:]

STATEMENT OF INSPECTOR GENERAL MICHAEL A. BOLTON
UNITED STATES CAPITOL POLICE
OFFICE OF INSPECTOR GENERAL

Committee on House Administration
United States House of Representatives
July 16, 2019

Good morning and thank you for the opportunity to appear before the Committee on House Administration to discuss Oversight of the United States Capitol Police. My name is Michael A. Bolton. I am the Inspector General for the United States Capitol Police (USCP or Department). I have been with the Inspector General's office since 2006 and was appointed as the Inspector General in January 2019.

I would like to thank the Committee for its sustained and unwavering support of the United States Capitol Police, Office of Inspector General (OIG). The OIG is dedicated to ensuring that the Department, Board, and Committees are accurately informed of audit and investigative reviews through the submission of our independent reports. These comprehensive reports serve the Department in achieving the goals of their mission in providing a financially responsible operation as well as, a safe and secure environment for all members, staff, public employees, and visitors to the Capitol complex. However, none of this would be possible without the support of Congress and that of the Capitol Police Board. We very much appreciate our discussions with you and your staff about our work and future projects. These discussions have provided us with a regular opportunity to provide the Committee with important updates about our activities, challenges and focus.

The Inspector General Act establishes for most agencies an OIG and sets out its mission, responsibilities, and authority. The unique nature of the IG function can present a number of challenges for establishing and maintaining effective working relationships. To work most effectively together, the agency and its OIG need to clearly define what each considers a productive relationship and then consciously manage toward that goal in an atmosphere of mutual respect.

By providing objective information for promoting Government management, decision-making, and accountability, OIG contributes to the agency's success. OIG is an agent of positive change, focusing on eliminating waste, fraud, and abuse, and on identifying problems and recommendations for corrective actions by agency leadership. OIG provides the agency, Board, and Congress with objective assessments of opportunities to be more successful. Although not under the direct supervision of the Chief, OIG must keep the Board and Congress fully informed of significant OIG activities. Given the complexity of management and policy issues, OIG and the agency may sometimes disagree on the extent of a problem and the need for and scope of corrective action. However, such disagreements should not cause the relationship between OIG and the agency to become unproductive.

The Office of Inspector General is comprised into three areas of responsibility: Audits, Investigations, and Administration. Audits examines the economy and efficiency of USCP programs and operations, including program results, compliance with applicable laws and regulations, and fair presentation of financial reports. OIG conducts audits which are accomplished in accordance with generally accepted government auditing standards (GAGAS) published by the Comptroller General of the United States.

Investigations utilizes specific law enforcement authorities, tools, and techniques to conduct investigations and prevent fraud, waste, and abuse in the programs and operations of USCP. Investigative work is intended to result in appropriate actions to resolve allegations and to prevent and deter future instances of illegal or fraudulent acts or misconduct. In addition, Investigations conducts systematic and independent reviews and investigations of operations. Reviews are generally focused on management and internal controls and investigations are generally in response to allegations of employee misconduct or mismanagement issues. Furthermore, Investigations maintains the OIG Hotline, a confidential channel for complaints or concerns about violations of laws or regulations, gross waste of funds, abuse of authority, or mismanagement.

Administration ensures that the people, money, technology and equipment, and policies are in place so that OIG can function efficiently and effectively. Responsibilities include asset management; budget formulation and execution; human resources; workplace training; information technology; and policy preparation for OIG. Administration also facilitates OIG's planning and reporting activities and prepares crosscutting documents on OIG accomplishments.

I recently hired a new Assistant Inspector General for Investigations, a former United States Secret Service Special Agent with an extensive background in Protective Operations, Training, Internal Investigations, and Inspections. I also promoted an internal OIG employee to the position of Assistant Inspector General for Audits, who is not only a Certified Public Accountant, and a Certified Fraud Examiner, but is also s experienced and knowledgeable regarding Cybersecurity (IT) matters. In addition, because of FY 2019 budget request, I hired an Attorney Adviser/Auditor as a dual-purpose position to provide legal counsel and conduct audit work within the OIG. These highly qualified employees will provide the OIG and the Department with a fresh look at the various challenges that face the Department in the coming years.

Annually, the OIG prepares a summary of the most significant management challenges facing the Department. The challenges reflect continuing vulnerabilities that OIG identified over the last several years as well as new and emerging issues the Department will face in the coming year. The Government Accountability Office (GAO) uses five criteria that reflect whether agencies met, partially met, or did not meet issues on its High-Risk Series— *Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas, GAO-19-157SP, dated March, 2019.* The five criteria are:

- **Leadership Commitment – Demonstrated** strong commitment and top leadership support.
- **Capacity** – Agency with the capacity (that is, people and resources) to resolve risks.
- **Action Plan** – Corrective action plan defining the root cause and solutions as well as providing for substantially completing corrective measures, including steps necessary for implementing recommended solutions.

- **Monitoring** – Program instituted that would monitor and independently validate the effectiveness and sustainability of corrective measures.
- **Demonstrated Progress** – Ability to demonstrate progress in implementing corrective measures and resolving the high-risk area.

In 2016, OIG began using the above criteria to measure the Department's progress. Since our last report, the Department has shown solid, steady progress for the majority of its top management and performance challenges.

The top Management Challenges facing the Department are: (1) Protecting and Securing the Capitol Complex, (2) Strengthening Cybersecurity Strategies to address increasing threats, (3) Strong Integrated Internal Control Systems, (4) Managing Federal Contracting more effectively, and (5) Human Capital Management.

Protecting and securing the Capitol Complex from terrorists and weapons of mass destruction, while at the same time protecting Congress and its staff and welcoming the public, continues to be a major challenge. Like many departments within the Federal Government, USCP faces the challenge of coordinating programs for protecting people, facilities, and information. The Department has made solid and steady progress in strengthening interagency communication, coordination, and program integration with its partners—as demonstrated by USCP and its Federal and local partners in sharing intelligence information among protective service organizations on a real-time basis.

The Department revised its standard operating procedures to reflect changes in processes for its Division of Intelligence and Information Analysis and updated Memoranda of Understanding with the Department of Homeland Security and the Federal Bureau of Investigation as OIG recommended. In addition, according to its *Strategic Plan for FY 2015-2019*, the Department employed smart policing with a transformational priority of implementing better internal and external communications as well as developing and integrating an enhanced operational planning capability. Because of such efforts, we narrowed this challenge to protecting and securing the Capitol Complex.

While progress is commendable, it does not mean USCP has eliminated all risk associated with coordinating and sharing terrorism-related information. It remains imperative that the Department and its partners continue their efforts. Continued oversight and attention is also warranted given the issue's direct relevance to homeland security as well as the constant evolution of terrorist threats and changing technology. OIG will continue to monitor this interagency coordination and communication, as appropriate, to ensure improvements are sustained.

In several reports, OIG made recommendations designed to bolster Capitol Complex security. For example, OIG recommended that the Department expand its counter surveillance (pre-screening) program by including committee hearings as well as outside entry points such as garages. Counter surveillance can be used as a tool for detecting and preventing disruptions as well as providing additional security.

The Congress has indicated that cyber threats are one of the most serious economic and national security challenges facing our Nation, and that America's economic prosperity in the 21st century will depend on cybersecurity. Each year, the threats posed by cybercriminals evolve into new and more dangerous forms, while security organizations must continually develop methods to keep pace and thwart potential attacks. As security threats become increasingly sophisticated and more numerous, USCP faces the challenge of reevaluating and expanding traditional approaches to security information technology (IT) systems. The Department must work to fulfill existing requirements while also implementing new strategies to meet the additional security demands of mobile technology, cloud-based computing, and other technological developments.

The Department relies on information technology (IT) security and management systems and other networks to help carry out vital missions and public services. To ensure that appropriations are spent wisely and vital Government missions are not compromised, the Department should continually improve all areas of IT and cybersecurity infrastructures.

USCP managers are responsible for controlling the programs they oversee through internal control systems that bring about desired objectives, such as administering programs

correctly and making payments accurately. Those internal controls consist of the policies, procedures, and organizational structures that collectively determine how a program is implemented and how requirements are met. In essence, internal controls are the tools managers use for ensuring that programs achieve intended results efficiently and effectively. They provide for program integrity and proper stewardship of resources. Because systemic control flaws can yield systemic program weaknesses—for example, unrealized objectives and improper payments—managers must continually assess and improve their internal control systems. Once a widespread deficiency is identified, managers must fix the problem before it undermines the program. Over the years, USCP has tended to resolve individual issues rather than strengthening the underlying systemically weak controls causing the issues.

Although making progress in improving human capital operations during the past year, the Department sometimes lacks the basic management capabilities needed to effectively and efficiently implement new programs and policies. The Department faces new and more complex challenges, including budget constraints, recruitment and training of new officers, and evolving security threats. As of September 30, 2018, although Congress provided funding for a Department labor workforce of 2,363, only 2,283 were assigned-with 80 sworn and civilian positions vacant. The vacancy level resulted from two factors: (1) in order to fiscally plan for the execution of FY 2019 operations without a final budget (signed into law September 21, 2018), the Department began reducing its sworn and civilian hiring in mid-July to ensure it could support onboard staffing strengths during a potential continuing resolution: and (2) the Department experienced challenges finding applicants for civilian positions who can meet employment suitability standards. Because it is operating in FY 2019 under a full appropriation, the Department has resumed its hiring efforts to meet its funded sworn and civilian staffing levels. OIG will continue to monitor these efforts.

The Department recently implemented a revised performance management system designed to provide goals that are more meaningful as well as, objectives for employees that link performance to the Department's overall strategic goals. Such a link will ensure that the leadership goals of the Department are carried throughout all layers of the Department. The key to successful implementation of the new process will be the effective training of supervisors and

employees on the linkage and the meaningful application of performance expectations into daily operations. The Department is in the process of formulating their Strategic Plan for FY 2020 and beyond, to achieve its mission and to ensure that diversity, inclusion, equity and associated data analytics are at the forefront for the Department and employees. In addition, OIG will continue to review the Department's compliance with laws, regulations, policies and procedures related to Discipline as the Department moves forward in this ever-changing environment.

Of the five challenges on the FY 2018 list, at least four partially met all of the criteria from the performance and management challenges. OIG narrowed Challenge 1 from 2018, *Interagency Communication, Coordination, and Program Integration Need Improvement*, to *Protecting and Securing the Capitol Complex*, because the Department strengthened how intelligence on terrorism, homeland security, and law enforcement information is shared and coordinated with its Federal, state, and local partners. Challenge 5—*Human Capital Management*—is still, however, in need of attention. For FY 2019, Department challenges remain at five. Overall, progress has been possible through the concerted actions of the Chief of Police (Chief), the Chief Administrative Officer (CAO), and leadership and staff within the Department.

Thank you for the opportunity to appear before you today. I would be very happy to answer any questions the Committee may have at this time.

The CHAIRPERSON. Thank you very much.

We will hear from our last witness, the Chairman of the Fraternal Order of Police, Mr. Papathanasiou. Am I close?

STATEMENT OF GUS PAPATHANASIOU

Mr. PAPATHANASIOU. You got it. Thank you.

The CHAIRPERSON. Good.

Mr. PAPATHANASIOU. Good morning, Chairperson Lofgren, Ranking Member Davis, and Members of this Committee. I would like to, once again, thank you for giving me the opportunity to testify before you in this setting on behalf of the FOP USCP Labor Committee. Again, I am deeply humbled and honored to testify before on behalf of the men and women that protect this institution daily.

As I enter my 17th year with the U.S. Capitol Police, I have been with the union's executive board for over a decade. Joining me today are members of my executive board, 1st Vice Chairman Keith McFaden; 2nd Vice Chairman Vinny Summers; and former union Chairman, Jim Konczos. Also with me is legal counsel for the union, Meg Meechak and Greg McGillivary.

After I testified before this Committee last year, I had hoped to see some positive changes within the Department. However, the atmosphere has remained the same. As I stated last year, our labor union plays a vital role in the operation and success of this Department. Fostering a positive and constructive relationship between management and the sworn employees is critical to the success of this agency.

However, there is an us-versus-them mentality that has existed within this Department for as long as I have been here. This mentality needs to end, and it needs to end now. Everyone who works for this Department is on the same side and has the same goal, and that is to protect Congress. I truly believe that this agency has the potential to be one of the best law enforcement agencies in the world. However, despite the hard work and dedication of the employees of this Department, I don't believe we are there yet.

With the recent retirement of former Chief Verderosa, I quickly endorsed Chief Sund to succeed the former Chief. I felt that Chief Sund was the most qualified and best suited to lead this Department in the right direction for years to come. I also endorsed Inspector Tom Lloyd to be the next Assistant Chief with USCP Board. Chief Verderosa and I had a good working relationship over the last three years of his tenure, but we disagreed on a lot of issues, including discipline. In fact, we were at opposite ends of the spectrum on terminations.

With respect to our disagreements on discipline, two months ago, I attended Chief Verderosa's retirement party. During his speech, he stated that he was responsible for hiring 1,600 sworn officers, but he also stated that some believe that he may have fired 1,600 officers. Although there was some laughter, I didn't find that amusing one bit as I have personally witnessed the stress and heartache officers have endured over the years by the previous administrations of this Department.

Chief Verderosa's comments were sickening to hear, as far as I am concerned. Any employee's termination is no laughing matter. Chief Verderosa's lighthearted comments about terminating em-

ployees is an example of why morale is low within this Department.

The information gathered by the union about employee discipline shows the majority of employees proposed for termination in the last seven years have been minorities. This disturbing trend continues throughout the Department. The former Chief's comments were even more disturbing in light of the multiple terminations that have been reversed by neutral arbitrators, decisions that were upheld by the Office of Congressional Workplace Rights and even the Federal Circuit Court of Appeals.

As Chief Verderosa testified last year before this Committee, he saw things through a different lens than the union. Well, maybe that lens was very foggy. The recent Federal Court of Appeals decisions where the union and the employees prevailed unanimously speaks volumes about how this Department has been run and how unreasonable management has been. However, none of these cases should have gone that far. If the Department had reasonable leadership with a fair-minded approach to its employees, this expensive and protracted litigation could have been avoided.

Chief Sund and I have a good working relationship as well, and I hope that together we can work on resolving issues that can take this Department to a new level. However, I will call on Chief Sund to address the lack of transparency for which the department has suffered under previous administrations. Some of the issues and concerns addressed by the union, and we will continue to address, are improving officer morale; balance work and family life; pay scale and pay cap issues; parking for new officers; lack of training; promote career advancement; progressive discipline not being adhered to by the CBA; fair treatment of all bargaining unit members; good-faith negotiations; resist cuts to pensions, to the USCP, and all Federal law enforcement; enhance law enforcement retirements, as we outlined in the 2012 GAO study; the union's proposed pay scale compression; resolving grievances at low levels; promote the well-being of officers; improve working conditions. These are just some critical issues we need to work on collectively to make positive changes for this department for both management and employees as these issues affect us all.

Once again, I am proud of the men and women of the United States Capitol Police. I am proud to be their union leader. This union is stronger and united than it has ever been. I think it is time to change how we do business and start working together instead of against one another.

Thank you for allowing me to address this Committee, and I look forward to any questions you may have.

[The statement of Mr. Papathanasiou follows:]

TESTIMONY OF GUS PAPATHANASIOU
CHAIRMAN
FRATERNAL ORDER OF POLICE, U.S. CAPITOL POLICE LABOR COMMITTEE

BEFORE THE
U.S. HOUSE COMMITTEE ON HOUSE ADMINISTRATION

JULY 16, 2019

Good morning Chairperson Lofgren, Ranking Member Davis and Members of this Committee. I'd like to once again thank you for giving me the opportunity to testify before you in this setting on behalf of the Fraternal Order of Police/United States Capitol Police Labor Committee. Once again I am deeply humbled and honored to testify before you on behalf of the Men and Women that protect this institution on a daily basis.

As I enter my 17th year with the U.S. Capitol Police, I've been with the Union's Executive Board for over a decade, serving as the 1st Vice Chairman since 2009, and now as the Chairman since 2016. Joining me today are members of my Executive Board, 1st Vice Chairman Officer Keith McFaden and 2nd Vice Chairman Officer Vincent Summers. Also with me is Legal Counsel for the Union, Megan Mechak and Greg McGillivary. Also joining me today is former Union Chairman and retired U.S. Capitol Police Officer, Jim Konczos.

After I testified before this committee last year, I had hoped to see some positive changes within the Department. However, the atmosphere has remained the same. In fact, with some of the revised policies pushed by the Department, I think we have actually regressed.

As I stated last year, our Labor Union plays a vital role in the operation and success of the Department. Fostering a positive and constructive relationship between management and the sworn employees is critical to the success of this agency. The Labor Committee is the organization that the sworn employees have appointed as their voice with management.

However, there is an "Us" versus "Them" mentality that has existed within the Department for as long as I've been here. This mentality needs to end, and it needs to end now – everyone who works for the Department is on the same side and has the same goal – to protect Congress. We must work together to make positive changes that will allow us to meet that goal. I truly believe that this agency has the potential to be one of the best Law Enforcement agencies in the world. However, despite the hard work and dedication of the employees of this Department, I don't believe we are there yet.

With the recent retirement of former Chief Verderosa, I quickly endorsed Chief Sund to succeed the former Chief. I felt that Chief Sund was the most qualified and best suited to lead this Department in the right direction for years to come. I also endorsed Inspector Tom Loyd to be the next Assistant Chief with the USCP Board. The Department needs strong leaders like Chief Sund and Inspector Loyd to move forward and complete its mission. Leaders like Chief Sund and Inspector Loyd will make other leaders better and drastically improve the overall morale of this agency.

Chief Verderosa and I had a good working relationship over the last three (3) years of his tenure, but we disagreed on a lot of issues including discipline, the role of the Labor Union within the Department, and the Department's obligations to its employees. In fact, we were at opposite ends of the spectrum on terminations.

With respect to our disagreements on discipline, two months ago I attended Chief Verderosa's retirement party. During his speech, he noted that he was responsible for the hiring of approximately 1600 sworn officers over the years, but he may also have been responsible for the firing of 1600 officers. Although there was laughter, I didn't find that amusing one bit. I appreciate the Department's growth and the increased staffing, but I have personally witnessed the stress and heartache Officers have endured over the years by the previous administrations of this Department. Chief Verderosa's comments were sickening to hear – even when an employee engages in misconduct, they are a person and should not be the butt of a joke. An employee's termination is no laughing matter, and Chief Verderosa's light-hearted comments about terminating employees is an example of why morale is low in the Department – sworn officers believe management views them as a "body on a post," and not a valued member of the Department and a professional with ambitions and goals.

These comments are especially troubling in light of information the Union has gathered relating to employee terminations. Despite the Department being majority Caucasian and male, the information gathered by the Union about employee discipline shows that the majority of employees proposed for termination in the last seven years have been minorities. The Union is aware of thirty-five instances where an employee has been proposed for termination – most of them were minorities.

