



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Performance Audit of the United States Capitol Police Dignitary Protection Division Payroll Costs and Compliance with Annual Pay Limitations

Report Number OIG-2019-07

March 2019

~~—Report Restriction Language—~~

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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 in draft 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.

A handwritten signature in black ink, appearing to read "M. A. Bolton", is positioned above the printed name.

Michael A. Bolton
Inspector General

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Abbreviations and Acronyms

Calendar Year	CY
Compensatory	Comp
Dignitary Protection Division	DPD
Fiscal Year	FY
Office of Human Resources	OHR
Office of Inspector General	OIG
United States Capitol Police	USCP or the Department

EXECUTIVE SUMMARY

In accordance with our *Annual Performance Plan Fiscal Year 2019*, dated October 2018, the Office of Inspector General (OIG) conducted a performance audit of the United States Capitol Police (USCP or the Department) Dignitary Protection Division (DPD) payroll costs and compliance with annual pay limitations. OIG objectives were to (1) determine if the Department effectively monitors DPD payroll cost, and (2) evaluate Department compliance with annual pay limitations. Our scope included Department policies in effect as of December 31, 2018 and data requested from Calendar Years (CYs) 2016, 2017, and 2018. In addition to determining if controls were in place and operating effectively Department-wide, we evaluated the financial impact of the controls on DPD agents. One of the controls was the biweekly pay cap, which is derived from the annual pay limitation. Although biweekly pay cap controls do not affect basic pay, premium pay is subject to reduction. Premium pay includes pay authorized under title 5 of the United States Code, which covers overtime, night, Sunday, or holiday work.

Premium/differential pay represented 16.36 percent of the Department's payroll cost for CY 2018, and overtime/compensatory (comp) time represented 19.31 percent of the total Department payroll cost of \$263 million. During CY 2018, differential/premium pay made up 10.80 percent of DPD pay while overtime/comp time represented 36.77 percent of DPD pay. Almost half of DPD pay was made up of either overtime/comp time or premium/differential pay. The high overtime earned for DPD agents was driven by the nature of their work.

The *Amendments to the Capitol Police Board Resolution for Unified Schedules of Rates of Basic Pay for Members and Civilian Employees of the United States Capitol Police and the Capitol Police Board Premium Pay Regulations*, dated July 1, 2003, prevents civilian or member employees of USCP from earning more than the biweekly pay cap unless it is part of their basic pay or overtime pay. Currently, the annual pay cap is set at \$168,411, which results in a biweekly cap of \$6,477 (\$168,411 divided by 26 pay periods). All other differential pay such as night, Sunday, or holiday pay are backed out and paid at an employee's basic rate of pay should the employee exceed the biweekly pay cap.

Prior to CY 2018, the Department prohibited employees from earning more than the biweekly pay cap unless it was part of their basic pay or overtime pay. On December 6, 2018, the Capitol Police Board issued, *Capitol Police Board Regulations Implementing Sunday Premium Pay, Holiday Pay and Night Differential Pay for Employees of the United States Capitol Police* — would allow employees to receive the premium/differential pay amounts lost to the biweekly pay cap at year-end to the extent that the amounts would not cause their salary to exceed the annual cap. The Office of Human Resources (OHR) monitors employees projected to exceed the pay cap with excessive earnings reports.

DPD made up 9.46 percent of the Department's workforce for CY 2018, but they made up 32.21 percent of instances in which an employee was limited by the cap. In terms of dollar value, during CY 2018 DPD agents made up 34.88 percent of the dollars lost to the biweekly pay cap. The nature of DPD work is conducive to high overtime hours, which in turn increases the likelihood of an employee being limited at the biweekly pay cap. In response to the amended Capitol Police Board Regulations, the Department is scheduled to disburse \$176,360.89 in pay for officers impacted by the biweekly pay cap, of which DPD employees will receive \$77,021.76. OHR officials stated they had started the process of creating a special project with the National Finance Center¹ to begin processing the payments.

