



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Follow-up Analysis of United States Capitol Police Off-Site Deployments

Investigative Number 2019-I-0009

February 2020

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UNITED STATES CAPITOL POLICE
WASHINGTON, DC 20003

INSPECTOR GENERAL

PREFACE

The Office of Inspector General (OIG) prepared this report pursuant to the Inspector General Act of 1978, as amended. It is one of a series of audits, reviews, and investigative and special reports OIG prepares periodically as part of its oversight responsibility with respect to the United States Capitol Police (USCP) to identify and prevent fraud, waste, abuse, and mismanagement.

This report is the result of an assessment of the strengths and weaknesses of the office or function under review. Our work was based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

We developed our recommendations based on the best knowledge available to OIG and discussed the draft findings with those responsible for implementation. It is my hope that the recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to those contributing to the preparation of this report.

Michael A. Bolton
Inspector General

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Abbreviations and Acronyms

Chief of Police	Chief
Fiscal Year	FY
Office of Inspector General	OIG
Section 1978, title 2 of the United States Code	2 U.S.C. § 1978
Standard Operating Procedure	SOP
United States Capitol Police	USCP or Department

EXECUTIVE SUMMARY

In a previous report—the *Audit of USCP Off-Site Deployments*, Report Number OIG-2009-06, dated August 2009—the Office of Inspector General (OIG) found that the United States Capitol Police (USCP or the Department) needed to establish policies and procedures defining what constituted an off-site deployment, document its internal decision-making process for off-site deployments, and establish a process to collect and evaluate off-site deployment costs and benefits. OIG made four recommendations, which the Department agreed to implement. As of May 22, 2014, OIG had closed all four of the recommendations based on comments and documentation the Department provided.

In accordance with our annual plan, OIG conducted a follow-up analysis of the Department's implementation of recommendations contained in Report Number OIG-2009-06. Our objective was to confirm the Department took the corrective actions in implementing the recommendations. Our scope included existing controls related to implementation of recommendations as outlined in our previous report.

We conducted an interview and reviewed relevant documentation to gain an understanding of the Department's implementation of recommendations. Our analysis confirmed the Department took appropriate corrective actions in implementing the recommendations. For example, the Department coordinated with the Capitol Police Board and its Congressional Oversight Committees to establish a definition for off-site deployment. Additionally, the Department documented its decision-making process for approval and notification of off-site deployments. Furthermore, the Department implemented procedures for documenting and capturing the cost of off-site deployments. OIG did not make any additional recommendations in this report.

On February 10, 2020, we provided a draft report to the Department for comment and attached the response in its entirety in Appendix A.

BACKGROUND

Section 1978, title 2 of the United States Code (2 U.S.C. § 1978), *Deployment outside of jurisdiction*, outlines the notice and approval requirements for the United States Capitol Police (USCP or the Department) to deploy officers outside of its jurisdiction. The law states that the Chief of Police (Chief) may not deploy any officer outside areas established by law for the jurisdiction of USCP unless (1) the Chief provides prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and Senate of the anticipated incurred costs with respect to the deployment, and (2) the Capitol Police Board gives prior approval to the deployment. The law notes exceptions to those notice and approval

requirements for (1) responding to an imminent threat or emergency, (2) intelligence gathering, and (3) providing protective services.

In a previous report—*Audit of USCP Off-Site Deployments*, Report Number OIG-2009-06, dated August 2009—the Office of Inspector General (OIG) found that the Department and its stakeholders did not have a shared interpretation about the scope of deployments included in the Department’s notifications for deployment off Capitol grounds. In most instances, the Department considered official travel off Capitol grounds a “direct nexus” to the USCP mission or one of the exceptions under the law and not a deployment. Those activities were, therefore, not reported under 2 U.S.C. § 1978.

Further, the Department did not have a written off-site deployment policy or guidance reflecting its current decision-making process. As a result, the Department did not fully comply with the requirement to report anticipated incurred costs for the deployments. The Department also did not establish a methodology for evaluating the worth of activities off its campus nor did it perform a cost/benefit analysis taking into consideration both cost and non-monetary factors.

OIG made four recommendations, which the Department agreed to implement. As of May 22, 2014, OIG closed all four of the recommendations based on comments and documentation provided by the Department.