I will give you one example that involves an employee found not to meet the qualifications for his position – his case isn't even included in the statistics above. Officer Leonard Ross honorably served this Department to retirement. However, on July 9, 2012, a protective order was entered against him, prohibiting him from possessing a firearm until July 9, 2013. The Department placed Officer Ross on administrative leave, but took no action against him until June 27, 2013, when it recommended him for termination due to his inability to carry a firearm. Officer Ross appealed this decision, but his appeal was denied *on August 15, 2013,* after the protective order expired.

This disturbing trend continues throughout the Department – although our data is incomplete, it shows that women and people of color are more likely to be disciplined and to be disciplined more harshly than their fellow officers.

Chief Verderosa's comments were even more disturbing in light of the multiple terminations that have been reversed by neutral arbitrators, decisions that were upheld by the Office of Congressional Workplace Rights and even the Federal Circuit. The Department's failure to comply with those lawful awards is a regular reminder to the employees of this Department that they are nothing more than a fungible resource to their leaders. The employees of this Department are not simply a "resource" to be used and abandoned by the Department – they are

hard-working men and women with families, ambitions, and passions. They willingly put their lives on the line each and every day they appear for work, despite these challenges.

As Chief Verderosa testified last year before this Committee, he saw things through a different lens than the Labor Committee. Well, maybe that lens was extremely foggy.

The recent Federal Court of Appeals decisions where the Union *and the employees* prevailed, unanimously, speaks volumes about how this Department has been run, and how unreasonable management has been. However, none of these cases should have gone that far. If the Department had reasonable leadership with a fair-minded approach to its employees, this expensive and protracted litigation could have been avoided.

Chief Sund and I have a good working relationship as well and I hope that together we can work on resolving issues so that we can take this Department to a new level.

However, I would call on Chief Sund to address the lack of transparency from which the Department has suffered under previous administrations. I will give you a few brief examples. When the Department first created the Diversity Officer position, the Union wanted to explore how that individual would interact with the bargaining unit and whether that position should be within the bargaining unit. So, my predecessor, Jim Konczos, requested a copy of the position description. The Department refused to provide it to us. The Union had to file an Unfair Labor Practice to obtain a position description.

In Spring 2018, an employee was informed that he had been found unfit for duty because he failed to meet the Department's Medical Guidelines. Just as troubling, the Department refused to provide to that employee with a report from its evaluators on exactly why he was unfit for duty.

When I searched for the Guidelines to assist in his representation, I could not find them – these Guidelines that employees could be *terminated* for not meeting were not available on the departments PoliceNet or otherwise to employees.

This is like one of the issues that went to the Federal Circuit – although the Capitol Police Board's Regulations relating to Leave apply to bargaining unit employees, the Department refused to make those regulations widely available to employees.

Employees need to know the standards to which they will be held and the rules that will be applied to them – even if we disagree with the Department about those standards, the Union needs to know what the rules are to effectively represent employees.

Some of the issues and concerns addressed in our formal meetings as well as previously mentioned in last year's hearing which we will continue to pursue include:

- Officer morale and wellness.
- Severe discipline vs. fair discipline.
- Balance of work and family life.
- Pay Scale and Pay Cap issues.

- Parking for new Officers and essential personnel.
- Lack of Training.
- Disparate treatment of the sworn Officers.
- Promote career advancement within the department.

After my testimony last year, I hoped the Department would make strides in these areas. However, things remain the same. For example, the Department has not improved its training, even though we have hired more employees, it has offered minimal training to existing employees. The Department used to have a three-day Active Shooter training. It was important to officers to have training because the repetition ensured that we were prepared in the event of an incident. That training has been replaced with one day of training.

Similarly, bargaining unit officers are not permitted to train with their firearm at any range other than the single range here on the Hill. The range is only open a few days per month during open range dates. This makes it exceedingly difficult for employees to train with their Department issued firearm. This level of training is unacceptable and dangerous – employees should have easy access to any range where they can train with their Department-issued firearm on a regular, convenient basis to ensure that they maintain proficiency with their weapon.

Unfortunately, we continue to have many areas of disagreement, including:

- Ignoring legally binding Arbitration rulings.
- Ignoring decisions by the Office of Congressional Workplace Rights (OCWR).
- Ignoring decisions from the Court of Appeals for the Federal Circuit.
- Progressive discipline not being adhered to as outlined in the CBA.

These are basic principles of the labor-management relationship, but the Department regularly ignores them. As a result of these issues and concerns, the Union will continue to pursue and promote the following:

- Fair treatment of all bargaining unit members.
- Good faith negotiations.
- Resist cuts to pensions to the USCP and all federal law enforcement.
- Enhance law enforcement retirements as we outlined in the 2012 GAO actuary study.
- The Unions proposed pay scale compression and increase the yearly pay cap.
- Eliminate the bi-weekly pay cap.
- Resolving grievances at lower levels.
- Promote the well-being of officers and improve working conditions.
- Eliminate the hiring of retired double dippers who take away positions from bargaining unit employees.

These are just some of the same critical issues we need to work on collectively to make positive changes for this Department, for both management and employees as these issues affect us all.

Once again I am proud of the Men and Women of the United States Capitol Police. I am proud to be their Union Leader. This Union is stronger and united than it's ever been. I think it's time to change how we do business and start working together instead of against one another.

Thank you for allowing me to address this committee and I look forward to any questions you may have.

The CHAIRPERSON. Thank you very much.

We will now go to Members for questions they may have. We will interrupt our questioning when the Ranking Member arrives for his opening statement.

First, we will go to the gentleman from Georgia for his five minutes.

Mr. LOUDERMILK. Thank you, Madam Chairperson.

I appreciate everyone being here. First of all, let me say a heartfelt thank you for all of you, from the Sergeant at Arms, Capitol Police, for the task that you have and the job that you do of making sure that this building is safe. The visitors that we have come to their House, the seat of their government, this is their property. Thank you for the work you are doing there and on behalf of me and my two Republican colleagues, all three of us were on the baseball field that day. We firsthand witnessed not only the aggression toward us, the shots being fired, but also the bravery by the Capitol Police officers who were willing to go in, especially David Bailey, who put himself in the line of fire to give me the opportunity to try to get to Matt Mika and Crystal Griner, who had been taken down right in front of us. Those are moments I will never forget. I think it is our responsibility to make sure that not only do you have the tools and the resources you need to do your job but work closely with you to make sure that it is done effectively and efficiently.

About two years ago we received a briefing that the threats against Members of Congress was at a historic high.

Chief Sund or Mr. Irving, where are we today as far as the threats against Members of Congress? Has it subsided some, or is it still growing?

Chief SUND. Good morning, sir. Thank you very much for the question.

We continue to see the threat assessment cases that we are opening continue to grow. For fiscal year 2018, we had approximately 4,894 cases and so far, for this year we have 2502 cases so we are on par to probably break last year's record.

Mr. LOUDERMILK. What percentage of those would you consider as credible threats?

Chief SUND. Well, when you talk about as credible threats, we evaluate them to see if they fall within the legal framework of what is considered to be an actual threat to do bodily harm. A lower, much lower percentage of that number meet that threshold but they are all still very concerning. They all still require us to expend resources and evaluate but it is a much lower percentage than—I don't have the exact percentage, but it is a much lower percentage than the total number of assessment cases we received.

Mr. LOUDERMILK. Okay. I know some changes were made after incident at the baseball field. What kind of changes from the Sergeant at Arms Office, and while I have you, Chief Sund, what policy changes were made in the Capitol Police office? I would like for both of you to answer no matter who goes——

Mr. IRVING. Okay. I will take it first, and then, Chief, I will pass it to you.

Some of the most salient changes that we have instituted is a paradigm shift from traditional threat assessment that would yield

very little, if any, Capitol Police support to a Member who is now receiving higher than average threats or direction of interest communications. We now provide enhanced support to their office. In terms of security services, we will liaise very heavily with local law enforcement in their districts to ensure that they are covered for public events. We ask that they provide us their schedule, for example. Let us know when they are going to making public appearances or traveling about, and we will coordinate with local law enforcement and, at times, Capitol Police depending on their activity.

So that enhanced level of support is something that was not previously done to the basis that we are doing today.

Mr. LOUDERMILK. Okay.

Chief SUND. To add on that, we have worked to evaluate a lot of our resources, specifically some of our tactical capabilities and our uniform capabilities to create them into little more agile resources that we are deploying more often to provide support for Members' protection when they are locally in the NCR region.

In reference to some of the comments made by Mr. Irving, we work very closely with the House Sergeant at Arms in evaluating some of the requests from the Members' office to evaluate events that they are having both in their districts and around here to coordinate law enforcement coordination to provide support and help provide a little additional protection for those events.

Mr. LOUDERMILK. Okay. I know in my office I have a person who is my security point of contact. At some point, he is going to be leaving, because he is a retired Navy veteran, worked with the SEALs and so we are assessing someone else to come in.

Is there a training program? If not, is there a way that we could develop one where we could provide some enhanced training to our district staff that are points of contact for security, how to report threats, how to secure your offices, what is the best practices for security for Members and staff?

Mr. IRVING. Yes, Congressman. We have a robust program, law enforcement coordinator program. And we interact with the district offices and encourage those law enforcement coordinators to work our office. We provide a lot of support documentation on how to secure Member events, what to do in terms of Member security not only in their office but residences, district office staff. We do provide security awareness briefings and other briefings to these law enforcement coordinators but certainly we will encourage additional training as well, which we can enhance.

Mr. LOUDERMILK. Okay. Thank you.

I yield back.

The CHAIRPERSON. Thank you.

The gentleman from North Carolina is recognized for five minutes.

Mr. BUTTERFIELD. Thank you very much, Madam Chairperson. Let me just begin by associating myself with the words of Mr. Loudermilk as it pertains to the work of the United States Capitol Police and the Sergeant at Arms Office. I had nothing but positive experiences with both offices over the 15 years that I have been in Congress. So thank you very much for what you and your men and women do every day.

I know that you could not do it alone. I know that you don't even suggest that you have done any of this alone. You have hundreds, if not thousands, of people who support you in your work and thank you. Thank you for that.

I am told by some of my colleagues, and even some of my staff members, that the new Chief is a breath of fresh air. I don't know what that means. But I am going to find out in the weeks and months to come. But I am told, sir, that you are a breath of fresh air to the agency. And I wish you nothing but the best as you serve all of us. You are just not serving us as Members of Congress; you are serving an institution. So thank you for that.

One of my favorite stories, a little levity involved in this. But one of my favorite stories was back January 20, 2009, the date of the Obama Inauguration, the first Inauguration. I had a guest in town who was disabled, and I had to go way out in northwest to pick him up and to put him in my vehicle and transport him to the Capitol. As I was doing so, the traffic was, as you can imagine, horrendous. But then I saw a street that was absolutely closed down. There was no traffic on the street.

So, as a Member of Congress with my plate and all of that stuff, my pin, I thought I could go down this empty street and I did but what I didn't realize was that the pedestrian traffic had been backed up in the tunnel at that very second that I went down this street, the barricade was lifted, and immediately tens of thousands of visitors descended upon that street. The next thing I knew, I was right behind the Hyatt Regency on New Jersey Avenue. When I looked around, there were tens of thousands of people surrounding my car. And I could not move.

So I knew I was going to miss the Inauguration. And so I called the Sergeant at Arms Office and they took my dilemma quite seriously. They contacted the United States Capitol Police, and they did as well. I was extricated from that situation. I won't go into the detail about how that happened, but I was extricated from that situation.

Another story very quickly, I was on a vacation at a resort here in the United States. The police from that town knocked on the door to my hotel room and said that there had been a report of me committing a crime there at the beach, which was absolutely absurd. It was just foreign to anything that I knew anything about. Immediately, once I proved myself to the local police, they apologized and left. But the thought occurred to me that it could be bigger than what it appeared. So I called the Sergeant at Arms, the Capitol Police, just to make sure that I was not overreacting. I was assured that I was not overreacting. Immediately, the Capitol Police contacted the Chief of Police of the town and worked through the situation and made sure that I was safe from that point on.

I just use those two examples just to say you are here for us, and we thank you. Thank you so very much.

Two questions—where is my clock? I don't even see the clock, but two very quick questions. To the Chief, is the disciplinary policy and the penalties the same for all employees? What I mean by that is, are they the same for the executive management as opposed to others within the agency? Do the standards vary, the disciplinary standards vary?

Chief SUND. No. The standards are the same for all sworn members. All members.

Mr. BUTTERFIELD. And you intend to enforce those standards equally?

Chief SUND. Yes. I intend to apply them in a fair, reasonable, and appropriate manner.

Mr. BUTTERFIELD. Okay. The OIG noted one of the top management challenges was managing Federal contracting. What internal procedures has the agency implemented to address appropriate internal oversight of contractors, that is the key word, of contractors working for the Capitol Police?

Chief SUND. We have implemented internal controls to review the contract performance, monitor contracts for the various contracts that we have within the United States Capitol Police. In addition, we have recently started a program that we are going to be rolling across the department that will do those—more additional internal controls to make sure that we are following up on additional comments and recommendations from the IG. And those will also apply when it is fully rolled out to the contract compliance review. We do review contract performance and our performance with the various contracts that we have in place right now.

Mr. BUTTERFIELD. Thank you. I encourage you to continue to do that, continue to look at the diversity of the agency from top to bottom, and make it the most diverse police force in America that reflects the people that you represent.

Thank you. I yield back.

The CHAIRPERSON. Thank you very much.

The gentlelady from Ohio is recognized for five minutes.

Ms. FUDGE. Thank you very much, Madam Chairperson. Thank you all so much for being here. Let me just say that my interactions with the Capitol Police have been very, very positive.

Mr. Chairman, if there was something—if there was just one thing you could do that would change the morale of this department, what would it be?

Mr. PAPATHANASIOU. Ma'am, thank you. That is a good question.

Actually there are a lot of things I would do to change the morale of the Department but, right now, the discipline is, as you know, from the previous administrations, been very severe. I want to work with Chief Sund to kind of tame down the discipline because it has kind of set a different tone throughout the agency. And just to show you, those couple of termination cases that we had before the Federal Circuit Court of Appeals that were decided in our favor, the Department, you know, saw it differently than we did, and we prevailed in the courts and also with an arbitrator. So, with the Department ignoring arbitrators and the Office of Compliance at the time, which is now the Office of Congressional Workplace Rights and then, you know—now it is in the Federal courts, I think that is one avenue to start.

Ms. FUDGE. Okay. Chief, do you or someone in your office conduct annual reviews of discipline decisions to determine if there are any trends and how these trends are communicated to employees?

Chief SUND. We actually look at how the disciplinary cases are reached, probably on a fairly regular basis. When we sit down and review the cases, we often will meet with the union, and depending

on the type of cases they have come up, we will review the past history of those types of cases as we are implementing or considering what discipline is going to be implemented.

Ms. FUDGE. When you see these trends, does it lead to additional training? Or how do you address them?

Chief SUND. If we see something that would require additional training, I would absolutely say we need to reconsider additional training. One thing that I would look at is, you know, what are some alternatives to some of the levels of discipline that we have in consideration. But if we do see something that would be a concerning trend, we look at whether it was a policy or a training violation.

Ms. FUDGE. Okay. Because kind of what I am hearing from the Chairman is that training, or lack thereof, is part of the problem. Am I right, Mr. Chairman?

Mr. PAPATHANASIOU. Ma'am, you are absolutely right. Right now, the only training that we do get is we qualify twice a year with the firearm. Our range policy—a lot of officers have an issue with the range policy. We are not allowed to take our issued weapon and go to any outside range. You are only allowed to shoot at this range. I will give you another example. Our active shooter course used to be a 3-day course. They dwindled that down to 2 days and now 1 day. So there is a lack of training.

The other training that we do get is basically online training. Officers—you have to go to a computer and log in. And they just whip through a bunch of exercises or slides, and that is pretty much it. So there is a lack of training within the Department that I want to see improved.

Ms. FUDGE. Chief, that is something probably we would need to discuss sometime going forward. I don't need you to answer now. But, clearly, if they are saying they don't get enough training, it is something that ought to be addressed.

Chief SUND. Yes, ma'am.

Ms. FUDGE. Let me just ask you how diversity initiatives are incorporated in your recruiting efforts.

Chief SUND. I am sorry. What was the last part of it?

Ms. FUDGE. How is diversity incorporated in recruiting for new officers?

Chief SUND. Very good.

Diversity is key. You know, in my 27 years of law enforcement, I have had the opportunity to work in a number of different—with a number of different agencies and seen the value of diversity in thought and diversity in expression. And it is something that we value as an agency.

So, with recruiting, we look at diversity all the way through the rank. But specifically for recruiting, we have recently worked with—the Chief Administrative Officer, Mr. Braddock behind me, has worked with our diversity officer, Natalie Holder, to develop and work with our PIO, Ms. Eva Malecki, to look at recruiting from a variety of standpoints.

First of all, we look at our recruiting material. We want to make sure that it references a diverse environment, that it references the type of applicant we are looking for.

So we have recently gone and rebranded our recruiting material to incorporate the variety of demographics that we are looking for—more women, various underrepresented populations. So we have redone the recruiting pamphlet.

The other thing we have noticed is our best recruiters are sworn officers. So, recently, we started a collateral recruiting program where we have officers that, in addition to their regular duty, they go through special training, and they become recruiters. They represent a diverse group of population so we can send them out and recruit with universities that represent diverse populations and underrepresented populations, areas that we are seeing diverse populations that we are looking to target, and women.

Just to give a quick idea just how——

Ms. FUDGE. My time is up.

Let me just, as I yield back, Madam Chairperson, just say that I do hear a great deal of frustration on behalf of the rank-and-file officers in this department and I hope, Madam Chairperson, in our next hearing, we would have a chance to address that.

But thank you so much, Chief. I appreciate that.

Chief SUND. Yes, ma'am.

The CHAIRPERSON. The gentleman from Maryland is recognized for five minutes.

Mr. RASKIN. Madam Chairperson, thank you very much.

I also want to just salute everybody involved in protecting us. The terrible incident that took place at the baseball game reminds us that all of us are obviously vulnerable to these kinds of attacks, and it is the police officers that are sworn to protect us and put themselves in harm's way to protect Members of Congress. So we appreciate that on a daily basis.

Let's see.

Mr. Papathanasiou, let me start with you, if I could.

Are there parts of the interim or draft disciplinary policy that the FOP and labor disagrees with or would like to see changed?

Mr. PAPATHANASIOU. Thank you, sir.

Good morning, by the way.

Mr. RASKIN. Good morning.