Overall, the Department had adequate internal controls for monitoring the biweekly pay and annual pay caps as well as processes for monitoring DPD payroll cost. The Department complied with the annual pay limitations.

This report does not contain any recommendations. On March 8, 2019, we provided a draft report to Department officials. We incorporated the Department's comments as applicable and attached their response to the report in its entirety in Appendix A. OIG did not conduct an exit conference and no further response from the Department is necessary.

BACKGROUND

The Dignitary Protection Division (DPD) is under the Protective Services Bureau. DPD protects Members of the House of Representatives and Senate who received significant direct threats. The threats are assessed through the Protective Services Bureau and approved by the Capitol Police Board in consultation with the Chief of Police. DPD also provides protective escorts within the Capitol Complex for heads of State, very important persons, and other visiting dignitaries. Additionally, DPD plans and implements security for in and out-of-town congressional events such as retreats, funerals, and field hearings.

The nature of DPD services requires that agents work overtime at a higher rate than the United States Capitol Police (USCP or the Department) average and that agents be on duty at times beyond the Department's control. As a result, the work drives up premium and differential pays.

The biweekly pay cap has been set at \$6,477² for the past 10 years. The Department established Sunday premium pay, holiday pay, and night differential in the *Capitol Police Board Regulations Implementing Sunday Premium Pay, Holiday Pay and Night Differential Pay for Employees of the United States Capitol Police*, dated October 15, 1998.

¹ The National Finance Center processes payroll for Department personnel.

² Yearly pay cap of \$168,411 divided by 26 pay periods.

Amendments to the Capitol Police Board Resolution for Unified Schedules of Rates of Basic Pay for Members and Civilian Employees of the United States Capitol Police and the Capitol Police Board Premium Pay Regulations, dated July 1, 2003, modified the guidance and states:

An employee (sworn and civilian) may be paid under section (a) only to the extent that the payment does not cause the total of his or her basic pay, overtime and additional compensations under the Fair Labor Standards Act as applied by the CAA [Congressional Accountability Act], and pay under section (a) for any pay period to exceed the annual pay limitation as indicated on the 'Schedule of Rates of Basic Pay for Members of the U.S. Capitol Police.'

In effect, the section of the guidance prevents employees from earning more than the biweekly pay cap unless it is part of their basic pay or overtime pay. All other differential pay such as night, Sunday, or holiday pay must be backed out and paid at their basic rate of pay should the employee exceed the biweekly pay cap.

On December 6, 2018, the Board issued *Capitol Police Board Regulations Implementing Sunday Premium Pay, Holiday Pay and Night Differential Pay for Employees of the United States Capitol Police*:

Pay under these regulations not eligible for disbursement in any pay period due to the pay period limitations set forth in subsection (b)(1) above, shall be accumulated throughout the calendar year on a pay period basis. All accumulated amounts shall be deemed eligible for disbursement in the first full pay period in the following calendar year subject to the availability of funds and only to the extent that such payment does not exceed the annual pay limitation applicable to the calendar year in which the amounts were accumulated.

The updated regulation allows USCP to disburse Calendar Year (CY) 2018 differential or premium amounts forfeited by the employee because of the biweekly pay cap rules, at the end of the fiscal year (FY), assuming the amounts do not cause the employee's salary to exceed the yearly pay cap of \$168,411.

Using reports obtained from [REDACTED] we analyzed payroll data for CYs 2016, 2017, and 2018. The reports showed the total hours Department employees worked and the Department's payroll expense for each employee. We segregated data for DPD only to compare the Department as a whole.

Table 1: Department Workforce

	2018	2017	2016
DPD Personnel	228	217	196
Department Personnel	2,409	2,312	2,223
DPD Percentage of the Department Workforce	9.46%	9.39%	8.82%

Source: Office of Inspector General (OIG) generated from Workbrain data.