OBJECTIVE, SCOPE, AND METHODOLOGY

In accordance with our annual plan, OIG conducted a follow-up on the Department’s implementation of recommendations contained in Report Number OIG-2009-06. Our objective was to confirm the Department took appropriate corrective actions in implementing the recommendations. Our scope included existing controls related to implementation of the recommendations outlined in our previous report.

To accomplish our objective, we interviewed a Department official. We reviewed Report Number OIG-2009-06 as well as correspondence between OIG and USCP related to closure of the recommendations in the report. Additionally, we reviewed relevant documentation as well as policies and procedures specific to off-site deployments.

OIG conducted this analysis in Washington, D.C., from September 2019 through January 2020. We did not conduct an audit, the objective of which would be the expression of an opinion on Department programs. Accordingly, we did not express such an opinion. Had we performed additional procedures, other issues might have come to our attention that we would have reported. ~~This report is intended solely for the information and use of the Department, the Capitol Police Board, and the USCP Oversight Committees and should not be used by anyone other than the specified parties.~~

RESULTS

Our follow-up work confirmed the Department took appropriate corrective actions in implementing the recommendations included in Report Number OIG-2009-06.

Full Implementation of Recommendations

In Report Number OIG-2009-06, OIG made four recommendations related to USCP deployments outside of its jurisdiction, which the Department agreed to implement. Prior to the start of our work, the Department provided OIG with the status of corrective actions for four recommendations, and OIG subsequently closed them. Based on our follow-up work, the Department had fully implemented the recommendations as follows:

Previous Recommendation 1: We recommend that the United States Capitol Police, in coordination with the Capitol Police Board and Committees of jurisdiction, establish a policy clearly defining terms such as deployment, “direct nexus” to the mission, and the three exceptions under 2 U.S.C. § 1978 and establish a complete listing of off campus activities that do not require formal notification.

According to Department responses to recommendations in Report Number OIG-2009-06, as of November 14, 2013, the Department had established the following definition of off-site deployment in coordination with the Capitol Police Board and respective committees:

Deployment - For the purposes of 2 U.S.C. § 1978, the term “deployment” refers to the assignment by the Chief of Police or designee of USCP personnel beyond the law enforcement jurisdiction of the USCP as defined by 2 U.S.C. §§ 1961 and 1967, and 40 U.S.C. § 5102, for the purpose of engaging in or providing law enforcement services intended to support or assist another law enforcement agency at the request of that agency. Deployment is not defined as Department activities within the metropolitan Washington area related to ceremonial unit support, attendance at USCP employee funerals/memorial services, Department mandated training, or law enforcement sponsored special events.

Furthermore, as provided in 2 U.S.C. § 1978(b), approval and notification requirements for deployments are not necessary for the assignment of USCP personnel when such assistance or support is needed in response to an imminent threat or emergency, for intelligence gathering, or for providing protective services, as determined by the Chief of Police.

A Department official confirmed this definition had not changed since closure of the recommendation. OIG reviewed the Department’s current decision-making process document for off-site deployments and USCP Standard Operating Procedure (SOP) [REDACTED] dated August 5, 2019. Our review revealed that the decision-making process document includes this definition and SOP [REDACTED] includes the first paragraph of this definition. Both documents define the metropolitan Washington area as the District of Columbia; Alexandria, Fairfax, and Falls Church Cities, Virginia; Arlington, Fairfax, Loudon,

and Prince William counties, Virginia; and Montgomery and Prince George's counties, Maryland.

Previous Recommendation 2: We recommend that the United States Capitol Police immediately document its decision-making process as it relates to off campus activities. This process should include a step-by-step narrative of each procedure and who performs the procedure, beginning with a request for protection, intelligence gathering, threat assessment, or other and ultimately ending with the decision. This written procedural guideline should clearly describe the roles and responsibilities of key personnel and reporting requirements of each situation. In complying with this and other recommendations in this report, the Department should consider "principle based" guidance which enables the Department to articulate how a potential off campus activity should be acted upon.

According to Department responses to recommendations in Report Number OIG-2009-06, as of May 14, 2014, the Department had a decision-making process document in place to determine the approval/disapproval of off-site deployments. The responses indicated the document identified the approval and notification process of off-site deployments to assist outside agencies and Ceremonial Unit requests.