Mr. PAPATHANASIOU. Yes. We never got—you know, when we were given this policy, it is called an interim guidance now, because we didn't get to negotiate with the Department like we wanted to. They didn't give us their proposal and full draft so we can go back to them, you know, with our proposals. It was kind of—I would like to sit down with the Chief and discuss some of these policies. Actually, in our full meeting the other day, I did ask him to sit down and, you know, look at some of these policies. That would be one of them, to revise, and kind of tweak some of the policies we have issues with.

Mr. RASKIN. Okay. Chief Sund, is that something you are committed to doing to work with Mr. Papathanasiou about that?

Chief SUND. Absolutely. I am very committed to work with the union on that and other issues.

Mr. RASKIN. Okay. Very good.

Mr. Irving, let me ask you. The Federal Circuit Court of Appeals recently issued several rulings against the Capitol Police for violating fair labor practices.

Was the Capitol Police Board aware of this litigation status? And do you concur with the decisions of the Court of Appeals, or can you explain where you stand with respect to these decisions?

Mr. IRVING. Yes, Congressman. The Capitol Police Board is certainly aware of the decision of the Federal Circuit Court of Appeals and we encourage the Chief to abide by the ruling.

Mr. RASKIN. Okay. I mean, is there a learning process that has been put into place do you think that is sufficient so that we won't see a repeat of these kinds of decisions?

Mr. IRVING. Yes. I think that, based on the facts, I can certainly understand why the case was brought. But there is no doubt that there needs to be additional interaction between, I believe, the Department and the union on these issues. I am very encouraged by, you know, what I am hearing now between Chief Sund and Gus.

So the answer is, yes, it was definitely a lesson learned.

Mr. RASKIN. We have an opportunity with the new Chief for a fresh start in terms of labor relations.

Mr. IRVING. Absolutely. And the Board is very encouraged.

Mr. RASKIN. Let me ask you a different question.

There has been a lot of discussion about the inherent contempt powers of the House and questions that I know raised about it—first of all, can you clarify, was there ever a holding cell within the House of Representatives? Do you know that? In the 19th century when——

Mr. IRVING. A lot of folklore.

Mr. RASKIN. Yeah.

Mr. IRVING. Not that I am aware of. We use the Capitol Police holding cell, frankly.

Mr. RASKIN. Okay. Can you explain, then, exactly how that works? I had a lot of constituents in the last Congress, kids who were arrested sitting in about gun safety legislation, and so on. They went to Speaker Ryan's office, and they were arrested. I ended up going down to—I guess it was one of the police districts in the District of Columbia, in Anacostia, to get them out late at night. But what is the—explain the procedure when someone gets arrested, say, in a civil disobedience——

Mr. IRVING. I am going to turn some of that over to the Chief, if you don't mind, to give the——

Mr. RASKIN. Sure.

Mr. IRVING [continuing]. Specific procedures. I do remember that particular case. I think they were a juvenile group.

Mr. RASKIN. Yes.

Mr. IRVING. And then there was a very different set of circumstances, and they were treated very differently than adults. But, Chief, do you want to elaborate a little bit on the procedure?

Chief SUND. Absolutely. Thank you very much for the question, sir.

Our offices are extremely well trained in handling civil disobedience cases. Usually, what will happen is we have civil disobedience that occurs outside. We have civil disobedience that often occurs inside. We will work with the organizer. We usually touch base with the organizer to get an idea what the intent is.

But once the people begin to violate the law, they will go through a couple different warnings depending on the type of violation. But

usually, whether they are obstructing a hallway or chanting, they usually get three notices that they are getting ready to be placed under arrest. The organizers understand it. We talk to them ahead of time. We tell them exactly what is going to happen. We will get to the third arrest. Usually, at that point, you see the people that we will actually be arresting take a certain stance. The others will back away, because they want to make sure they know they are not going to get arrested. Our officers move in. We rarely ever receive complaints. Our officers are very polite.

Mr. RASKIN. Do you handcuff?

Chief SUND. Yes, we do. Yes, we do. We either use handcuffs or flex cuffs. It is a safety requirement. And then we will move them either down into a processing facility at 119 D Street or our mass processing, or sometimes we will, depending on the number, we will use a citation release program.

Mr. RASKIN. So there is no holding area in the Capitol?

Chief SUND. Not in the building itself, sir.

Mr. RASKIN. Okay. I yield back.

Thank you, Madam Chairperson.

The CHAIRPERSON. The gentleman's time has expired.

I would like to recognize the Ranking Member for his opening statement before we go to him for questions.

Mr. DAVIS of Illinois. Madam Chairperson, thank you very much. Madam Chairperson, I apologize for being late. The problem with having two Committees. But I am really honored to be here today. I really want to welcome Chief Sund to the first hearing. I hope it is going well. It only goes downhill from here.

Look, based on your performance over the last few years, I am looking forward to working with you in your new position. I can't think of anybody more qualified and with the unanimity of support coming in since I have been here. So those are some great credentials, but also high hopes. We have a lot faith in you, Chief Sund.

I do want to thank the Sergeant at Arms, Mr. Irving. You know, you have always been there, been willing to talk to me about issues throughout this Committee and throughout my tenure in Congress. Thanks for your service and thanks for being here.

Mr. Bolton, thank you for your oversight. It gives us an opportunity to be better members of the oversight panel.

And then also Gussy Papa—Big Papa. Thanks, man. You do a great job as a chair. I can't tell you how many times I see you out there talking one on one, working hand in hand with the folks that you represent and that, to me, shows true leadership. Your members should be proud to have you as their Chairman. I am proud to call you my friend.

I want to thank everyone for what you do for the Capitol Police. And having oversight of the Capitol Police is very special to me because I can tell you, without the bravery of your officers, the men and women who make up the Capitol Police, I wouldn't be standing here today, because being on that baseball field in June 2017, I can tell you I have never been so terrified in my life. But to see the training, the courage of David Bailey and Crystal Griner to fire back at a crazed gunman. I am going to be honored today to be with my colleague Mr. Raskin when he presents another award to those two heroes.

When I am ever asked, "Who are your heroes in life," you don't get further than David Bailey and Crystal Griner. They did the Capitol Police the best that anyone could ever ask for in a terrible situation like that. They did what they were trained to do and that, to me, shows what the men and women of the Capitol Police are all about. You should be very proud of them, as I know I am. I know you are and all the fellow officers are.

I believe that every officer that makes up the Capitol Police force, if put into that same situation that David and Crystal were put in, they would do the exact same thing, and all of us would still be here.

The most important mission that you do on a daily basis is to prevent a similar act like that from occurring. I think you guys do a great job, not without criticism that we will often bring, but with questions. The criticism is questions and Members will have a lot of questions but thank you for your openness and willingness to address those issues, and thanks for making us and the many millions of visitors that come every year feel safe too.

We do take our oversight responsibilities very seriously, and that is why you are here today. I have been clear and consistent in laying out what I believe our oversight expectations are. First, we want to improve communications with Member offices. Second, we want to build a strong culture of service in everything that you do. Third, we want to institute—we want to see you institute commonsense processes and procedures. Mr. Irving and Chief Sund, this expectation, in particular, should be kept in mind during garage security implementation as well as the use of the Joint Emergency Communication System.

Finally, we hope you ensure the House is getting a return on investment for the additional resources that you receive. With additional resources come additional expectations. All of you have laid out important priorities for the 116th Congress. I look forward to continue to work with each and every one of you. I am honored to know each and every one of you. I am honored to get to know every member of the Capitol Police force that serves this great institution.

Thank you for the privilege of allowing me to serve. Thank you for what you do.

And I will yield back, Madam Chairperson.

[The statement of Mr. Davis of Illinois follows:]

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ONE HUNDRED SIXTEENTH CONGRESS

JEN DAULBY, MINORITY STAFF DIRECTOR

Ranking Member Rodney Davis
Oversight of the United States Capitol Police
July 16, 2019
Opening Statement

I would like to begin by welcoming Chief Sund to his first hearing as the new Chief of Police. Based on your performance over the last three years and the numerous conversations we have had you have my confidence and belief that you are the right leader for the Department moving forward.

I would like to thank the House Sergeant at Arms, Inspector General, and the United States Capitol Police for the hard work and dedication to protect and defend Members, staff, and the millions of visitors to the Capitol Complex each year. Additionally, I would like to recognize Chairman Gus Papathanasiou for his tireless advocacy on behalf of the workforce.

Our oversight of USCP operations has a special meaning to me. I would not be sitting before you all today were it not for the bravery of the men and woman of the Capitol Police who courageously acted to ensure the safety of Members and staff during a baseball practice when a disgruntled gunman decided to open fire based on our party affiliations.

The important mission you all do on a daily basis to try and prevent a similar act from occurring does not go unnoticed, and I thank every member of the United States Capitol Police for making us feel safe and the sacrifices they make.

I do take our oversight responsibilities seriously and since I became the Ranking Member of this Committee in January I have been clear and consistent on our overarching oversight expectations, which are:

- First, improving proactive communication with offices.
- Second, building a strong culture of service in all you do.
- Third, instituting common sense processes and procedures. Mr. Irving and Chief Sund this expectation in particular should be kept in mind during garage security implementation as well as use of the Joint Emergency Communications System.

- And finally, ensuring the House is getting a return on investment for the additional resources you receive. With additional resources comes additional expectations.

All of you have laid out important priorities for the 116th Congress and I look forward to continuing to work with each of you on many of them. Specifically, I think there is room for progress in negotiating a new collective bargaining agreement, continuing the strides of the Department is making in the area of diversity, enhancing the security posture for Members and staff when they are away from the Capitol campus, and ensuring that we are focusing Department resources on mission critical activities.

The CHAIRPERSON. The gentleman yields back but is now recognized for five minutes for his questions.

Mr. DAVIS of Illinois. Well, I didn't know showing up late I get 10 minutes. This is awesome.

The CHAIRPERSON. Ten minutes, but not in a row.

Mr. DAVIS of Illinois. I will try not to make this a common occurrence.

Well, thank you.

Chief Sund, congratulations again on your appointment. I enjoyed getting to know you before you were Chief, and I am, again, really looking forward to working with you in your new capacity.

I know you laid out in your testimony, you know, what you expect out of the Capitol Police. But what is your vision and what might you—what haven't you said already that could help us lay out that vision and make sure that we provide the proper oversight for you to be able to do your job?

Chief SUND. You know, ensuring the preparedness of the officers out in the field is probably my biggest initiative. Ensuring that they have got the right equipment, ensuring that they are—the morale is a major issue. But making sure that they are getting the proper training and the proper equipment that they need to do their job.

The concerns with cybersecurity, the concerns with the increasing threat is a major initiative. I am working closely with our Protective Services Bureau and the House Sergeant at Arms on ways we that can improve Member security off campus. They do an outstanding job working with the House Sergeant at Arms and the program they have in place to evaluate and assess the different events that the Members are involved with and for law enforcement coordination. Looking at ways that we can enhance that in the future I think is going to be key as we are looking at the various threat increases out there in the field.

And then the professionalism and the training of upper leadership. I want to look at some opportunities that we have out there, both through some of the universities that are out there, Center for Homeland Defense and Security, for getting some additional training opportunities for our leadership and develop their—broadening their skills and their horizons.

Mr. DAVIS of Illinois. Well, thank you, Chief Sund. I am glad you brought up professionalism. As we have seen, some members of the Capitol Police force have not acted in a professional manner. But, clearly, as our institution, also we clearly see examples of fellow Members of Congress not acting in a professional manner. But those are the exceptions. I want people to remember that when we talk about the brave men and women of the Capitol Police.

Mr. Chairman, Big Papa, do you believe the CBA in its current form is sufficient to address all labor issues between the Capitol Police and the FOP, particularly those involving contentious termination decisions?

Mr. PAPATHANASIOU. Mr. Davis, thank you for that question and for the kind words earlier.

In regard to the CBA, in my recent meeting with the Chief, actually, our first formal meeting, I did present him with an MOU to basically rip out the back page and for him to sign and me to sign

it, continue with this contract as is, and then have a little cooling-off period and try to start negotiating again. Both our teams are—actually, their negotiating team doesn't exist anymore. I think some have retired or aren't even here anymore. Our negotiating team has gone—one has been promoted; one is leaving the Department. So I think we need two new negotiating teams set forth. In the meantime, I asked for him to look at the MOU I presented him with. And the ball is in his court right now, so that is where we are at currently with the CBA.

Mr. DAVIS of Illinois. I think we all agree that the current CBA is not sufficient to address some of the issues, especially with litigation——

The CHAIRPERSON. Right.

Mr. DAVIS of Illinois [continuing]. That we have seen. I would encourage the Chief and the Chairman and Mr. Irving and the Capitol Police Board to be engaged in this process. I think all of us up here would like to see a new agreement. We certainly hope you can sit down and hammer that out. I think it is the best thing for all of us. It is the best thing for all of you and continue to move forward.

Again, thank you very much for what you do. I appreciate the time that you spend making this campus safe, and I appreciate the heroism and the bravery of David and Crystal and all the Capitol Police who do their job every day.

I yield back.

The CHAIRPERSON. The gentleman yields back.

I will just offer a couple of comments. First, all of us have praised the dedication and bravery of the Capitol Police. There was once a Member of Congress, Representative Mo Udall, whose famous line was, "Everything has been said, but not everyone has said it." So I would like to join in those comments of gratitude that we all feel to all of you for what you do to keep us safe.

One of the things that we hope we can accomplish, noting that the Chief has been in this position for a grand total of 33 days, is to make some improvements in the structure so that the entire police force can feel supported and so that morale can be good. You know, we have been without a contract for almost 10 years, which is really astonishing. Hopefully, as I said in my opening statement, we can address that issue. I think that that—not having an MOU that is current—causes a whole host of problems. In my experience with employees, knowing what the rules are and knowing that they are evenly applied goes a long way toward people feeling good about what they are doing. Understanding what consequences are and having a sense of transparency is very important in any workforce, in any environment. So I know that that is something that the Chief is going to strive for. And we hope that we will be supportive of you as you work toward those important goals.

We have continuing changing threats, as has been mentioned, all the way from cyber threats to increasing polarization politically in the country that lead to people who are on the margins feeling empowered to do things that they might not otherwise have thought of doing. That poses a threat across the country and certainly here in the Capitol. We do appreciate the efforts that you make to make sure that that element is adequately dealt with.

With that, I would ask that members submit any further questions that they may have in the next five days and we will keep the record open for that purpose.

I thank the witnesses for appearing and all the Members for their participation and, without objection, this hearing is adjourned.

Thank you very much.

[Whereupon, at 11:04 a.m., the Committee was adjourned.]

HEARING
COMMITTEE ON HOUSE ADMINISTRATION
"OVERSIGHT OF THE UNITED STATES CAPITOL POLICE"
JULY 16, 2019
MAJORITY QUESTIONS FOR THE RECORD
FOR
THE HONORABLE PAUL D. IRVING
SERGEANT AT ARMS
U.S. HOUSE OF REPRESENTATIVES

1. As noted at the hearing, the Capitol Police Board (CPB) serves as an "oversight and governance structure of the Capitol Police." What is the level of involvement and oversight of decision-making regarding litigation matters involving the United States Capitol Police (USCP) by the CPB?

   Prior to the USCP Technical Corrections Act of 2009, the Capitol Police Board was subject to the jurisdiction of the Office of Compliance and was considered the employing authority for litigation under the Congressional Accountability Act. During this period, the Capitol Police Board was greatly involved in the decision-making regarding litigation matters involving the USCP. The USCP Technical Corrections Act removed the Capitol Police Board from the jurisdiction of the Office of Compliance and affirmatively named the USCP as the employing authority for purposes of the Congressional Accountability Act. As a result, the role of the Capitol Police Board in litigation matters has morphed into a more oversight and governance role. The Capitol Police Board is briefed on litigation matters and offers feedback, recommendations and guidance for litigation matters involving the Capitol Police. Matters involving the Capitol Police can also involve representation by the relevant United States Attorney's Office and the Department of Justice who may also advise on litigation strategy when appropriate. The final litigation authority for matters involving the Capitol Police ultimately rests with the Chief of the United States Capitol Police.

2. As noted at the hearing, the Federal Circuit Court of Appeals recently issued several rulings against the USCP for violating fair labor practices. Was the CPB aware of the USCP litigation status prior to those rulings?

   The Capitol Police Board had been briefed on the litigation and the underlying factual circumstances.

   As noted by the United States Court of Appeals of the Federal Circuit, the Donaldson case involves a domestic dispute, as described in the local jurisdiction's police report, wherein Officer Donaldson's wife called 911 reporting that the Officer had choked her and threatened to kill her and their 21-month old daughter.

   The Ricken case concerned an officer who Catholic University Police reported had fled from Catholic University Campus police, leading them on a chase and ultimately crashed through a traffic control gate belonging to the District of Columbia Department of Public Works. All which occurred after he caused a campus wide lock-down for taking his service revolver into a dormitory.

At issue in both cases was whether the statutory method set forth by 2 U.S.C. § 1907(e)(1)(B) overrides any collective bargaining agreement.

a. Did it concur with the legal position and approve of filing the court appeals?

The Chief of the United States Capitol Police, as referenced above, is the final authority concerning the United States Capitol Police. However, the Capitol Police Board was aware of the facts and approved the terminations.

b. Will the USCP abide by those rulings?

The Sergeant at Arms expects the United States Capitol Police to fully comply with final court orders of courts of competent jurisdiction.

c. Does it intend to pursue any additional appeals of these rulings?

The time period for the filing of the petition for the writ of certiorari has expired for those cases. There are no further avenues for appeal. However, there may be ancillary proceedings that would not involve a direct appeal.

3. The Garage Security Project required the USCP/Chief of Police to request $47 million in overtime officer resources to appropriately cover this project and other special projects and upcoming political conventions. How does HSAA and USCP plan to reprogram USCP officers to cover the new project?

In FY 2016, the Department in coordination with the Capitol Police Board began requesting sworn resources to achieve four security enhancement initiatives – securing the O'Neill House Office Building, implementing enhanced House Garage Security, implementing enhanced screening portals for the House and Senate Chambers and the Capitol Visitor Center, and implementing pre-screening outside of public entrances to House and Senate Office Buildings. Because the Department's existing core mission at the time required the use of overtime to complete, the Department requested authorization and funding in FY 2016, FY 2017, FY 2018 and FY 2019 to support the hiring, training, equipping and deployment of new sworn personnel to achieve the four enhanced security initiatives noted above. Additionally, the Department's oversight committees provided programmatic staffing level authorizations which comport with the addition of new sworn personnel for these four initiatives.

As noted above, the Department requires overtime to meet its core mission for which it does not have sworn personnel; and is therefore roughly 200 sworn officers short for meeting this requirement. This sworn staffing shortage, the need to backfill to allow for critical training and unanticipated requirements necessitated the Department requesting funding and the budgetary authority in FY 2019 to utilize nearly $45 million in overtime, of which the Department is expected to utilize $43 million. However, this overtime was not to address the four enhanced security initiatives, as the new sworn personnel that was provided by Congress for these initiatives have been hired, trained and deployed for those purposes.