DPD comprised 8.82 percent, 9.39 percent, and 9.46 percent of the Department workforce for CYs 2016, 2017 and 2018, respectively. Reports generated from [REDACTED] data reflect the pay and hours for any employee who worked for USCP during a given FY. The reports included new hires and separations. Data in the reports reflect payroll data for the entire year, not just the workforce numbers at year-end.

Using the same [REDACTED] data, we extracted the payroll figures for CY 2016 through 2018 to provide context for the DPD payroll figures. Overtime/compensatory (comp) time represented 16.88 percent, 19.23 percent, and 19.31 percent of the total employee payroll cost for CYs 2016, 2017, and 2018, respectively. For DPD, 36.84 percent, 36.85 percent, and 36.77 percent of its payroll was for overtime/comp time over the same period. As stated above, DPD comprised 8.82 percent, 9.39 percent, and 9.46 percent of the total workforce for CYs 2016, 2017, and 2018, but represents 22.52 percent, 20.34 percent, and 21.03 percent of the Department's total overtime/comp time expense over the same period. See Tables 2 and 3 for further detail.

Table 2: Total Department Payroll Dollars

	2018	%	2017	%	2016	%
Overtime/Comp	\$50,739,406.11	19.31%	\$47,242,903.53	19.23%	\$38,090,735.39	16.88%
Premium/Diff Pay	\$42,997,911.06	16.36%	\$40,936,063.34	16.66%	\$39,369,656.68	17.45%
Other	\$254,270.96	0.10%	\$305,088.28	0.12%	\$222,335.04	0.10%
Leave	\$42,340,855.51	16.11%	\$38,828,239.96	15.80%	\$34,899,627.72	15.47%
Regular Time	\$126,447,057.88	48.12%	\$118,361,814.51	48.18%	\$113,026,602.63	50.10%
Total	\$262,779,501.52		\$245,674,109.62		\$225,608,957.46	

Source: OIG generated from [REDACTED] data.

Table 3: DPD Payroll Dollars

	2018	%	2017	%	2016	%
Overtime/Comp	\$10,672,960.63	36.77%	\$9,611,404.38	36.85%	\$8,577,146.02	36.84%
Premium/Diff Pay	\$3,134,131.25	10.80%	\$2,881,794.77	11.05%	\$2,534,266.70	10.89%
Other	\$3,129.00	0.01%	\$28,941.07	0.11%	\$8,064.40	0.03%
Leave	\$3,943,157.95	13.58%	\$3,313,984.80	12.71%	\$2,754,374.50	11.83%
Regular Time	\$11,274,485.36	38.84%	\$10,247,832.18	39.29%	\$9,405,835.14	40.40%
Total	\$29,027,864.19		\$26,083,957.20		\$23,279,686.76	

Source: OIG generated from [REDACTED] data.

We used similar reports that showed the total hours as opposed to total dollars to provide further context to the overall hours worked by DPD. See Tables 4 and 5 for further detail.

Table 4: Total Department Hours

	2018	%	2017	%	2016	%
Overtime/Comp	824,982.25	14.86%	786,858.25	14.81%	646,945.00	12.80%
Premium/Diff Pay	933,461.50	16.81%	917,196.50	17.26%	897,205.25	17.76%
Other	8,346.50	0.15%	9,033.50	0.17%	7,308.25	0.14%
Leave	967,563.75	17.43%	910,780.50	17.14%	856,940.50	16.96%
Regular Time	2,817,102.75	50.75%	2,690,614.75	50.63%	2,644,017.00	52.33%
Total	5,551,456.75		5,314,483.50		5,052,416.00	

Source: OIG generated from [REDACTED] data.

Table 5: DPD Hours

	2018	%	2017	%	2016	%
Overtime/Comp	169,664.75	28.95%	155,338.00	28.84%	141,486.25	28.94%
Premium/Diff Pay	66,069.75	11.27%	63,056.50	11.71%	55,049.75	11.26%
Other	191.50	0.03%	698.25	0.13%	297.00	0.06%
Leave	89,789.50	15.32%	77,540.75	14.40%	65,723.00	13.44%
Regular Time	260,388.50	44.43%	241,925.75	44.92%	226,338.25	46.30%
Total	586,104.00		538,559.25		488,894.25	

Source: OIG generated from [REDACTED] data.

OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with our *Annual Performance Plan Fiscal Year 2019*, dated October 2018, OIG conducted a performance audit of the USCP DPD payroll costs and compliance with annual pay limitations. OIG objectives were to (1) determine if the Department effectively monitored DPD payroll cost, and (2) evaluate Department compliance with annual pay limitations.

To accomplish our objectives, we interviewed officials from the Office of Human Resources (OHR) and reviewed documentation to gain an understanding of the evaluation process in the following areas:

- Department and DPD overtime and comp time costs
- Department and DPD Sunday premium, holiday premium, and night differential costs
- Excessive earners for CY 2016 through 2018
- Forfeited pay due to the biweekly pay cap

To determine compliance, we reviewed the following guidance, consisting of USCP Bulletins and Capitol Police Board regulations:

- *Capitol Police Board Regulations Implementing Sunday Premium Pay, Holiday Pay and Night Differential Pay for Employees of the United States Capitol Police*, dated December 6, 2018
- USCP Bulletin [REDACTED], dated February 28, 2018
- USCP Bulletin [REDACTED]: [REDACTED], dated February 9, 2017
- USCP Bulletin [REDACTED], dated February 17, 2016
- *Amendments to the Capitol Police Board Resolution for Unified Schedules of Rates of Basic Pay for Members and Civilian Employees of the United States Capitol Police and the Capitol Police Board Premium Pay Regulations*, dated July 1, 2003
- *Capitol Police Board Regulations Implementing Sunday Premium Pay, Holiday Pay and Night Differential Pay For Employees of the Unites States Capitol Police*, dated October 15, 1998
- *Capitol Police Board Resolution for Unified Schedules of Rates of Basic Pay for Members and Civilian Employees of the United States Capitol Police*, dated January 15, 1998

We performed testing to assess compliance with USCP Bulletins and Capitol Police Board regulations for CYs 2016, 2017, and 2018. In addition, we analyzed the impact of the biweekly pay cap to the Department and specifically to DPD.

OIG conducted this performance audit in Washington, D.C., from December 2018 through March 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence that will provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This report contains no recommendations. OIG will not conduct an exit conference and no further response from the Department is necessary.

RESULTS

Overall, the Department established adequate policies and procedures for monitoring DPD payroll cost. In addition, the Department complied with annual pay limitations.

Adequate Internal Control Procedures and Processes

The Board Regulations prohibited employees from earning more than the biweekly pay cap unless it is part of their basic pay or overtime pay. On December 6, 2018, the Board issued *Capitol Police Board Regulations Implementing Sunday Premium Pay, Holiday Pay and Night Differential Pay for Employees of the United States Capitol Police* that would allow employees to receive the pay amounts lost to the biweekly cap at year-end to the extent that it does not cause their salary to exceed the annual pay cap. Automated controls prevent an employee from exceeding the biweekly pay cap through premium or differential pay. Unless otherwise mandated, no employee can earn more than \$168,411 in a CY regardless of overtime, premium, or differential pay. To ensure employees do not exceed the annual pay cap, OHR uses excessive earnings reports to monitor employees projected to exceed the pay cap at their current workload.

Excessive earnings reports show year-to-date gross pay for employees, projected year-end salary without additional overtime or premium pay, maximum overtime permitted for the remainder of the year, and maximum overtime per pay period an employee can work without exceeding the cap. For CY 2018 OHR began generating reports for Pay Period 6 (March 18, 2018 through March 31, 2018) and continued generating report for each pay period until Pay Period 24 (November 25, 2018 through December 8, 2018). See Table 6 below for an example (note: the division and name columns were redacted for security purposes).