OIG reviewed the Department's current decision-making process document for off-site deployments and confirmed that it provided a detailed narrative of the off-site deployment approval and notification process. OIG also reviewed SOP [REDACTED] and confirmed it included the same approval and notification requirements as the decision-making process and 2 U.S.C. § 1978. To analyze for compliance with this guidance, we requested a list of any USCP off-site deployments for Fiscal Years (FYs) 2018 and 2019. A Department official stated USCP had two off-site deployments in FY 2018 and zero in FY 2019. Both off-site deployments in FY 2018 were Ceremonial Unit deployments. We reviewed relevant supporting documentation for both FY 2018 off-site deployments and confirmed compliance with the approval and notification requirements in the off-site deployment decision-making process and SOP [REDACTED]

Previous Recommendation 3: We recommend that the United States Capitol Police immediately implement procedures to capture and document estimated and actual costs in all off campus activities. Further, analysis of estimated to actual costs should be performed to ensure that anticipated costs provided to the Committees are reasonable estimates.

According to Department responses to recommendations in Report Number OIG-2009-06, as of May 14, 2014, the Department's decision-making process document for off-site deployments required memorandums forwarded through the chain of command requesting services for off-site deployments. The responses indicated these memorandums should include the number of requested officers, dates, location, hourly rate, and overtime anticipation. The responses also

indicated that USCP designs special event codes in its time and attendance system for each event and that it could track and identify the overtime cost of each deployment by accessing those codes.

As previously stated, OIG reviewed the Department's decision-making process document for off-site deployments and confirmed that any USCP off-site deployments during FY 2018 and FY 2019 complied with that guidance. Additionally, OIG reviewed data generated from USCP's time and attendance system and confirmed that the Department attributed any overtime costs associated with those deployments to a special event code and that anticipated costs provided to the Committees were reasonable estimates.

Previous Recommendation 4: We recommend that the United States Capitol Police develop written measures and standards for off campus activities. This effort should coincide with the Department's written off campus decision process recommended previously in this report. The Department should consider "principle based" guidance which enables the Department to articulate how a potential off campus activity benefits the Department.

According to Department responses to recommendations in Report Number OIG-2009-06, the Department's decision-making process document outlines the procedures in place for activation of off-site deployments.

OIG reviewed the Department's current decision-making process document for off-site deployments as well as SOP [REDACTED] and confirmed both documents included criteria for off-site deployments. In a May 14, 2014, response to recommendations in Report Number OIG-2009-06, a Department official stated that "the deployment benefit in assisting outside agencies during emergencies, intelligence gatherings and providing protective services maintains an alliance with surrounding agencies and demonstrates mutual support from the Department. Additionally, deployments for Ceremonial Units to attend line of duty or retired officers' deaths, Peace Officers' Memorial Services, etc, demonstrate respect and honor for those who have served this agency or others."

Conclusion

The Department took appropriate corrective actions in implementing the recommendations included in Report Number OIG-2009-06. Thus, OIG considers all four recommendations closed and did not make any additional recommendations in this report.

APPENDICES

DEPARTMENT COMMENTS



UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF
1100 D STREET, NE
WASHINGTON, DC 20510-1218

February 25, 2020

COP 191161

MEMORANDUM

TO: Michael A. Bolton
Inspector General

FROM: Steven A. Sund
Chief of Police

SUBJECT: Response to Office of Inspector General draft report *Follow-up Analysis of the United States Capitol Police Off-Site Deployments* (Investigative Number 2019-I-0009)

The purpose of this memorandum is to provide the United States Capitol Police response to the Office of Inspector General's (OIG) draft report *Follow-up Analysis of the United States Capitol Police Off-Site Deployments* (Investigative Number 2019-I-0009).

The Department would like to thank the Office of Inspector General for conducting this follow-up analysis on the Department's implementation of the recommendations contained within OIG-2009-06 *Audit of USCP Off-Site Deployments*. I am pleased that the findings of this follow-up analysis confirm that the policies and procedures the Department has in place are continuing to be implemented in accordance with best practices.

Thank you for the opportunity to respond to the OIG's draft report. Your continued support of the women and men of the United States Capitol Police is appreciated.

Very respectfully,

Steven A. Sund
Chief of Police

cc: Assistant Chief Chad B. Thomas, Uniformed Operations
Assistant Chief Yogananda D. Pittman, Protective and Intelligence Operations
Richard L. Braddock, Chief Administrative Officer
[REDACTED] USCP Audit Liaison

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Attn: Office of Inspector General, Investigations
119 D Street, NE
Washington, DC 20510



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Washington, DC 20003



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