In the Department's FY 2020 budget justification, it has requested funding and budgetary authorization to utilize up to $47 million to meet core mission requirements not covered by onboard sworn personnel availability, to meet unanticipated requirements, to provide backfill to

allow for critical training and support requirements and to cover the 2020 National Political Conventions and Pre-Inauguration.

4. As Chief of Police Sund testified at the hearing, "the number of threats that we have been investigating have steadily increased." How is your office and USCP working in partnership to educate Members and staff, including those in district offices on how to handle threats received?

   The Sergeant at Arms (SAA) and USCP work in conjunction to educate Members and staff on the resources available to them when faced with threats. Instructions for reporting threats are provided to staff during D.C. and district office visits, through regular outreach to Law Enforcement Coordinators, during District Fly-Ins and Emergency Preparedness Trainings. During protests and high-profile events on the Hill, the SAA and the USCP will conduct proactive outreach to advise staff how to secure the office and report threats or suspicious activity.

   The SAA and USCP offers security awareness briefings to all Members and staff. During the Security Awareness Briefings offices are provided detailed information on handling threats and concerning individuals amongst other security topics.

   Although we offer trainings, many offices prefer to reach out and ask for guidance on specific issues rather than schedule a formal training. The SAA Police Services Division and District Security Service Center field questions daily on numerous issues to include threatening or concerning individuals and have become a regular resource for Member offices.

   The SAA also maintains a Law Enforcement Coordinator (LEC) program. This initiative seeks to identify at least one staff Member in the district who serves as the primary liaison between the office, local law enforcement, the SAA and USCP. We view this program as a force multiplier, expanding the overall security support provided by our office. Our service center conducts regular outreach and awareness messaging to these personnel. The SAA also provides mail hoods to allow for safe handling of incoming office mail which may include threatening or suspicious mail. The SAA has assisted more than 400 district offices with security upgrades to date. Nearly every district office has been impacted when the DSSC security system, mail hood, LEC, training and outreach initiatives are all considered.

   SAA and USCP offers security assessments and law enforcement coordination for Member events on and off Capitol Grounds. Upon notification of an event, the SAA with the assistance of the USCP will contact local law enforcement agencies to request security support for the event. USCP with information collected from staff, local law enforcement and open source checks complete a security assessment. This assessment attempts to identify any known or potential protests related to the event and any known persons of interest in the area of the event. All these initiatives are put in place to enhance the level of security of Members and staff and are especially applicable to those offices who have received threats.

5. The threat environment has directly impacted USCP Dignitary Protection Division. Has the CPB and USCP developed a sound plan to augment these resources during the upcoming political campaign period?

   In order to meet the expanding challenges facing the Department regarding Member protection, the Capitol Police Board has worked closely with the Department to validate current approaches, develop and evaluate planning efforts and provide holistic guidance for the protection of Members.

   Based on these efforts, the USCP is firmly entrenched in analyzing and assessing the threat environment that its protection teams operate in either here in the National Capitol Region (NCR) or across the country. Additionally, the Department's Intelligence Analysis Division routinely conducts event threat assessments for Leadership Details with regards to their travel and related activities.

   In order to insure adequate staffing, the USCP Protective Services Bureau's (PSB) Dignitary Protection Division (DPD) has been running as many as four vacancy announcements per year to recruit internal sworn personnel to perform dignitary protection activities. These announcements have targeted release dates in order to maximize the potential pool of eligible candidates to receive training and deploy to meet identified mission needs. In addition to the vacancy announcements, DPD maintains a list of all former trained agents that have transferred out of DPD into other areas of the Department and remain in good standing, should an operational need arise to bring in additional resources quickly.

   In addition, the PSB has been conducting Law Enforcement Coordination efforts for public events that Members are having that have been brought to the USCP's attention. This outreach effort ensures that law enforcement (local or state) is engaged and assigned, as appropriate, to the event for a law enforcement presence and deterrent. The use of this LE Coordination program has increased dramatically in the past year with 632 LE coordination efforts conducted in 2018 and over 900 in 2019 to date.

   Further, the Department implemented a working group in August 2019 designed to develop protective approaches involving partnerships and leveraging resources aimed at enhancing the protection capabilities for Members of Congress. Based on increased threats and directions of interest, it was determined that the Department needed to prepare for implementing expanded or new approaches for Member protection, outside of the traditional protection for leadership. These planning efforts will be regularly reported out to the Capitol Police Board, so that the Board can continue to support the Department's efforts.

6. How will the USCP redirect its strained resources to provide support to the upcoming political campaign season and national political conventions?

   The Department has deployed a planning methodology for several years that incorporates the utilization of Protective Services Bureau, Uniformed Services Bureau, and Operational Service Bureau assets to meet the operational needs associated with heightened mission requirements during political campaign seasons and national political conventions These efforts are closely coordinated with the Capitol Police Board to ensure that the Department continues to meet its

mission on the Capitol Complex, its dignitary protection mission and these offsite security requirements within its available resources.

In anticipation of this mission need, in its FY 2020 budget justification, the Department requested $3.185 Million in overtime funding and $3.775 million for general expense requirements to support its operational requirements for the national political conventions and anticipated pre-inauguration planning. These requirements are based on an analysis of prior requirements for these mission sets and treading data related to threats and directions of interest to Members, as well as other intelligence and threat information available to the Department at the time of its budget justification.

As a part of its review of the Department's annual budget submission and our ongoing threats and mission dialogue with the Department, the Capitol Police Board has concurred with the Department's planning methodology for the current political campaign season, the national political conventions and pre-inauguration planning.

7. Has your office and the USCP COP concerning the benchmarks and metrics achieved under the USCP Strategic Plan FY 2015-FY 2019? In general, what have OIG audits, investigations, and reviews found with respect to USCP's information technology (IT) infrastructure? If so, what were those findings?

The Capitol Police Board (CPB) will receive a formal briefing subsequent to the closure of the FY 2015 – FY 2019 USCP Strategic Plan and the FY 2019 Annual Performance Report. Further. the CPB will be briefed on the strategic planning activities underway to set the direction of the Department and mechanisms for measuring progress for the next 5 years, FY 2020 – FY 2024.

The OIG audits and investigations of the USCP Office of Information Systems (OIS) and IT infrastructure have focused in the areas of email security, monitoring of internet usage, insider threat detection, public website and web app performance, information security, mobile device security, back-up and recovery capability, and enterprise architecture. Based on the weekly updates provided to the Capitol Police Board, the Department has indicated that the OIS has closed the majority of those findings and has launched key initiatives to drive technology improvements across the USCP, especially to address the remaining two recommendations in this area.

The Department's five-year IT Strategic Plan was developed in 2016, defining the direction of IT within the Department for FY 2017 - FY 2021. The plan was developed based upon the USCP Strategic Goals as defined in its FY 2015 – FY 2019 Strategic Plan. The IT plan addresses technology, process, and people. Based upon the IT goals and objectives, annual operations plans were developed and executed against, defining actions, products, and services delivered by quarter. These tactical plans ensure the proper balance between innovation and the introduction of new technology with the critical importance of sustaining and maintaining critical infrastructure and operations. The result is a more secure and stable USCP infrastructure with a roadmap to modernization based upon mission priorities and risks. The IT plans drive individual performance and the overarching transformation of the IT organization.

The Department has advised me that the Office of Information Systems (OIS) is tied into many mission support activities and is "at the table" with mission discussions and decisions. The OIS is

involved in financial statement audits and has closed a tremendous number of IT specific audit findings related to the Department's financial statement audits over the years. Additionally, due to the cyber security landscape across the federal government and industry, the Department has assured me that the OIS collaborates with the Legislative Branch organizations, industry, and other federal organizations to stay current. Additionally, I have been advised that the Chief Information Security Officer (CISO) briefs the USCP Executive Committee (ET) on a monthly basis to keep the ET informed of the latest threats and risks that are being addressed and managed and plans for further securing the USCP IT environment and for closing the remaining IT related OIG audit recommendations.

8. Have the SAA and CPB been briefed by USCP COP concerning its strategic plan to implement the Office of Inclusion, Diversity, Equity, and Action (IDEA) into USCP programs per OIG recommendations?

The SAA and CBP have not yet been briefed on the USCP Strategic Plan and Human Capital Strategic Plan (HCSP). Due to the retirement of the previous Chief (Matthew Verderosa) and the appointment of Chief Steven Sund, the timeline has been reset to accommodate the transition of leadership. The postponement acknowledges the need for the new Chief to set his agenda for the Department and to have that reflected in USCP strategy for the years ahead.

Realizing that the USCP Human Capital Strategic Plan is a critical component in directing and informing the course of human capital management across the Department, I have been monitoring this effort. I have been assured that it will provide the framework for the next five years for building and developing the USCP workforce. The USCP has multiple organizations that play a key role in the successful management of the workforce and the human capital lifecycle. Integrating the strategic direction and goals across the human capital lifecycle into a single strategic human capital plan ensures a holistic approach to key workforce management policies, practices, and operations. More specifically, and as an example, I understand that the goals, objectives, and activities related to the Office of IDEA will be integrated into the HCSP as it is a fundamental component of the human capital lifecycle, employee engagement, and the cultural health of the USCP. Additionally, it is my understanding that the goals, objectives and activities of the Office of Human Resources, the Office of Backgrounds Investigations and Credentialing, which handles sworn recruiting and hiring and the Training Services Bureau, will also be incorporated for a seamless approach to human capital management.

Further, the USCP Chief Administrative Officer has advised me that supporting action plans will be developed that include key performance indicators and actions, with measures and milestones. As part of the planning, the roles and responsibilities, and interdependencies across organizations will be defined. This includes goals, objectives, and activities related to the Office of IDEA as well as other organizations supporting the human capital lifecycle. Further, I have been assured that the core elements of diversity, inclusion and equity will be incorporated into the overarching Department Strategic Plan, so that these key factors become a part of the overall operational and administrative functions of the Department as recommended by the USCP Office of Inspector General.

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September 10, 2019

COP190854

The Honorable Zoe Lofgren
Chairperson
Committee on House Administration
United States House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

The Honorable Rodney Davis
Ranking Member
Committee on House Administration
United States House of Representatives
1216 Longworth House Office Building
Washington, D.C. 20515

Dear Chairperson Lofgren and Ranking Member Davis:

Thank you for the opportunity to respond to additional Questions for the Record from the Members of the Committee on House Administration following the July 16, 2019, hearing, "Oversight of the United States Capitol Police."

Please find enclosed the Department's responses. If you have any questions regarding this document, please do not hesitate to contact my office.

Again, I thank you for the opportunity to further discuss our mission and accomplishments for the record. Your continued support of the women and men of the United States Capitol Police is greatly appreciated.

Very respectfully,

Steven A. Sund
Chief of Police

COMMITTEE ON HOUSE ADMINISTRATION
HEARING – JULY 16, 2019
"OVERSIGHT OF THE UNITED STATES CAPITOL POLICE"
QUESTIONS FOR THE RECORD
UNITED STATES CAPITOL POLICE RESPONSE

MAJORITY QUESTIONS FOR THE RECORD

QUESTION 1: The United States Capitol Police (USCP) is concluding its Strategic Plan for FY 2015-FY 2019. Five key areas were identified where USCP would direct its efforts: 1) Improving management and planning; 2) improving communications; 3) enhancing leadership capacity; 4) establishing a performance-based culture; and 5) improving organizational learning.

a. Please provide an overall assessment of how the Department performed in addressing each of these areas and provide related metrics or other data demonstrate and measure that performance.

USCP RESPONSE: The *USCP Strategic Plan FY 2015 – FY2019* was developed under the leadership of former Chief of Police Kim Dine during 2013-2014. While the USCP mission has not changed, the scope of the threats that we are faced with continually change–and the ways in which the USCP adapts to those threats requires change. The nature of the mission requires an agility, the ability to respond quickly to mission priorities. The supporting action plans must be dynamic; reviewed and reprioritized each year to ensure they align to the environment and threats that exist and those anticipated.

During the implementation of the strategic planning activities under former Chief of Police Matthew Verderosa's leadership, two overarching priorities drove the Department's efforts. The most critical focus was to address the need for enhanced security programs. The USCP was successful in the design and implementation of four security programs: securing the O'Neill House Office Building, the implementation of enhanced portal screening, the protection of House garages, and the initiation of pre-screening. Additionally, Chief Verderosa determined that returning to the basics, building a solid organization with appropriate resources to support mission essential functions would provide the most value. Although the transformational priorities identified in the strategic plan contributed to the organizational health and maturity of the Department, they too were assessed over the years to determine which initiatives could be deferred to allow for needed staffing in the mission areas and to those transformation initiatives that provided the most benefit to the organization. The following list highlights the USCP's

achievements as they relate to the Transformation initiatives, and those priorities determined under Chief Verderosa:

i. Developed the USCP Strategic Plan, from which Division plans could be developed to ensure mission and mission support activities aligned to the achievement of the USCP strategic goals
ii. Developed and communicated a unifying organizational vision
    a. Launched a new USCP website
    b. Expanded the Public Information Office, thereby broadening and strengthening both internal and external communications
    c. Developed and implemented a new communication strategy
iii. Leadership Capacity and increased learning through additional training and mentoring opportunities
    a. Launched a new Supervisory Leadership Training Program
    b. Provided leadership development opportunities for the sworn employees (federal and private industry with specialty focus areas)
    c. Implemented a new organizational structure to increase "line of sight", accountability, and resource allocation planning
iv. Developed and launched a new performance management program focused on accountability across the USCP
    a. Implemented new Directives, training, and mentoring on managing performance
    b. Launched a new employee recognition program with supporting Directives, guidance, and communications

As the Department closes out the *USCP Strategic Plan FY 2015 – FY2019* under a third Chief, Chief Steven Sund, the development of a new strategic plan will review the prior initiatives to determine relevance and value for inclusion of these remaining items in the new plan. Accordingly, the USCP is currently developing its Strategic Plan for Fiscal Years 2020-2024. The plan will provide a roadmap for achieving the USCP mission today while preparing for the requirements and challenges of tomorrow. It will also serve as a platform for enhancing operational performance and creating better alignment across the organization. The strategic plan will be the result of a collaborative effort with input from a cross representation of bureaus, offices, supervisors, and employees. The new strategic plan will address the gaps that have historically existed and new opportunities and threats. Current work supporting the transformational priorities will be reviewed and considered in the development of action plans supporting the new strategic goals. Corresponding timelines and resource management strategies will ensure priorities and decisions are both achievable and consistently aligned to the strategic goals. The new initiatives will have clearly defined metrics and targets; and data will be collected and reported on, to ensure progress is measured over the years.

QUESTION 2: The USCP Office of Inspector General (OIG) noted that a top management challenge for the USCP was "managing federal contracting." You testified at the hearing that the USCP has "implemented internal controls to actually review the contract performance [and] monitor contracts," and that more internal controls will be rolled out across the Department. a. What internal procedures has USCP implemented to address appropriate internal oversight of contractors working for USCP?

USCP RESPONSE: The USCP's Office of Acquisition Management (OAM) utilizes the Annual Contract Status Report as a mechanism for feedback and oversight of contractors providing services. Currently the USCP captures contractor performance by receiving an annual contract status report, before a contract renewal can take place. An annual report is obtained to ensure that a contractor's performance is appropriately documented. If a contractor has performed well without issue, the Contracting Officer exercises the next option period on the contract. If they have not, the Department works to ensure compliance or seeks other means for procuring the goods or service. The Department is currently researching ways to enhance the data collection and display of contractor performance information from the annual reports for decision makers in an electronic format which will further enhance this process.

Further, the Department has strengthened internal oversight of USCP contractors by formalizing USCP Contracting Officer Representatives (COR) training, updating the necessary policies to reflect best practice requirements for contractor performance oversight and by tracking COR training via the Department's Training Management System to ensure training compliance.

a. What additional controls are being developed and /or will be implemented?

USCP RESPONSE: Because the mission of the Department is so critical and contractors play such an important role in helping the Department meet its mission, the Department is working to develop and implement a more defined performance based contract process. This will ensure that contractors are meeting performance objectives at the appropriate performance quality levels and payments are made only for services meeting these defined quality standards. Additionally, the Department is working to collect and display contractor performance data in a digital manner, so that decision makers can make decisions based on the latest facts. The Department believes that by accomplishing these two goals, as well as by improving and delivering training for CORs, ensuring compliance with contracting policies and incorporating best practices, the Department can continue to enhance its procurement activities within structured internal controls.

b. How many Contracting Officer Representatives (COR) are certified in the Department?

USCP RESPONSE: There are 70 trained personnel serving as CORs for the Department, of which 41 are assigned to an active contract.

QUESTION 3: The OIG highlighted human capital as one of the Department's key management challenges. As USCP closes out the current USCP Strategic Plan FY 2015-FY 2019, what benchmarks were met and what key challenges remain with respect to human capital issues in the Department?

USCP RESPONSE: The USCP is making progress in improving human capital operations. The Office of Human Resources (OHR) projects and tracks personnel hiring, separations, and retirements against the authorized and funded levels for the year (as per *USCP Strategic Goals and Objectives - 1.3 Identify and monitor relevant organizational metrics to evaluate and improve Department performance*). This informs recruitment efforts and resource planning for supporting the hiring and onboarding processes. During years of budget constraints and unknowns, e.g. operating under a continuing resolution without a final budget, it is difficult to fill the vacancy levels that exist each year. For example, in Fiscal Year (FY) 2018, the sworn and civilian hiring was adjusted to ensure we could support the onboard staffing. The USCP is operating under a full appropriation for FY 2019 and hiring has resumed with a target of filling the funded sworn and civilians staffing levels.

As was noted by the OIG, the Department faces the unique challenge of finding applicants for civilian positions who can meet our established employment suitability standards. The USCP has added pre-screening suitability related information in each vacancy announcement to screen potential candidates early in the process, eliminating the unnecessary utilization of resources throughout the hiring process. For select positions, focused recruitment efforts with personal outreach, emphasis on the standards for employment, and encouraging applicants to apply only if they meet the basic suitability criteria has been crucial, as the transparency has helped to generally find candidates who can pass the standards move forward in the hiring process.