Table 6: Excessive Earnings Report Example

Bureau	Gross Pay YTD	Base HR Rate	Base Salary Remaining	Projected Year End Earnings	Max OT Dollars Available	Max OT Hours Available	Max OT/PP Remaining	Last Paid From NFC
Command and Coordination Bureau	144,021.23	56.55	27,144.00	171,165.23	-2,754.23	-32.50	-5.5	19
Command and Coordination Bureau	139,498.53	54.59	26,203.20	165,701.73	2,709.27	33.00	5.5	19
Office of Background Investigations and Credentialing	134,606.65	62.12	29,517.60	164,624.25	3,786.75	40.50	6.75	19

Source: OIG generated from excessive earnings report.

Using those reports, the Department can ensure that no employee exceeds the pay cap for a given CY. OHR distributes excessive earnings reports to the Chief of Police, Assistant Chief of Police, Chief Administrative Officer, Deputy Chiefs, and Inspectors.

We aggregated excessive earnings reports for 2018 to further our understanding of whom the pay cap affects most within the Department. For 2018, OHR issued 2,273 warnings. (Note: Employees can show up on the excessive earnings reports each pay period if they meet the criteria for the report, making it possible for an employee to show up on each excessive earnings report for the entire year should they meet the criteria for the report.) Of the 2,273 warnings,

35.78 percent were attributed to DPD. The next highest percentage was attributed to the Uniformed Services Bureau, Capitol Division at 15.89 percent. See table 7 below for further detail.

Table 7: Excessive Earnings by Bureau/Division

Bureau/Division	Warnings	Percentage
PSB-DPD	849	35.78%
USB-CD	377	15.89%
OSB-PMRD	352	14.83%
USB-HD	272	11.46%
USB-SD	231	9.73%
USB-LD	178	7.50%
CCB-CMD	34	1.43%
PSB-ID	26	1.10%
TSB-EDD	18	0.76%
TSB-LETD	16	0.67%
-- ⁴	14	0.59%
OBIC-BI	3	0.13%
SSB-PSD	3	0.13%
Total	2373	

Source: OIG generated from [REDACTED] data.

Conclusions

The Department established adequate policies and procedures for monitoring DPD payroll cost. We determined that the controls in place were operating effectively in preventing employees from exceeding the annual pay cap.

Compliance with Applicable Laws, Regulations, and Guidance

The Department complied with the *Amendments to the Capitol Police Board Resolution for Unified Schedules of Rates of Basic Pay for Members and Civilian Employees of the United States Capitol Police and the Capitol Police Board Premium Pay Regulations*, which states,

An employee (sworn and civilian) may be paid under section (a) only to the extent that the payment does not cause the total of his or her basic pay, overtime and additional compensations under the Fair Labor Standards Act as applied by the CAA, and pay under section (a) for any pay period to exceed the annual pay limitation as indicated on the 'Schedule of Rates of Basic Pay for Members of the U.S. Capitol Police.'

⁴ This individual oversees multiple divisions at the bureau level.

Total Employees that Reached the Annual Pay Cap

We reviewed the gross pay amounts for all of the Department employees for CY 2016 through 2018. In all instances, the Department complied with the annual pay cap requirements.

Total Employees/Amounts Affected by Biweekly Pay Cap

Using data provided by OHR, we analyzed the total number of employees affected by the biweekly cap and the total financial impact. Our review showed that during CYs 2016, 2017, and 2018 the number of employees affected by the biweekly pay cap totaled 427, 535, and 503 employees, respectively. The financial impact for those 3 CYs was \$242,078.55, \$361,449.97, and \$272,562.03.

Using the same data from OHR, we determined the total number of DPD employees affected by the biweekly pay cap and the total financial impact. Our review showed that the biweekly pay affected DPD employees in 141, 153, and 162 instances for CYs 2016, 2017, and 2018 respectively. The total financial impact to DPD agents was \$91,309.41, \$102,278.48, and \$95,070.38 over the same time.

DPD made up 8.82 percent, 9.39 percent, and 9.46 percent of the Department's workforce for CYs 2016, 2017, and 2018, respectively but made up 33.02 percent, 28.60 percent, and 32.21 percent of instances in which an employee was limited by the cap over the same period. In terms of dollar value, DPD agents made up 37.72 percent, 28.30 percent, and 34.88 percent of the dollars lost to the biweekly pay cap over the same period. See Table 8 below.

Table 8: Effect of Biweekly Pay Cap

	2018		2017		2016	
	Instances	Financial Impact	Instances	Financial Impact	Instances	Financial Impact
Effect on Department	503	\$272,562.03	535	\$361,449.97	427	\$242,078.55
Effect on DPD	162	\$95,070.38	153	\$102,278.48	141	\$91,309.41
Percentage Attributed to DPD	32.21%	34.88%	28.60%	28.30%	33.02%	37.72%

Source: OIG generated from OHR data

During our follow-up, OHR officials stated that three DPD agents were projected to exceed the cap in 2018 and were advised that going into a non-pay status would help prevent overpayment. While OHR does not formally advise an employee of a cap overage, an employee's leave and earnings statement reflects overages and amounts forfeited. The nature of DPD work is conducive to high overtime hours, which in turn increases the likelihood of an employee being limited at the biweekly pay cap or in some cases being required to enter a non-pay status to prevent annual cap overages.

As of Pay Period 4 (February 17, 2019 through February 28, 2019), the backed out amounts have yet to be paid to employees for their 2018 biweekly pay cap overages. OHR officials stated they had started the process of creating a special project with the National Finance Center⁵ to begin processing the payments. The Department is scheduled to pay \$176,360.89 in total as a result of premium/differential pay losses to the biweekly pay cap. DPD employees will receive \$77,021.76 of the \$176,360.89.



Conclusions

The Department complied with applicable laws, regulations, and guidance pertaining to the biweekly pay and annual pay limits. Our review of Department pay confirmed no employees inappropriately exceeded the annual pay cap. In addition, we presented an analysis of how many employees were capped during the scope of our audit and the total financial impact to the employees caused by the biweekly pay cap rules.

⁵ The National Finance Center processes payroll for Department personnel.

APPENDIX

DEPARTMENT COMMENTS

	UNITED STATES CAPITOL POLICE OFFICE OF THE CHIEF 118 D STREET NE WASHINGTON, DC 20510-7218	Form 101 312 0408
	March 19, 2019	
		COP 181606
MEMORANDUM		
TO:	Michael A. Bolton Inspector General	
FROM:	Matthew R. Verderosa Chief of Police	
SUBJECT:	Response to Office of Inspector General draft report <i>Performance Audit of United States Capitol Police Dignitary Protection Division Payroll Costs and Compliance with Annual Pay Limitations</i> (Report No. OIG-2019-07)	
<p>The purpose of this memorandum is to provide the United States Capitol Police response to the Office of Inspector General's (OIG) draft report <i>Performance Audit of United States Capitol Police Dignitary Protection Division Payroll Costs and Compliance with Annual Pay Limitations</i> (Report No. OIG-2019-07).</p> <p>The Department would like to thank the Office of Inspector General for conducting this performance audit on the payroll costs and annual pay limitations as it relates to the Dignitary Protection Division (DPD). I am pleased that the findings of this audit confirm that the Department has adequate internal controls for monitoring the bi-weekly pay and annual pay caps, as well as processes for monitoring DPD payroll costs.</p> <p>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.</p> <p>Very respectfully,</p>  <p>Matthew R. Verderosa Chief of Police</p> <p>cc: Steven A. Sund, Assistant Chief of Police Richard L. Braddock, Chief Administrative Officer [REDACTED], USCP Audit Liaison</p> <p><small>Nationally Accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc.</small></p>		

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Washington, DC 20003***



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