As defined in the *USCP Strategic Goals and Objectives – Goal 3* (*Maximize efficiency and effectiveness through best practices and promote accountability through employee engagement and a positive work environment*), the OHR has made progress to meet *Objective 3.3: Become an employer of choice, with a highly-motivated and committed workforce* and *Objective 3.4: Improve management and planning to create a culture of accountability and continuous improvement* as reflected in the following activities:

i. The Department recently implemented a revised performance management system designed to provide goals that are more meaningful as well as, objectives for employees that link performance to the Department's overall strategic goals. Such a link will ensure that the leadership goals of the Department are carried throughout all layers of the Department. The USCP has provided supervisory toolkits, training materials and briefings for supervisors and employees on the meaningful application of performance expectations into daily operations. Tools and tips for effective performance conversations support the successful implementation of the new process and overall accountability across the Department. Additionally, a new Employee Recognition Program and supporting policy was established in FY 2018. Honorary and monetary award nominees are being considered for awards' distribution in FY 2019.

ii. The OHR recently established a Policy, Planning, and Accountability organization to centralize the development of new policies and procedures, supporting the USCP internal controls process, act as the audit liaison to the Office of the Chief Administrative Officer, and support the Department's CALEA accreditation. This new organization better positions OHR to support workforce management and accountability across the USCP.

iii. The USCP continues to work on strengthening its organizational culture of employee engagement and mission performance. Engaging employees and removing the barriers that make it difficult to accomplish the vast and complex tasks remains a priority as it directly relates to mission performance. To that end, the USCP has issued the 2018-2019 Employee Viewpoint Survey (EVS). The EVS allows USCP employees to share opinions and perceptions about work experiences. While participation is voluntary, maximum participation will help ensure that the opinions and views expressed are representative. Survey results will reveal strengths and areas for improvement guiding the Department to build on the successes while developing action plans to address the weaknesses that are identified. The 2018-2019 EVS serves as a progress report and a way to measure our collective improvement efforts.

iv. The new USCP Strategic plan will have clearly defined "key performance indicators" and metrics to determine progress made against the goals and objectives. The operational plans will show activities over the years to meet the strategic goals. The new Human Capital Strategic Plan (HCSP) will take the challenges and opportunities identified in the OIG reports, EVS surveys, third party assessments and benchmarking to drive transformation initiatives that focus on building a foundation to support a modern, highly competent, and accountable workforce.

QUESTION 4: The OIG noted that several recommendations remain open regarding the Office of Inclusion, Diversity, Equity, and Action (IDEA) and its integration throughout Department programs.

a. Is there a strategic plan which outlines the roles and responsibilities of IDEA?

USCP RESPONSE: The USCP Human Capital Strategic Plan is a critical component in directing and informing the course of human capital management across the Department. It will provide the framework for the next five years for building and sustaining the needed workforce. The USCP has multiple organizations that play a key role in the successful management of the workforce and the human capital lifecycle. Integrating the strategic direction and goals across the human capital lifecycle into a single strategic human capital plan will ensure a holistic approach to key workforce management policies, practices, and operations. Each responsible office depends upon the work of the other offices, and integrating their strategic direction provides a unified roadmap for the next five years.

Supporting action plans will be developed that will break down the HCSP goals and objectives into key performance indicators and actions, with measures and milestones. As part of the planning, the roles and responsibilities, and interdependencies across organizations, will be identified. This includes goals, objectives, and activities related to the Office of IDEA as well as other organizations supporting the human capital lifecycle.

To be successful, the USCP must establish and sustain successful tactics for building and sustaining a diverse workforce and promote an inclusive workplace environment, developing the great employees we have, attracting new talent, and ensuring top performance. Through the use of proven workforce management strategies, diversity and inclusion priorities, training programs, performance management tools, and appropriate incentives policies outlined in the supporting HCSP and action plans, the USCP will be prepared for the policing challenges facing us today and into the future.

b. How does the Department measure success?

USCP RESPONSE: The success of the IDEA Office rests on sustainable initiatives that result in transformational leadership. The quality and quantity of programs and services that meet our workforce's training, engagement, professional development and advisory needs are the metrics through which we measure success. Since 2016, there has been a 900% increase in response to IDEA offerings, such as the Career Building List program. There has been a 100% increase in requests for training services, whether it is creating external partnerships for our workforce to attend the Critical Race Theory training offered by the Metropolitan Police Department or delivering trainings for roll calls, the Senior Leadership Training Program or Field Officer

Training. The IDEA Office has doubled the number of programs that increase our workforce's knowledge about historically underrepresented populations in law enforcement and the unique challenges that they often encounter in recruitment, retention and promotion. Our goal is to inspire managers to care about these issues by linking them to workforce performance. The IDEA Office's collaborations and integration with other USCP Bureaus, Offices and Divisions have provided an inclusion and equity perspective to our policies and new recruitment pipelines for talent. In 2019, our Career Building List program, which is comprised of 44 aspiring leaders—from Deputy Chiefs to Private First Class Officers—identified and sent our workforce to 11 training institutes that focused heavily on diversity management education and cutting-edge advancements in law enforcement.

The recent growth of the IDEA Office will further allow the Department to adequately serve our workforce. Based on benchmarking research, for every 500 employees in a federal law enforcement agency, there should be an inclusion, diversity and equity professional. In 2019, we went from a ratio of one professional for 1000 employees to one professional for every 500 employees. The IDEA Office also provides complex demographic data and benchmarking research and has under development an Inclusive Mentoring Program, a Peer Support Program. Further, the IDEA Office is in the process of rolling out an Inclusive Leadership training (also referred to as Unconscious Bias) for the Department's executive management personnel and a Diversity Climate Assessment for the entire organization. And finally, the IDEA Office has created safe and encouraging spaces for underrepresented groups, such as women, by hosting a reception for over 70 women in various law enforcement agencies, as well as a Diversity Dialogues Series where thought leaders share their experiences and knowledge with our entire workforce.

c. How does the Department hold all executives and managers accountable for meeting these measures?

USCP RESPONSE: Through annual performance reviews and evaluations, the Assistant Chief of Police and Chief Administrative Officer are integrating the requirement for inclusion, diversity and equity initiatives into each Bureau and Office's management systems and processes, and will be holding the respective chains of command accountable as a measure of success. The expectation is for each Bureau Commander and Office Director to integrate the same diversity, equity and inclusion requirements in the performance plans for their direct reports and senior/mid-level managers.

QUESTION 5: What challenges does the Office of Background Investigations and Credentialing (OBIC) have with regards to its recruitment efforts?

USCP RESPONSE: In 2016, sworn recruiting was placed within the Office of Background Investigations and Credentialing (OBIC) from the Office of Human Resources to enhance the focus on sworn recruitment. This provided a consolidated process for the recruitment and the background investigation process for sworn positions. Prior to this time, the Department did limited active sworn recruiting and relied mainly on passive recruiting through USA Jobs, because the Department hired strictly for attrition. In FY 2016, the Department undertook a multi-year sworn hiring effort to address four enhanced security programs (O'Neill House Office Building security, House Garage Security, Enhanced Portal screening, and prescreening outside of House and Senate Office Buildings). As result, the Department had to ramp up is sworn hiring efforts to address not only attrition, but also new sworn positions as referenced above. This required the Department to begin active sworn recruiting, which required reconstituting relationships with colleges, universities, associations, etc., so that the Department would be recognized as an organization of choice for employment. Additionally, it required the Department to build its brand, develop a comprehensive recruiting strategy, implement recruiting methods and develop a cadre of recruiters.

In FY 2017 and FY 2018 OBIC was very successful at recruiting and investigating highly qualified candidates for sworn positions within the Department through both passive and active recruiting in traditional locations, such as through criminal justice programs. This allowed the Department to implement the Enhanced Security Programs mentioned above. It should be noted that this was all done while working to build the Department's sworn active recruiting program.

However, the ability to find highly qualified sworn applicants who meet the Department's Employment Suitability Standards has grown increasingly difficult. As with other federal, state and local law enforcement, the Department must compete to hire highly qualified sworn officers from similar applicant sources. More specifically, the Department has been actively working to increase the recruitment of females and members of under-represented populations in order to increase the diversity of our workforce. This too has been very difficult to identify and recruit highly qualified candidates who meet hiring standards who are not already being recruited by other law enforcement entities. As a result, the Department continues to build the necessary relationship with associations, colleges, universities, state law enforcement training centers, and the military to enhance the applicant pool needed to find the necessary sworn employees to fill vacancies. During this period, the Department expects to continue to have difficulty recruiting and hiring highly qualified candidates, especially in our target under-represented populations.

How are diversity initiatives incorporated in recruiting efforts?

USCP RESPONSE: OBIC consults with the USCP Diversity Officer on matters of mutual interest, specifically targeting recruiting events and colleges with an emphasis on underrepresented populations. The Diversity Officer and the OBIC Commander have a recurring monthly meeting to discuss recruiting efforts and strategies.

OBIC also developed and implemented a Collateral Recruitment Liaison (CRL) Officer Program, which is comprised of 27 sworn officers from various demographic backgrounds and units within the USCP. These officers represent the communities the USCP serves. OBIC also has a civilian military liaison that focuses on recruiting at military bases and within National Guard units. In addition, OBIC has partnered with the military Transition Assistance Program (TAP) to recruit those military members who are preparing for civilian life.

OBIC has also established formal and informal partnerships with college professionals, professional sports leagues and businesses. Since the inception of the CRL Program, OBIC has established 900 professional contacts in these areas. In addition, OBIC has fostered partnerships with the following affinity groups:

i. The National Organization of Black Law Enforcement Executives (NOBLE)
ii. The National Latino Peace Officers Association (NLPOA)
iii. Hispanic Police Officers Association (HPOA)
iv. National Latino Peace Officers Association (NLPOA)
v. Women in Federal Law Enforcement (WIFLE)
vi. League of United Latin American Citizens (LULAC)
vii. National Association of Asian American Professionals (NAAAP)
viii. Federal Asian Pacific American Council (FAPAC)
ix. Historically Black Colleges and Universities (HBCU)

These relationships are vitally important to the USCP to ensure that we continue to recruit and hire highly qualified sworn employees to meet our critical mission.

OBIC has also developed recruitment materials in conjunction with the USCP Public Information Office (PIO) that illustrate USCP officers from various demographic groups. The PIO has also enhanced and modernized the Department's website to make it more appealing to our diverse audience, so that potential applicants feel welcome within the Department. Additionally, OBIC utilizes job platforms such as *Indeed* and *Handshake* to target specific events and demographic groups that are underpopulated in the USCP.

QUESTION 6: What advanced training programs are available for on-board employees? Do these programs include management training programs?

USCP RESPONSE: The Department provides various advanced training programs to onboard employees to enhance the Department's capabilities to meet its mission. Every USCP Bureau Commander and Office Director is responsible for identifying the required training programs that will positively impact their respective subordinates' skills, knowledge and abilities to succeed in overcoming challenges and meeting Departmental goals. These advanced training opportunities are provided in a variety of ways to the workforce, to include requirements for specialized positions and more generally are offered through a selection process via a formal vacancy announcement.

In an effort to provide effective management training programs for onboard employees, the Department offers and provides two management training programs. Training Services Bureau provides a Supervisory Leadership Training Program (SLTP) for newly promoted Sergeants, Lieutenants and Civilian Supervisors. This program is a three week career development tool that provides a unique opportunity for first and second-line supervisors to develop and refine their leadership skills in a program designed for the culture of law enforcement and the USCP mission. The program focuses heavily on human capital leadership and training specific to USCP operations. The topical areas include leadership and management skills through understanding and adapting to human behaviors, communication skills, team building, conflict management, human resources management, legal responsibilities, business writing skills, stress management, workplace diversity and inclusion, anti- harassment and anti- discrimination and performance skills and situational decision- making skills.

The Department also offers the opportunity for Lieutenants and above to attend the FBI National Academy. The specific number of USCP officials allowed to attend is dependent on how many slots are provided to USCP by the FBI National Academy. The FBI National Academy is a professional course of study for U.S. and international law enforcement managers nominated by their agency heads because of demonstrated leadership qualities. The 10-week program which provides coursework in intelligence theory, terrorism and terrorist mindsets, management science, law, behavioral science, law enforcement communication, and forensic science, serves to improve the administration of justice in police departments and agencies at home and abroad and to raise law enforcement standards, knowledge, and cooperation worldwide.

Finally, the Department is in the process of evaluating and reviewing the educational opportunities offered through the Federal Emergency Management Agency (FEMA) Naval Postgraduate School and the Center for Homeland Defense and Security (NPS-CHDS) for potential rollout in calendar year 2020.

QUESTION 7: Does the USCP have mandatory advanced leadership training courses and requirements established for individuals to be considered for promotion to each rank, including Sergeant, Lieutenant, Captain, Inspector, Deputy Chief, and Assistant Chief?

USCP RESPONSE: Although the USCP has no mandatory advanced leadership training requirements for consideration for promotions, the USCP provides leadership development opportunities for sworn employees.

All USCP employees promoted into supervisory positions must attend a Supervisory Leadership Training Program (SLTP), a three-week program that provides both leadership and management training to support supervisors in their new roles.

As examples, USCP employees have participated in the following programs to enhance leadership skills for sworn officials: FBI National Academy; International Association of Chiefs of Police (IACP) Women's Leadership Institute (Training Institute); Women in Federal Law Enforcement (WIFLE) Leadership Training Conference (Training Institute); and the Federal Asian Pacific American Council (FAPAC) National Leadership Training Program.

QUESTION 8: How does the Department leverage its partnerships with federal, state and local police departments and other law enforcement agencies to expose its employees to advanced training?

USCP RESPONSE: In addition to our ongoing collaboration with the Federal Law Enforcement Training Center to train all of our sworn-officer recruits, the USCP maintains partnerships with federal, state, and local police departments as a regular part of our operations. The USCP is imbedded with various law enforcement joint task forces and working groups, and regularly attends meetings where area law enforcement officials meet to discuss upcoming events, lessons learned debriefings following National Special Security Events, training initiatives, and ways to improve collaboration. These professional interactions often provide training opportunities to enhance our skills sets and improve our internal procedures. They also assist with understanding the response procedures and capabilities of our partner agencies throughout the region. Additionally, the instructors from the USCP Training Services Bureau routinely attend trainings being offered by other law enforcement entities to determine the applicability of training and receive the necessary train-the-trainer instruction to bring the training back to the Department.

QUESTION 9: The USCP made 355 arrests subsequent to traffic encounters between January 2017 and April 2019. Among those arrested, 82 percent were minorities. Of these minorities, 75 percent were African Americans. Has the Department conducted a study of these traffic stops to determine if the actions were appropriately carried out and did not have a disparate impact?

USCP RESPONSE: Pursuant to the provisions of 2 U.S.C. § 1961 and 2 U.S.C. § 1967, as amended, the USCP has the authority to make arrests and otherwise enforce the laws of the United States and the District of Columbia while on or in U.S. Capitol Buildings and Grounds or in the Extended Jurisdiction Zone (EJZ). The extended jurisdiction permits the USCP to deter and respond to crime before it reaches the U.S. Capitol Grounds, thereby protecting Members, D.C. citizens, and visitors from crime or physical harm.

The U.S. Capitol Grounds and the EJZ also fall within the First District of the Metropolitan Police Department (MPD). The USCP considers the MPD to be a valued partner in fulfilling its law enforcement responsibilities and works closely with MPD leaders and officers daily. Each Department has its well-defined roles and responsibilities, and we routinely collaborate on areas and topics of mutual concern such as securing major events within the city.

The U.S. Capitol and its Grounds, while federal property, was designed to be at the center of the city of Washington. Therefore, in addition to being an historic landmark and tourist destination, it also contains major thoroughfares through the city (Constitution and Independence Avenues), residential neighborhoods, and Union Station; a major transportation hub – all characteristics of a major urban center.

Between January 1, 2018 and April 28, 2019, the USCP made 355 traffic-related arrests. Minorities accounted for 83% of arrests and of these minorities, 91% were African American. Since it is not possible to determine the races and gender of all those who drive through our Grounds and the EJZ, the USCP examined MPD's traffic arrests since both organizations have overlapping jurisdictions in a similar geographic area and therefore a similar driver population. Based on the most-recent available data, between January 1, 2016 and December 31, 2017, MPD's First District made 1,086 traffic-related arrests. Among those arrested by MPD, 86% were minorities, and of these minorities, 99% were African American. Based on this data, USCP and MPD arrest rates are comparable, with the USCP's arrest rates slightly lower.

The USCP works to prevent criminal activity as it is encountered; without regard to demographic characteristics. The USCP policy prohibits discrimination and harassment on the basis of race, age, color, sex, genetic information, national origin, disability, religion, and/or service in the uniformed services.

QUESTIONS 10: The USCP issued a total of 12,114 citations from January 2017 to April 2019. Among these citations, 5, 182 were for parking violations, 2,776 were for moving violations, and 14,156 were warning citations. Is the Department able to study demographic data for these citations to determine trends and/or evaluate intelligence which may be of value? IF so, has the Department made such a study?

USCP RESPONSE: The USCP is unable to study demographic data for parking, moving, or warning citations as demographic information is not collected for these violations. The USCP generally enforces parking violations on U.S. Capitol Grounds at the request of the House and Senate Parking Offices. In addition, most parking violations involve unoccupied vehicles where the demographic information regarding the driver is unknown.

QUESTION 11: With the tragic nationwide increase in police suicides, what is the USCP doing to raise awareness of Employee Assistance Programs to help with difficult life circumstances?

USCP RESPONSE: The USCP implemented mandatory suicide awareness training which has been provided to 1809 sworn personnel since its launch and continues to be provided to all recruit classes. This training is focused on increasing the awareness of the potential warning signs of depression and suicide, as well as the understanding of what action to take if an employee becomes aware that a colleague may be suicidal and an understanding of the resources to assist them. Further, this training aims to remove the stigma that sometimes exists within the law enforcement community associated with mental health issues and treatment. The suicide awareness training also helped personnel to become more aware of the services offered by the Office of Employee Assistance (OEA) and how to access the services. These services include assistance covering a variety of topics to include: marital/family difficulties, personal or job related stress, critical/traumatic incident as well as others.

QUESTION 12: How does the USCP track the issuance of performance summary assessments of employees? How are supervisors at all levels held accountable for failure to provide performance feedback?

USCP RESPONSE: Employee performance is assessed through the Performance Evaluation and Communication System (PECS) which covers all sworn and civilian employees at the rank of Inspector or civilian equivalent (CP-13) and below. The basic purpose of the PECS is to ensure and support employee performance that contributes to achieving the Department's mission, goals, and objectives. The USCP appraises an employee's performance each year through the PECS to assess whether each employee has met, exceeded, or failed to meet

their performance expectations during the appraisal period. The OHR is responsible for the overall implementation and administration of PECS. This includes reviews and audits to ensure adherence to policy and procedures and consistency in rating justifications.

Within 45 days of the beginning of a new appraisal period the supervisor (rating official) provides confirmation to the OHR that the employees reporting to them have been placed on a new performance plan. Within 60 days of the start of a new appraisal period, and every 30 days thereafter, the OHR provides a report to Bureau Commanders/Office Directors of employees within their Bureau/Office who have not yet been placed on a performance plan, until compliance is reached. Supervisors should conduct mid-year performance reviews with their employees to discuss performance and goals. The mid-year review should be conducted not less than 120 days before the end of the appraisal period typically between months 6-8 of the appraisal period. At the end of the appraisal period, if an employee submits a self-assessment of their performance for the rating period, the supervisor will take the employee's self-assessment into consideration when completing the final summary appraisal and rating.

The supervisor rates the employee on each of the core competencies (work performance and results, interpersonal skills, critical thinking, integrity and responsibility, self-management, and communication) and any other benchmarks and applicable performance strategies, targets and milestones related to USCP performance goals and objectives – at one of three levels: Outstanding, Meets Expectations, Fails to Meet Expectations. Supervisors are rated on three additional competencies, to include Leadership, Management, and USCP Strategic/Business Plan Results. The supervisor determines an overall summary rating of the employee's performance. Within 60 days of the end of an appraisal period, and every 30 days thereafter, the OHR will provide a report to the Bureau Commanders/Office Directors of employees within their Bureau/Office who have yet to receive a final summary rating until compliance is reached. All supervisory levels are held accountable and rated appropriately based on the completion of their respective subordinates complying with the PECS Directive and timelines for issuance to the personnel under their command. Those supervisors who do not comply with the established timelines are counseled on their actions, which are generally noted in their personnel jackets and on their PECS.

QUESTION 13: What USCP health and wellbeing programs are available to USCP employees?

USCP RESPONSE: The USCP Wellness Program is being developed to focus on treating the whole employee based specifically on each individual's needs. The Department is approaching this overall effort from multiple levels and through utilizing available partnerships.

In addition to the resources being developed and implemented internally within the Department, we are partnering with the House Wellness Center to fully utilize the many programs being developed by the Center in order support our workforce. As a part of this agreement, the Department plans to fully implement, once they are available, the Well Source, Zipongo, Stress Stop, Wellable and LifeCare programs for our workforce. Additionally, the Department will also provide access to the various webinars and web-based mindfulness applications being utilized through the House Wellness Program once they are cleared by the Department's cybersecurity team. The Department is also utilizing the general messaging plan that the House Wellness Program created, by providing relevant information to our employees related to various ongoing programs.

New Recruits: The Department conducts a 5 day pre-recruit officer training session that specifically addresses emotional intelligence, critical thinking, mindfulness, and life skills. Training not only addresses the stress and complexity of the training they are entering, but also, the overall lifestyle changes needed to adapt to a federal law enforcement career. This ranges from mindfulness techniques, to how to approach situations with greater emotional intelligence and critical thinking skills, to how to properly exercise and eat, to budgeting based on their rate of pay versus the overtime they will earn, to planning for retirement, to resources available to them to holistically approach their work-life balance. It is during this session that the Department introduces the multiple programs being offered by the House Wellness Center and demonstrates for these new employees the nexus between utilizing these programs, as well as others available to them, to their personal well-being.

Current Employees: The Department is developing a comprehensive program that will focus on the elements of mindfulness techniques, how to approach situations with greater emotional intelligence and critical thinking skills, how to properly exercise and eat, budgeting based on their rate of pay versus the overtime they will earn, planning for retirement, and the many resources available to them to holistically approach their work-life balance. Additionally, the Department is developing peer support and mentoring programs to support our employees' growth. Further, we plan to explore the possibility of providing an avenue for mental health counseling and psychological services, meal preparation options, health screenings, health fairs, financial health with an emphasis placed on the importance of self-care, and critical incident debriefing.

To implement and sustain such an effort long-term, the Department plans to hire a Wellness Coordinator to manage our overall program and add additional resources, to include additional contracted fitness trainers in order to increase the focus on physical health, one-on-one physical fitness coaching, fitness evaluations, training and nutrition recommendations, and leading a variety of fitness classes/team challenges, etc.

Increasing the amount of fitness and nutritionist contracted positions would also allow for better access to all employees with varying shift coverage throughout an entire work day. Additionally, it would allow for the development and implementation of various programs designed to assist employees with handling stress, nutritional health and overall resiliency in an expeditious manner and focused specifically to the needs of the individual employee.

And lastly, the Department provides a number of other programs intended to contribute to our employees' overall wellness and resiliency. Some of these offerings include: the Student Loan Repayment Program; an annual USCP Health Fair; and regular Financial Wellness seminars that are offered free of charge, with topics that include Social Security Retirement, FERS Retirement, TSP at a Glance, TSP for Early to Mid-Career, Achieving Financial Independence and a Retirement Round Table.

QUESTION 14: Please describe your greatest cybersecurity need and how you are staying current with the fast-evolving cyber landscape? Is USCP coordinating with other legislative branch agencies in this area?

USCP RESPONSE: The early detection of threats and automating the investigations of alerts remain the greatest areas of need in the USCP Cybersecurity landscape. Cyber threats continue to grow and evolve at a rapid pace thus creating a large gap between the identification and knowledge of an exploit, the investigation, and the response (e.g. the systems being patched or protected). Variants of exploits adds to the challenge of early detection and the ability for the USCP to maintain a secure environment. Attacks known as Advanced Persistent Threats (APTs) are an even greater challenge. They are sophisticated attacks that gain access to a target's network and persistently inspect the environment over a long period to understand the environment's weaknesses. Threats like APTs, insider threats, abnormal behavior, and unpatched systems must be detected early in the cyber kill chain to prevent exploitation and unauthorized access. Increasing the use of automated tools to perform tier one analyst tasks in the early detection process allows staff to focus on alerts or incidents that require human intervention. The cyber staff can focus on the investigation of a specific threat, abnormal behavior, and/or engineer better methods of securing the environment. Early detection with automation utilizing behavioral analytics is an effective countermeasure throughout various threat vectors, including but not limited to, ransomware, malicious code, and insider threat.

USCP Cyber staff work to remain current with the ever-changing cyber landscape. USCP collaborates regularly with other Legislative Branch organizations (LBO) and private partnerships, and participates in training opportunities to obtain the most current information on threats and covert tactics. Specifically, the USCP collaborates with other LBOs as members of the Cyber Working Group, Legislative Branch Chief Information Security Officer (CISO)

Counsel, Threat Working Group, and the Security Operation Center (SOC) Working Group. The USCP benefits from the information sharing and collaboration that occurs across the LBOs. The following specific efforts are underway to ensure the Cyber team stays current:

i. Utilization and constant optimization of SOAR (Security Orchestration Automation and Response) technologies to integrate with threat feeds from various open source platforms and provide analysis for discovered security incidents
ii. Moving away from signature-only based detection systems, to platforms which use behavioral analysis, and are fully automated with log and incident management systems.
iii. Collaboration between the LBOs for cyber threats and security operations on a monthly basis
iv. Attendance at cyber security conferences such as RSA, BlackHat, and local events discussing technologies and trends
v. Participation in online demonstrations and courses, such as SANS events which provide real-world, practical examples and mitigations
vi. Review and auctioning on advisories and information provided by our Virtual Security Operations Center (VSOC) - threats seen across all the customers' environments they support

The USCP is building a cybersecurity program aligned to the Cyber Maturity Model (CMM). The model is an industry recognized practice used to enhance cybersecurity capabilities, ensuring the focus and implementation of information, processes, procedures, resources, and technology to obtain an ideal enterprise secure posture. The USCP has a defined strategy that takes a very deliberate and phased approach for continued maturation. The Legislative Cyber Working Group members are considering standardization on the CMM model however a decision has not yet been made.

QUESTION 15: The OIG noted in its July 2019 audit of USCP's Records Management Program severe deficiencies with up-to-date policies and procedures and a lack of internal control to establish inventory of records. How is USCP moving to track its records to be in compliance with other federal law enforcement agencies it works with?

USCP RESPONSE: The USCP is committed to transforming the Records Management Program resulting in a planned, coordinated set of policies, procedures, and activities needed to manage USCP's recorded information. It will encompass the creation, maintenance and use, and disposition of records, regardless of media. Essential elements will include issuing up-to-date program Directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency. Based upon the OIG's recent findings and recommendations, and internal drivers, the USCP has reached out to the NARA Federal Records Center (FRC) and its consulting services to support this transformation.

An initial meeting with the FRC is scheduled for the second week of September 2019 to discuss a partnership and plan to move forward in FY 2020. The initial meeting will inform a more detailed plan to address the actions needed to build an effective, compliant Records Management Program. Concurrently, as detailed in the USCP's response to the OIG, the Department is assigning appropriate personnel to develop action plans that will address each recommendation who in turn will work with NARA in order to achieve long-term resolution of the specific findings, and to build and maintain a mature records management program. These combined efforts will include the design and implementation of an effective internal controls process for the creation and maintenance of all Department records.

QUESTION 16: How is USCP planning to convert its physical records to electronic records?

USCP RESPONSE: The overarching plan for maturing the Records Management Program is utilizing the support of the NARA FRC Consulting Services, which will address the OIG audit findings related to documenting policies and procedures for digitizing records and requirements of information systems records management, and developing and implementing a retention policy for all electronic records including emails and media. A program plan will be developed that outlines priorities and milestones for achieving goals set forth.

A priority within the Department is to convert to an electronic version of the paper Official Personnel Folder (OPF). The USCP will be investing in a system for accessing the electronic folder online offering employees the ability to access an electronic personnel folder instead of a paper folder. The Office of Personnel Management has recently awarded a new support contract in support of eOPF implementation, configuration and scanning services and as such, the USCP is currently on the eOPF waiting list to begin the digitization and storage of the current files.

QUESTION 17: Are USCP disciplinary policy and penalties the same for all USCP employees? a. If not, please describe the reasons for the lack of uniformity and consistency?

USCP RESPONSE: Generally, the USCP Disciplinary policy and penalties are the same for all USCP employees and are guided by written policy and negotiated agreements within the existing Collective Bargaining Agreements (CBA) with the Fraternal Order of Police (FOP)/U.S. Capitol Police Labor Committee and the International Brotherhood of Teamsters Local Union No. 639.

The disciplinary process of the Department is designed to provide all employees with full due process. Existing policy outlines the processes for investigations, notice of charges, meaningful opportunity to be heard by employees on the charges, and rights to appeal and/or grieve charges.

All USCP employees are subject to the Rules of Conduct, Ethics Policy and applicable federal laws, rules, and regulations. Therefore, all employees must adhere to these rules, regulations, federal laws, and USCP policy and procedures. Violations by an employee are subject to discipline up to and including termination of employment. Violations by an employee of applicable federal laws are subject to termination of employment and potential criminal prosecution.

Final authority for all disciplinary matters, excluding terminations of employment, resides with the Chief of Police. For terminations, the Capitol Police Board must approve all terminations of employment as recommended by the Chief of Police.

Discipline may only result from sustained charges of misconduct. Department employees have the opportunity to contest disciplinary actions, and may appeal/grieve disciplinary actions in accordance with existing policy and/or the applicable CBA. The Department determines whether a preponderance of evidence exists to sustain a violation of the USCP Rules of Conduct. To determine the appropriate penalty, the Department consults with a Penalty Recommendation Table and assesses four factors which include:

i. Nature and seriousness of the conduct;
ii. The employee's record;
iii. Penalties imposed on other similarly situated employees for the same or similar conduct; and
iv. Any mitigating circumstances

The Penalty Recommendation Table was established by the Chief of Police and serves as a supervisory guide used in determining consequences imposed on any employee for misconduct or violations of law, regulations, policies, or procedures. The Penalty Recommendation Table lists infractions along with a suggested range of penalties for each infraction. The penalties vary in severity based on whether an employee has a previous record of discipline and the nature and seriousness of the infraction.

For Department non-bargaining unit employees at or below the rank of Inspector or civilian equivalent, final discipline is adjudicated by the Office of Accountability and Improvement Commander who serves as the designee of the Executive Team.

For all other employees, the Chief of Police designates the appropriate adjudicating official, consistent with any applicable CBA. In the case of bargaining unit employees, the Chief of Police makes the final disciplinary adjudication except for terminations as noted above.

b. Are members of USCP Executive Management held to a higher standard than those they supervise?

USCP RESPONSE: Members of the Executive Management Team are held to a higher standard than those they supervise; as are all USCP supervisors. The Department has consistently relied upon the long-settled principle that supervisory law enforcement officers should be held to a higher standard of conduct than that of rank and file officers. See *Friedrick v. Dep't of Justice*, 52 M.S.P.R. 126, 135 (1991), aff'd, 980 F.2d 742 (Fed. Cir. 1992) (law enforcement personnel are "obligated to conform to a higher standard of conduct than other employees are"); and *Cantu v. Department of the Treasury*, 88 M.S.P.R. 253, 257 (2001) (the obligation to conform to a higher standard of conduct is even more marked where law enforcement personnel hold supervisory positions).

QUESTION 18: Does the USCP conduct annual reviews of discipline decisions to determine if there are trends? How are discipline trends communicated to employees? Are these trends incorporated into overall training and awareness programs?

USCP RESPONSE: The Disciplinary Review Officer Supervisor coordinates disciplinary matters including Disciplinary Review Boards up to the appeals level. Discipline decisions are reviewed at several stages of the disciplinary process. First, the Disciplinary Review Officer Supervisor reviews all Reports of Investigation drafted or reviewed by the Office of Professional Responsibility. The Disciplinary Review Officer Supervisor also reviews all penalty recommendations made by the Disciplinary Review Officers who work with the Office of Professional Responsibility to ensure investigations are thorough and meet the evidentiary standards.

The USCP Office of Accountability and Improvement is charged with coordinating disciplinary matters for the Executive Team including responding to disciplinary appeals and assisting all other Department elements with the imposition of penalties and handling of discipline. Every instance of issued discipline is assessed by the Office of Accountability and Improvement to ensure first that a preponderance of evidences exists to support the charge and that the penalty was derived in accordance with the Penalty Recommendation Table and includes consideration of each of the four factors previously outlined. The Disciplinary Review Officer Supervisor, Office of Accountability and Improvement, and Office of Professional Responsibility meet monthly to review all pending Department disciplinary investigations, resolve any disciplinary issues, and discuss any on-going disciplinary trends.

Any noted trends in discipline are communicated to the respective Bureau Commander/Office Director, or Division Commander/Supervisor by the Disciplinary Review Officer Supervisor or

the Office of Accountability and Improvement with recommendations on additional roll call training or in-service training requirements. If any trends are identified that warrant Department-wide awareness and training, the Disciplinary Review Officer Supervisor or Office of Accountability and Improvement coordinates such information with the Training Services Bureau to assess and address as a matter of recruit level training and/or in-service training.

It should be noted that during the July 16, 2019 Hearing, a reference was made by a witness that the majority of employees proposed for termination in the last seven years have been minorities, which the Department believes must be addressed. Based on the analysis of facts, there were a total of 42 employees recommended for termination since calendar year 2012 through June 2019. This includes officers in their probationary period, those recommended for disciplinary terminations and those separated based on a Performance of Duty Injury or transfer to the Office of Workers Compensation Program. Of those 42 employees recommended for termination for the various reasons noted above, 19 employees or 45% were Black or African-American. If only non-supervisory employees (PFCs, Techs, Privates with Training) are considered in the analysis, then the total for terminations is 38 employees with 18 employees being Black or African American or 47%. Finally, if only non-supervisory employees who were recommended for termination due to discipline and who were outside their probationary year as considered in the analysis, there were a total of 17 employees in this category, of whom 7 were Black or African-American or 41%.

QUESTION 19: How many USCP Supervisors (i.e. Sergeant, Lieutenant, Captain, Inspector, Deputy Chief, Assistant Chief) have had OPR (Office of Professional Responsibility) investigations filed against them between 2016-2019?

USCP RESPONSE: A total of 44 cases were investigated by the Office of Professional Responsibility or at the division level against USCP Supervisors. Of those cases, 20 supervisors received discipline from 2016 to July 2019 for sustained violations of the Rules of Conduct of the Department.

a. If so, please provide details regarding the outcome of these investigations, including any discipline decisions rendered by [sic].

The penalties for these offenses have ranged from a CP-534 with warning to a CP-535 with a recommendation of termination. Some of these penalties were not implemented because officers resigned from the Department before the disciplinary process was complete.

b. What were the discipline decisions rendered by the Chief of Police?

The entire disciplinary process is administered at the direction of the Chief of Police. The Chief of Police or his designee rules on appeals of disciplinary cases, however, the vast majority of discipline decisions are rendered by Bureau Commanders at the rank of Inspector and these cases are typically not appealed to the Chief of Police.

MINORITY QUESTIONS FOR THE RECORD

QUESTION 1: What year was the most recent version of the Collective Bargaining Agreement (CBA) between the U.S. Capitol Police and the U.S. Capitol Police Labor Committee drafted? a. What year did the CBA expire? b. What are the provisions of the CBA expected to be negotiated in future negotiations?

USCP RESPONSE: The most recent version of the Collective Bargaining Agreement (CBA) between the U.S. Capitol Police and the Fraternal Order of Police/U.S. Capitol Police Labor Committee became effective on June 8, 2010. The contract was set to expire on June 8, 2013. The CBA, however, contains a provision that would permit the terms of the Agreement to remain in effect pending the completion of collective bargaining negotiations.

The USCP cannot predict which provisions of the CBA may be negotiated in the future. The parties may negotiate any provision of the existing CBA during collective bargaining negotiations or introduce new provisions or subject matters to be covered. The provisions negotiated by the parties will depend on the business needs of the Department, Union membership demands, and the parties' respective priorities, among other considerations.

QUESTION 2: What is the typical career path for a USCP officer to make it into management and leadership positions?

USCP RESPONSE: Sworn employees must apply for all management and leadership positions through competitive promotional processes. The decision to seek promotional opportunities lies with each individual officer and may be based upon a variety of personal and professional factors. Many sworn employees however choose to follow a non-managerial path within the Department, as the USCP offers numerous specialty positions to include canine technicians, dignitary protection agents, investigators, containment emergency response team members, intelligence officers, and more.

The potential career path for a USCP officer pursuing a management and leadership position, assuming successful performance, is noted below.

- Privates are promoted to Private with Training (PWT) following completion of the entry-level training program at FLETC and the USCP Training Academy (6 months).
- PWTs are promoted to Private First Class (PFC) at 30 months.
- PFCs, Technicians, and Detectives are eligible to apply to the rank of Sergeant – they must have 3 total years with USCP before applying to this rank.
- A Sergeant must hold the rank of Sergeant for 2 years before applying to the rank of Lieutenant.
- A Lieutenant must hold the rank of Lieutenant for 12 months before applying to the rank of Captain.
- A Captain must hold the rank of Captain for 12 months before applying to the rank of Inspector.
- An Inspector must hold the rank of Inspector for 12 months by the effective date of the promotion to the rank of Deputy Chief.
- Inspectors and Deputy Chiefs may apply to the rank of Assistant Chief of Police (no specific time-in-rank required).

a. Do you expect the more diverse graduating classes of recent years to emerge in management and leadership positions? I.e., do you expect the racial and gender representation of management and leadership positions to change noticeably in coming years?

USCP RESPONSE: It is expected that the racial and gender representation of management and leadership will reflect the increasingly diverse graduating classes and subsequent candidate pool of those seeking promotional opportunities in the future.

QUESTION 3: Regarding the USCP's internal controls and business processes, Chief Sund mentioned in his written testimony that, "91% of the recommendations made by the OIG" have been implemented. What recommendations to date have yet to be implemented?

As of September 6, 2019, the Department has closed 409 of 441 total recommendations made by the Office of Inspector General, for an overall closure rate of 92.7%. In Fiscal Year 2019 specifically, the Department has closed 54 recommendations to date. In Fiscal Year 2018 and Fiscal Year 2017, the Department closed 42 and 36 recommendations, respectively.

a. Is it expected that USCP will implement all recommendations?

USCP RESPONSE: Yes

b. If so, what is the expected timeframe to implement all recommendations?

USCP RESPONSE: The Department has action plans established for all current open OIG recommendations and the status of each are reported out to the Capitol Police Board on a weekly basis.

That said, the Department will never have a period where "all" recommendations are closed. The OIG routinely audits USCP programs and provides recommendations in an effort to continue to improve the operational and administrative activities of the Department. As such, the Department will continue to work with the OIG in this effort and will actively address new recommendations as soon as practicable. Because the OIG works to ensure that recommendations are achievable and measureable, the Department believes it will be able to continue to address issues raised in OIG reports and close out recommendations addressing those issues.

QUESTION 4: Over the years, the Capitol Traffic Regulations (CTR) have been modernized to accommodate our country's rapidly evolving transportation landscape. Segways, motorized bicycles, mopeds, etc. have all been recognized as low-speed vehicles under CTR § 15.1.20. How can the lessons learned from incorporating past technologies be applied to new, widely-used shared transportation services such as dockless electric scooters and dockless electric bicycles?

USCP RESPONSE: The Capitol Police Board has exclusive charge and control over the regulation and movement of all vehicular and pedestrian traffic, pursuant to 2 U.S.C. § 1969(a). Capitol Traffic Regulation (CTR) § 15.1.20 permits low speed vehicles to be operated on U.S. Capitol Grounds, specifically Segways, motorized bicycles, mopeds, etc. However, CTR § 16.2.60 expressly prohibits "scooters" with no exception for electronic scooters. Scooters are prohibited on U.S. Capitol Grounds and may not be parked upon any sidewalk, against any building or any other fixture or improved area on Capitol Grounds.

As the U.S. Capitol Grounds were designed to be a pedestrian-friendly landscape, the Capitol Police Board and the USCP have been concerned about the safety hazards and security risks electronic dockless scooters present in areas such as the East Front Plaza. Unlike automobiles, which must go through security to access the Capitol Grounds, electronic scooters regularly bypass security and proceed directly onto the Plaza and drives. Electronic scooters can travel up to 20 miles per hour (versus 12.5 mph for Segways), which can lead to injury to both pedestrians

and riders should there be a collision and/or accident. Between April and July 2019, there were five reported accidents on Capitol Grounds involving scooters. Fortunately, none of the accidents resulted in life-threatening injuries, but most required medical attention.

In addition, because they are "dockless" scooters, riders are leaving them in the middle of sidewalks, near crosswalks, and on streets across the Capitol Grounds. USCP officers have witnessed, and aided, pedestrians who have tripped over scooters that have been abandoned and have fallen over in walkways. This is not only dangerous for people walking on Capitol Grounds, it also creates a barrier for individuals in wheelchairs, and other mobility-assistance devices, as well as for families with strollers. In addition, scooters being left parked and/or lying on sidewalks creates a serious concern for the ability of pedestrians to egress safely from buildings; especially in emergency situations.

Due to these safety and security concerns, and to comply with traffic regulations, the USCP contacted the ten District of Columbia Department of Transportation-licensed dockless scooter companies and requested that they take immediate action to comply with the CTRs. In addition, the Department requested that they take immediate action to implement appropriate geofencing software in their mobile apps to restrict dockless, electronic scooters from entering onto and/or being left unattended on U.S. Capitol Grounds. The geofencing is currently being implemented by these companies in areas around the National Mall and the White House. To date, only two of these ten companies have communicated their intention to comply with this request, however these features have yet to be implemented. The USCP will continue to work with these companies to ensure compliance with the regulations.

QUESTION 5: Capitol grounds maintain designated locations that accommodate a range of transportation options including personal car ownership, taxis, and personally-owned bicycles. It should be noted that no current locations exist for shared transportation services such as dockless electric bicycles and dockless electric scooters. Given the rise of these services amongst residents, staffers, Members, and tourists, what can be done to work with both public and private stakeholders to find a solution for the safe operation and docking of these services on Capitol Grounds?

USCP Response: The appeal of the dockless bicycle services and other low-speed vehicles for many operators is that the ride can end wherever they choose and leave it for the next person to use. This creates a challenging situation since the CTRs (§ 13.6.10 and § 15.6) prohibit parking upon a sidewalk, against a building or any other fixture or improved area not specifically designated. This is not required within the District of Columbia and most operators may not be familiar with the CTRs.

In addition, according to 40 U.S.C. § 510(c), advertisements, solicitations, and the sales of articles are prohibited on Capitol Grounds, which is cited as the authority for CTR § 16.12.30, which prohibits unauthorized commercial activity, to include commercial dockless scooter marking and vending on U.S. Capitol Grounds. The very nature of the dockless scooter enables them to be "vended" anywhere they are abandoned, including on Capitol Grounds, which is a violation of CTR § 16.12.30.

The use of signage throughout the U.S. Capitol Grounds would be required to assist with directing operators to any designated areas. This signage would need to be widely distributed, not just at the designated locations, but at many locations throughout the Capitol campus to ensure compliance. The USCP community outreach officers also could incorporate information regarding compliance with the CTRs regulations regarding low-speed vehicles, bicycles (to include dockless bicycles), and the prohibition of electric scooters on U.S. Capitol Grounds in their briefings to staff.

HEARING
COMMITTEE ON HOUSE ADMINISTRATION
"OVERSIGHT OF THE UNITED STATES CAPITOL POLICE"
JULY 16, 2019
QUESTIONS FOR THE RECORD

Questions:

1. Among the audits, investigations, and reviews of the United States Capitol Police (USCP) completed by the Office of Inspector General (OIG), did OIG identify any deficiencies related to training, and if so, what were those deficiencies?

Response: In May 2016, OIG issued a report on the *Performance Audit of the United States Capitol Police Training Services Bureau.* In accordance with our annual plan, OIG conducted a performance audit of TSB. The objectives of the audit were to determine if the Department (1) established adequate internal controls and processes for ensuring that TSB maintained the integrity of its program as well as efficient and effective program operations, and (2) complied with applicable laws, regulations, and guidance pertaining to management and operation of its training responsibilities. The scope of the audit included internal controls, processes, and operations from Fiscal Year (FY) 2011 through FY 2015.

At the time the audit resulted in six recommendations, as TSB did not have adequate internal controls and processes established for ensuring efficient and effective administration for new recruit officers, to include a formal process requiring routine updates and approval of its *Academy Rules and Training Standards.*

At that time, the Department also did not have adequate controls over its in-service training and development of applicable Standard Operating Procedures (SOPs) primarily because the process throughout the Department was decentralized. For example, some SOPs did not indicate the bureau or division responsible for conducting the training, the frequency of occurrence, or the substance of course material. In addition to a lack of a mechanism for reporting the training to TSB, controls for ensuring the training occurred were also not in place.

As of June 4, 2019, the Department satisfied all six OIG recommendations by providing documentation and evidence of implementing adequate internal controls and processes for TSB. Currently, there are no open recommendations related to TSB. However, in most audits conducted by the OIG there is generally always a component of training, whether it be specialized or broad, as training components are essential to the successful implementation of all

processes and best practices. As the OIG conducts additional audits across the Department, additional training related recommendations may be made to further enhance training activities.

2. What are some specific challenges the OIG has observed which impeded USCP from being more efficient and effective in carrying out its mission?

Response: Annually, the OIG prepares a summary of the most significant management challenges facing the Department. The challenges reflect continuing vulnerabilities that OIG identified over the last several years as well as new and emerging issues the Department will face in the coming year. The Government Accountability Office (GAO) uses five criteria that reflect whether agencies met, partially met, or did not meet issues on its High-Risk Series— *Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas, GAO-19-157SP, dated March, 2019.* The five criteria are:

- **Leadership Commitment – Demonstrated** strong commitment and top leadership support.
- **Capacity** – Agency with the capacity (that is, people and resources) to resolve risks.
- **Action Plan** – Corrective action plan defining the root cause and solutions as well as providing for substantially completing corrective measures, including steps necessary for implementing recommended solutions.
- **Monitoring** – Program instituted that would monitor and independently validate the effectiveness and sustainability of corrective measures.
- **Demonstrated Progress** – Ability to demonstrate progress in implementing corrective measures and resolving the high-risk area.

In 2016, OIG began using the above criteria to measure the Department's progress. Since our last report, the Department has shown solid, steady progress for the majority of its top management and performance challenges.

The top Management Challenges facing the Department are: (1) Protecting and Securing the Capitol Complex, (2) Strengthening Cybersecurity Strategies to address increasing threats, (3) Strong Integrated Internal Control Systems, (4) Managing Federal Contracting more effectively, and (5) Human Capital Management.

Protecting and securing the Capitol Complex from terrorists and weapons of mass destruction, while at the same time protecting Congress and its staff and welcoming the public, continues to be a major challenge as the threat environment is continually changing and USCP is required to instantly adapt in order to maintain the security and safety of the legislative branch. Like many agencies within the Federal Government, USCP faces the same challenge of continually coordinating programs for protecting people, facilities, and information. The Department has made solid and steady progress in strengthening interagency communication, coordination, and program integration with its partners—as demonstrated by USCP and its Federal and local partners in sharing intelligence information among protective service organizations on a real-time basis.

3. How has the recent expansion of physical security sites affected the resources of the USCP?

Response: The USCP is responsible for protecting Congress, its legislative processes, members, staff, visitors, and facilities within the Capitol Complex from crime, disruption, and terrorism so that Congress may fulfill its constitutional responsibilities in a safe and open environment.

As with all law enforcement agencies, personnel salaries and overtime make up the majority of USCP's annual budget. To help ensure a secure and open environment that has ever-changing mission requirements, USCP relies on overtime. An example of changing mission requirements is that the Department recently took on protection and security of the O'Neill House Office Building on June 8, 2017. As of August 26, 2017, the Department did not have enough officers to cover regularly scheduled tours of duty, which resulted in increased use of overtime hours for the Department.

The increases in overtime use raised congressional concerns about the efficiency of the Department's administration and management of overtime. Based the congressional concerns, OIG conducted an analysis of Department overtime data to determine whether (1) an appropriate crossover point, if any, existed where it might be more economically efficient to fill a new position rather than having existing positions work overtime and (2) which factors, if any, had an effect on overtime costs or usage. The scope of the analysis included the last full year of overtime data reported for Fiscal Year (FY) 2016.

During FY 2016, the Department reported using 636,584 hours of overtime, resulting in approximately $33.8 million in overtime compensation. Of the 636,584 hours of overtime, some officers elected 76,596 hours, or 12 percent, compensatory (comp) time and 559,988 hours, or 88 percent, in compensation for overtime hours worked.

The Department classifies overtime into two categories—controllable and uncontrollable. Hiring additional officers is primarily effective at only offsetting controllable hours. Controllable overtime represents overtime worked for regularly scheduled posts for which the Department does not have a sufficient manpower. Uncontrollable overtime represents overtime used for one-time special or unexpected events such as inaugurations, demonstrations, and conventions and specialty units with unpredictable hours.

In the Department, there are no crossover or breakeven points. It is more cost effective to hold officers over from the night shift and pay them overtime than hire new officers. Ultimately, the decision management must reach is to either fill a vacant position with overtime or hire a new employee. To eliminate controllable overtime completely, USCP would need to hire an additional 205 officers[1]—a somewhat unrealistic scenario. In addition, taking into consideration employee benefits and other expenses for new hires, maintaining a limited number of controllable overtime hours may be more cost effective and beneficial for the Federal Government. For example, USCP has traffic posts that require 3-hour morning shifts. It is more cost effective for the Department to hold officers from the night shift than to hire new officers for such a short period.

As of August 2017, the average overtime rate for officers was $60.34 an hour. Based on FY 2016 data, approximately 144 additional officers would be the optimal number of new hires for offsetting controllable overtime and require 15 new sergeants to supervise the new officers. Although the additional officers could potentially reduce controllable overtime, we believe that the increased cost of $15.5[2] million over 5 years would not be cost effective. Hiring additional officers to offset overtime hours could have significant benefits by increasing morale and organizational readiness. Many officers, for example, were working six or more days a week as well as putting in 16 consecutive hours.

Factors such as space, administration, and changing security requirements could also affect overtime with the hiring of additional officers to offset overtime. For example, our analysis did not take into account the need for additional locker room and breakroom space or parking spaces as well as the need for an increase in administrative support.

As the Department receives requirements over and above its current level of support, the need for overtime will continue. According to Department officials, recruiting for the next 4 years will be at capacity in order to simply bring on new officers to keep up with the emerging protection requirements. Assumptions for the analysis are shown in Appendix A.

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[1] Controllable overtime hours of 318,423 divided by 1,560 hours of utility per officer.
[2] This calculation did not include likely additional costs such as additional locker room and break room space, parking, and administrative support needed to support the additional personnel.

Comp time has a compounding effect on overtime. USCP sworn officers have the choice to receive overtime pay at 1.5 times an hourly rate or earn comp time at 1.5 times overtime hours worked. An officer who works an 8-hour overtime shift, for example, can earn 12 hours of comp time. When that officer uses his 12 hours of comp time, another officer can earn 18 hours of comp time by working those 12 hours.

USCP tracks, monitors, and validates the use of overtime daily. Since 2007, one employee has tracked overtime usage. The Department does not, however, have detailed procedures in established policy for preparing, distributing, reporting, or monitoring overtime. For effective and efficient control, OIG recommended that the Department develop a succession plan for training other personnel to fill this key position and establish clear and cogent written procedures that would allow another staff member to track and report on overtime. USCP recently indicated that in August 2019 the Department hired a new employee within the Office of Financial Management to be cross-trained in this area as a collateral duty assignment, in addition to being in the final stages of completing a holistic Standard Operating Procedure addressing this outstanding recommendation.

4. In general, what have OIG audits, investigations, and reviews found with respect to USCP's information technology (IT) infrastructure? If so, what were those findings?

Response: The USCP Office of Information Systems (OIS) administers the email security program for the Department. USCP operates its email system on email servers located at the Department's primary and backup data centers. OIS performs security configuration and is responsible for controls over email services as well as storing emails on the Storage Area Network (SAN).[3]

To address challenges from our report titled *Top Management Challenges Facing the United States Capitol Police*, dated October 2018; OIG conducted an analysis of the USCP email security program. The objectives of our analysis were to determine if the Department (1) established adequate internal controls and processes for ensuring security over the Department's email system, and (2) complied with applicable policies and procedures as well as applicable laws, regulations, and best practices. Our scope included controls, processes, and operations during Fiscal Year 2018.

[3] A Storage Area Network (SAN) is an array of storage devices working in unison to store data and capable of replicating between one or more SAN arrays.

Overall, the Department could improve its internal controls related to email security. For example, at the time of OIG's analysis, the Department of Homeland Security (DHS) Binding Operational Directive (BOD) 18-01, *Enhance Email and Web Security*, dated October 16, 2017, required that Federal agencies activate increased email security through the enabling of STARTTLS[4] on their network. As a legislative branch agency, USCP was not required to comply with the DHS BODs; however, we recommended that the directive served as a best practice. USCP subsequently implemented STARTTLS as a result of OIG's recommendation, thereby decreasing the risk of third parties reading outbound emails in transit.

Additionally, National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53, Revision 4, control CM-2 states, "the organization develops, documents, and maintains under configuration control, a current baseline configuration of the information system." However, USCP configured its Microsoft Exchange email servers without defined baselines prior to release. While OIS has indicated that it is in the process of now doing so, without ensuring proper baseline configurations for email servers, USCP runs the risk of possibly and unknowingly using servers with compromised settings until such time as full implementation.

5. Has the OIG conducted an audit, investigation, or review of disciplinary decisions rendered by the USCP to assess whether those decisions have been made in a fair and equitable manner? If not, should one be undertaken?

Response: OIG has conducted a review of the Disciplinary process and made several recommendations to improve the process. In general, OIG would review the process of the discipline and whether it complied with the Department's policies and procedures, as well as, applicable laws and regulations. OIG would not assess whether those decisions had been made in a fair and equitable manner nor evaluate the level of discipline rendered, as these would be a part of the grievance process. Should a formal complaint be made regarding these factors however, OIG would investigate the compliant within established policies and processes.

6. Under the current "interim" and "draft" disciplinary policy and penalty table has the Department conducted in-depth assessment(s) of the findings to determine if adjudications are fair and equitable for all employees? Are summary data reports, audits and or assessments conducted by the Office of Professional Responsibility and the Office of Inspector General? If not, why?

[4] STARTTLS is a way to take an existing insecure connection and upgrade it to a secure connection, using Transport Layer Security (TLS) or the Secure Sockets Layer (SSL).

Response: OIG is not part of the personnel decisions that either are under consideration or made for Department employees. OIG's role in regards to personnel decisions would only entail if the OIG received an allegation, complaint, or request from the Department, employee, or Member of Congress alleging misconduct or violation of law. OIG would review policies and procedures relating to the process and determine if the process was followed fairly and within applicable laws and regulations.

7. How are USCP deficiencies with record retention and management affecting efficiency and effectiveness of its capabilities? What risks do these deficiencies pose to investigations, intelligence analysis, and administrative processes?

Response: In accordance with our *Annual Performance Plan Fiscal Year 2019*, OIG conducted a performance audit of the USCP Records Management Program. OIG objectives were to determine if the Department (1) established adequate policies and procedures for its Records Management Program, (2) established effective controls for ensuring the integrity of the Records Management Program, and (3) complied with applicable laws, regulations, and guidance. Our scope included controls, processes, and operations during calendar year 2018.

USCP's *Records Management Policy and Procedures and Records Disposition Schedule*, dated February 18, 2005, did not reflect USCP's prevailing infrastructure or practices and was not in alignment with best practices. For example, the policy did not adequately address electronic records such as email retention timeframes. The policy also did not include adequate procedures for converting physical records to electronic records or records maintained in an information system.

USCP lacked an internal control for establishing an inventory of Department records. The Government Accountability Office's *Standards for Internal Control in the Federal Government*, state, "Documentation and records are properly managed and maintained." Although the Department documented its guidance for *Records Series and Disposition Schedules*, the Records Manager within the Office of Policy and Management Systems (OPOL) did not have an inventory of record types and their locations. Each office and bureau independently managed internal records through appointed Records Liaison personnel. The individual office record types and inventories were not transparent to the Department's Records Manager.

Additionally, USCP did not comply with best practices related to the training of Records Liaison personnel. National Archives and Records Administration (NARA) Bulletin 2017-01, *Agency Records Management Training Requirements*, dated November 29, 2016, states, "Agencies must provide records management training to all agency personnel that create, receive, access, or use Federal records on behalf of the agency, regardless of whether those individuals have email

accounts or IT [Information Technology] network access." As a legislative branch agency, USCP was not required to follow NARA guidance; however, we believe that the guidance constitutes best practices. OPOL developed an outreach program using individual bureau and office Records Liaison personnel to assist in the governance of records management across the Department. Records Liaison personnel from each bureau and office did not, however, attend the 2015 and 2017 Records Liaison training sessions. In addition, the training did not encompass all the responsibilities for records management activities. OIG believes that once the three resulting recommendations are accomplished, and the Department continues to follow the implemented policies and procedures, the USCP Records Management Program will have appropriate internal controls implemented in accordance with expected best practices.

8. Does the USCP have a proficient Training Division to provide mandatory and advanced training for USCP?

Response: The Training Services Bureau is the primary organizational element in the Department responsible for training. As described previously, in May 2016, OIG issued a report on the *Performance Audit of the United States Capitol Police Training Services Bureau*. The objectives of the audit were to determine if the Department (1) established adequate internal controls and processes for ensuring that TSB maintained the integrity of its program as well as efficient and effective program operations, and (2) complied with applicable laws, regulations, and guidance pertaining to management and operation of its training responsibilities. The scope of the audit included internal controls, processes, and operations from FY 2011 through FY 2015. As also previously mentioned, the Department satisfied all six OIG recommendations by providing documentation and evidence of implementing adequate internal controls and processes for TSB.

With this said, USCP has a number of challenges related to training, some of which are controllable and some of which are uncontrollable. One of the primary challenges facing the Department today is the amount of potential mandatory training required for the sworn workforce and the inability for USCP to pull sworn personnel offline to conduct such training, beyond semi-annual firearms requalification, and refresher training for subject areas such as security screening, legal updates, defensive tactics, CPR/First Aid, and Active Shooter training. All such training is accomplished through the utilization of overtime, since the Department's basic mission requirements entail the use of overtime as the post requirement utility throughout the Capitol Complex is greater than the utility provided by the workforce. From the OIG's perspective, this does not negate the fact that the Department must specify the training requirements or the frequency with which that training should attempt to be accomplished. Without the required training specifics and frequencies put forth by management, establishing a long-term training plan will most likely remain a challenge. An approved long-term training plan would ensure that the Department achieves its strategic goals and performance objectives, as

well as maintain consistent application of training to guarantee that sworn officers possess the knowledge, skills, and abilities to accomplish its mission.

Further, while individual units conduct specialized training for specialized positions, such as dignitary protection, investigations, command center operations and others, it is critical that the Department track all such training data in its Training Management System (TMS) and have visibility of such training prior to its commencement. TSB is the primary element for reviewing all lessons plans and materials, and the In-Service Training policy that the USCP released earlier this year now makes clear that all such training requests and documents require significant review, to include review by the Office of the General Counsel, as necessary. While TSB has broad operational experience amongst its sworn instructors, the bureau is also supplemented with contractor personnel who come with specialized experience to augment any potential deficiencies in subject matter areas for which in-service training is required, in addition to USCP utilizing outside vendors to complete training, as necessary.

TSB is generally proficient at executing their mission, but as with all areas of an agency, there is always room for improvement. Involvement by TSB is essential in the decision-making process when identifying the appropriate level of investment and establishing priorities for employee training and development consistent with the Department's Strategic Plan. By TSB serving as the conduit between management and the other offices and bureaus for their respective training requests, USCP's training operations will be better served.

9. What elements cause the USCP to be deficient in training employees concerning SOPs and Directives?

Response: USCP provides all employees with access to the Department's Directives and SOPs through hard copies at the Division level and by electronic means via the Department's intranet. Policies are regularly updated and vetted within the Department. OIG also plays a role in ensuring consistency throughout the Department through our work in audits, evaluations, inspections and investigations. OIG's role is to evaluate existing policies and procedures to ensure that Directives and SOPs are updated, relevant, and comply with best practices throughout the government. By ensuring that the Department's Directives and SOPs are applied with consistency and follow best practices, OIG can measure existing internal controls and validate that the Department and employees are in compliance with policies and procedures.

MINORITY QUESTIONS FOR THE RECORD

1. What are some of the specific information technology (IT) reforms that would help protect against cyber threats against the USCP?

Response: OIG is in the process of completing our work on reviewing the Department's Wireless Network that will provide a better understanding of areas for improvement regarding IT reforms. We anticipate issuing this report by the end of September 2019. In addition, OIG has recently hired a new employee well versed in information technology that will enhance our ability to conduct future audits and evaluations for identified areas for potential improvement within the Department.

The Congress has indicated that cyber threats are one of the most serious economic and national security challenges facing our Nation, and that America's economic prosperity in the 21st century will depend on cybersecurity. Each year, the threats posed by cybercriminals evolve into new and more dangerous forms, while security organizations must continually develop methods to keep pace and thwart potential attacks. As security threats become increasingly sophisticated and more numerous, USCP faces the challenge of reevaluating and expanding traditional approaches to IT security systems. The Department must work to fulfill existing requirements while also implementing new strategies to meet the additional security demands of mobile technology, cloud-based computing, and other technological developments.

The Department relies on IT security and management systems and other networks to help carry out vital missions and public services. To ensure that resources are spent wisely and vital Government missions are not compromised, the Department should continually assess all areas of IT and cybersecurity infrastructures and regularly implement new technologies to be aligned with industry best standards.

2. Please prioritize all outstanding recommendations made to the USCP to date in order of the immediate necessity of the USCP to implement the recommendation.

Response: OIG considers all recommendations to be a high priority that need to be implemented as quickly as possible. OIG meets with the Department's audit liaison once a month to go over all open recommendations, implementation progress status, anticipated timeline closure and/or questions about the recommendations. In addition, the Department provides the Capitol Police Board with a weekly summary of all open recommendations and respective action plans to close such recommendations.

Response of FOP/U.S. Capitol Police Labor Committee Gus Papathanasiou to Questions for the Record for the Committee on House Administration hearing titled "Oversight of the United States Capitol Police" held on July 16, 2019 (September 10, 2019)

1. In your view, do the United States Capitol Police's (USCP) current training programs enhance front-line officers' knowledge, skills and abilities?

In FOP's experience, USCP's current training programs do not enhance front-line officers' knowledge, skills, and abilities in any appreciable way. Training for front-line officers consists of mandatory yearly online training, where officers sit in front of a computer, go through slides, and answer questions. This is not effective for front-line officers because many officers are rushed to complete the training. Additionally, the training format is ineffective for some officers, who may not learn well clicking through computer slides. Finally, officers cannot ask real-time questions during this online training.

Additionally, front-line officers qualify with their Department-issued firearm twice a year at the Rayburn Range, which is typically a 2-hour block of training. If an officer qualifies, (s)he is not required to participate in any further firearms training. In fact, officers are not permitted to train anywhere other than USCP ranges with their Department-issued firearms, making it difficult for front-line officers to train with their Department-issued firearm.

USCP offers active shooter training, which is now a one-day class at the Academy. For front-line officers, this training isn't offered yearly. In my 17-year career, I've been to active shooter training approximately two or three times, if that. FOP believes this level of training is unacceptable, especially with so many active shooter scenarios that have impacted both Capitol Hill and this Country over the last few years. As a result of the active shooter incident at the Congressional baseball game practice, USCP recently added tactical combat training to the training curriculum. However, this training is not offered to all front-line officers.

Last, the CPR re-certification is offered every couple of years. Front-line officers are not given the opportunity to practice their CPR skills between re-certification classes.

Additionally, there is very little if any cross training within the Department's elements. For example:

- **Dignitary Protection Division ("DPD"): The Uniform Division does no cross training with the DPD, which means it is unclear what DPD expects from the front-line officers and what the Uniform Division expects from DPD. For example, due to the lack of cross-training, front-line officers may not know whether protectees shelter in place or evacuate during various types of incidents, and, if they are evacuating, the protectees' predetermined evacuation routes. Likewise, front-line officers have no idea how DPD would react in an active shooter situation. This would make it nearly impossible for front-line officers to efficiently help DPD in the event of an emergency.**

- **Hazardous Materials ("HAZMAT") situations: There was a time when USCP tried to have everyone "Level One" ALERT trained, but no more.**

- **There is no cross training between specialized units like Threats, Intel, Crime Scene, or HDU, and the Uniformed Division. This means that front-line officers have not received basic training about protecting crime scenes, handling witnesses, intel gathering and reporting, or USCP's surveillance capabilities (including cameras) since the Academy.**

In addition to the internal training deficiencies, front-line officers do not regularly cross-train with outside Agencies, even though members of the FOP bargaining unit routinely work with MPD, Secret Service, State Department, and Park Police, to name a few. This lack of training increases the risk that front-line officers will not be able to efficiently and safely respond to an emergency incident.

a. Do the current training programs adequately prepare officers for future deployment opportunities?

Other than the training during the Academy, when front-line officers are first hired, as well as the training described above, there aren't any training programs available to front-line officers to prepare them for future opportunities within USCP.

2. Does the USCP have mandatory advanced leadership training courses/requirements established for individuals to be considered for promotion to each rank, including Sergeant, Lieutenant, Captain, Inspector, Deputy Chief, and Assistant Chief?

USCP does not have any mandatory advanced leadership training courses/requirements established for individuals to be promoted. To be promoted to Sergeant, a front-line officer must first apply for the position during the vacancy announcement and take an exam. Based on a record review and each employee's examination score, USCP creates a promotional eligibility list. Employees are promoted based on their ranking on that list, without regard for whether they have leadership experience or skills. For front-line officers, there aren't any leadership courses to prepare them for future leadership opportunities, nor, in FOP's experience, do supervisors seek to develop new leaders.

Not only does USCP not have any mandatory advanced leadership training, USCP doesn't even offer voluntary leadership training so that an officer who does want to excel doesn't have the means within USCP to do so.

3. Are Fraternal Order of Police (FOP) members penalized for seeking assistance from health and wellness programs?

The health and wellness programs offered to FOP members are very limited. The only assistance front-line officers receive come through the Employee Assistance Program ("EAP"). Individuals may seek assistance voluntarily or be directed to report to EAP by a supervisor. There is a great deal of suspicion of EAP because employees who seek assistance, or report concerns when they are required to visit EAP, fear their fitness for duty will be questioned. For a health and wellness program to work within USCP,

management (including the Office of Human Resources) will need to show some type of empathy towards the needs of the employees. Working on behalf of FOP and its members, I have never seen that from USCP.

From the FOP's perspective, front-line officers are either afraid to seek assistance because they fear they'll be sidelined on administrative leave and forgotten (with minimal to no communication from USCP about their status and future), or won't bother to seek assistance because they know USCP could care less about them.

Additionally, where other Agencies help their own who are struggling with drug and/or alcohol addiction, USCP seeks to discipline or terminate their own. FOP has represented front-line officers in several discipline cases involving officers struggling with substance/alcohol abuse where USCP sought reprisal rather than treatment. This mindset prevents officers from seeking treatment until it is too late. I can't help but think how some of these officers' lives would be different today had early intervention (without the threat of reprisal) occurred.

Sadly, USCP is not immune to the realities of suicide. There are no safety nets in place for front-line officers when it comes to depression and suicide, whether they are dealing with personal or professional issues. In FOP's experience, there isn't an avenue available to them (other than EAP, which I mentioned above), nor education about depression, its sources, and how to seek treatment.

If a front-line officer elects to address their issue with a supervisor, USCP's first response would be to send them for a fitness for duty evaluation and put them on administrative leave, rather than helping the officer find appropriate treatment (if necessary). This is likely because supervisors, like front-line officers, lack training in these issues. In FOP's experience, once an officer is recommended for a fitness for duty evaluation, they will typically sit at home (alone) on administrative leave. They will not receive any information about why they've been sent for a fitness for duty evaluation, the outcome of that evaluation, or their future with USCP for approximately six months. This process – resulting in isolation and boredom – is harmful to any officer and exasperates existing psychological conditions. Most officers, therefore, will not raise their concerns with a supervisor.

When there is a suicide, USCP's response has been woefully inadequate. USCP's response to past suicides has been to require employees to attend a two-hour suicide prevention class, which may make management feel as though they've done their job to protect USCP, but which does nothing to prevent suicide.

From FOP's perspective and the perspective of most front-line officers, USCP is concerned with its liability, and not the wellness of the front-line officers who put their lives on the line daily. USCP's fitness for duty and restricted duty policies are clear examples to the men and women in uniform they don't care about the employees.

4. You testified at the hearing about the FOP's concerns with respect to various aspects of disciplinary policies and practices within the Department. What parts of the "interim" or "draft" disciplinary policies does FOP/Labor disagree with USCP?

The Discipline Matrix for starters is something the Union did not agree to or negotiated over.

USCP published its "interim guidance" relating to discipline and accountability on May 30, 2019. FOP/Labor was not given an opportunity to negotiate over the policy, as required by CBA Article 8, before it was implemented. Nonetheless, FOP/Labor presented negotiable proposals to the Department on June 5, 2019. USCP refused to negotiate with the Union on the grounds that the "interim guidance" did not apply to members of the FOP bargaining unit. As a result, FOP/Labor does not have concerns about the "interim guidance" per se.

However, we have significant concerns about how discipline is implemented within the Department.

First, the Department is not transparent about how it makes disciplinary decisions. It appears there are two DROs who are attorneys for the Department who make all penalty recommendations for serious discipline cases. It does not appear there is any significant oversight of these individuals to determine whether their recommended penalties are consistent (internally or externally) and imposed (and not, for example, lessened through arbitration or settlement) on bargaining unit employees.

USCP implemented a disciplinary matrix, but it is so vague as to be pointless. The penalty ranges for many first offenses are a written warning to a suspension or termination – such a broad range is rarely helpful in determining an appropriate penalty. Further, this matrix is not widely available to employees – it was not included in the "interim guidance," nor is it among the Directives and other policies available internally.

Second, there is no consistency across USCP – employees assigned to different Divisions, or even sections, may receive different discipline for similar misconduct that does not reach the DRO level. Additionally, Divisions, or even sections, are inconsistent about what discipline is investigated by OPR or at a lower level. Based on our experience, discipline that is investigated by OPR is more likely to result in significant discipline, so we believe some employees are being subjected to harsher discipline by virtue of who conducts the investigation.

Third, USCP regularly violates the CBA in imposing discipline. Pursuant to the CBA, USCP agreed to purge lower-level disciplinary actions and personnel performance notes from employee files after one year (for personnel performance notes and written warnings) and eighteen months (when employees forfeit annual leave as part of the disciplinary process). USCP officials recently testified that USCP does not actually "purge" those records upon expiration of the time frames imposed by the CBA, but merely moves them to secret files maintained by OPR (discipline) and the Office of Employment Counsel (personnel performance notes) indefinitely. USCP regularly relies on these stale disciplinary actions and personnel performance notes to justify increased discipline on

employees. Presently, one employee is facing termination because he simply received more disciplinary actions than a DRO through appropriate during his 12-year career.

5. How many USCP Supervisors (i.e. Sergeants, Lieutenants, Captains, Inspectors, Deputy Chiefs, and Assistant Chiefs) have had Office of Professional Responsibility (OPR) investigations filed against them between 2016-2019?

USCP does not provide FOP with discipline relating to supervisor investigations and discipline. When FOP requested information about OPR investigations filed against employees (which is available to the public), USCP denied FOP's request for access to that information.

However, FOP is aware of cases where supervisors were treated more favorably than bargaining unit members. For example, FOP represented a front-line officer who was out on suspension, facing termination for an alleged hit and run. Upon examination by USCP's crime scene technicians, there was no damage to the officer's personal vehicle whatsoever, but USCP sent the matter for prosecution by the District of Columbia because the Chief was convinced this officer was guilty. The officer remained on restricted duty and administrative leave for over a year while the criminal proceedings unfolded and she was eventually found "not guilty," but charged by USCP with misconduct. Although the officer kept her job, she served a significant number of days on suspension without pay.

In contrast, FOP learned that a high-ranking Captain hit a parked car on East Capitol Street with a USCP cruiser, left a note on the car, and left the scene. From the FOP's perspective, no action was taken.

FOP also learned that USCP's attorneys hit a parked car at the Fairchild parking lot (which was witnessed by USCP officers, who were too intimidated to formally report the accident), left the scene, and no action was taken.

More recently, a Lieutenant lost his Department-issued firearm and bragged at roll call the next day that he won't be disciplined as harshly as officers would.

a. Please provide the violation and any disciplinary decisions rendered by COP in matters involving supervisors during that time period?

USCP has denied FOP's access to this information.

6. What disparities in disciplinary processes and outcomes has the FOP/Labor observed or been made aware of ?

FOP/Labor has observed a high number of disparities in discipline involving minorities and females.

USCP has consistently prevented us from obtaining data to effectively study how discipline is issued to bargaining unit employees, but based on the information we have obtained, minority employees are treated more harshly than others.

For example, FOP/Labor has been involved in approximately 36 termination recommendations (this includes employees who may have been recommended for termination on multiple occasions and employees who received multiple disciplinary actions recommending termination for the same occasion).

Of those 36 instances, 26 of the termination recommendations (over 70%) were issued to people of color. According to the most recent demographics report available to FOP/Labor, in 2014, people of color (including employees who identified as "African-American," "Hispanic," and "Other" than Caucasian) made up 31% of the sworn officers at USCP.

Of those 36 instances, 12 of the termination recommendations (approximately 1/3) were issued to women. According to the most recent demographics report available to FOP/Labor, in 2014, women made up 18% of the sworn officers at USCP.

We also keep track of lower level disciplinary actions, and have found similar disparate treatment/impact concerns with suspensions and leave forfeitures. Due to the higher likelihood that a bargaining unit employee might be disciplined without notifying FOP/Labor (despite USCP's agreement for a shop steward to be present any time an employee is disciplined), this survey is less reliable. We have requested complete data from the Department on several occasions, but have been denied usable information.

These disparities demonstrate that the disciplinary system at USCP is deeply flawed. However, FOP/Labor's attempts to discuss and gather information to understand why the system is flawed, and make recommendations for improvement, have been ignored.

