



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Performance Audit of the United States Capitol Police Interactions with Individuals with Disabilities

Report Number OIG-2019-15

September 2019

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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.

Michael A. Bolton
Inspector General

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Abbreviations and Acronyms

| | |
|-----------------------------------------------------------|------------------------|
| Americans with Disabilities Act | ADA |
| Autism Spectrum Disorder | ASD |
| Calendar Year | CY |
| Capitol Visitor Center | CVC |
| Civil Disturbance Unit | CDU |
| Commission on Accreditation for Law Enforcement Agencies | CALEA |
| Congressional Accountability Act | CAA |
| Department of Defense | DOD |
| Department of Justice | DOJ |
| Department of Veterans Affairs | VA |
| Federal Law Enforcement Training Center | FLETC |
| Fiscal Year | FY |
| Government Accountability Office | GAO |
| Office of Congressional Accessibility Services | OCAS |
| Office of Inspector General | OIG |
| Office of Policy and Management Systems | OPOL |
| Office of Professional Responsibility | OPR |
| Operational Services Bureau | OSB |
| Patrol Mobile Response Division | PMRD |
| Recruit Officer Class | ROC |
| Section 504 of the Rehabilitation Act of 1973, as amended | Section 504 |
| Standard Operating Procedure | SOP |
| Training Management System | TMS |
| Training Services Bureau | TSB |
| Transportation Security Administration | TSA |
| Uniformed Services Bureau | USB |
| United States Capitol Police | USCP or the Department |
| United States Secret Service | USSS |

EXECUTIVE SUMMARY

The *Americans with Disabilities Act of 1990* (ADA) is a Federal civil rights law that guarantees equal opportunity for individuals with disabilities in state and local government services, public accommodations, employment, transportation, and telecommunications. The ADA requires public accommodations to make reasonable modifications in policies, practices, or procedures to enable individuals with disabilities to enter places of public accommodation. Under the *Congressional Accountability Act of 1995*, legislative branch facilities such as the Capitol and congressional buildings are considered public accommodations and thus must comply with the ADA public access provisions.

There has been a great deal of attention in the media about law enforcement personnel interactions with people with disabilities, including the United States Capitol Police (USCP or the Department). For example, media outlets reported¹ several instances of disability groups and individuals with disabilities being arrested while protesting. Some of the instances included wheelchair-bound individuals and resulted in the closure of Capitol spaces. In addition, individuals with disabilities have complained to stakeholders about inconsistent treatment during security screening and arrest.

Because of congressional interest and in accordance with our *Annual Performance Plan Fiscal Year 2019*, the Office of Inspector General (OIG) conducted a performance audit of USCP interactions with individuals with disabilities. OIG objectives were to determine whether the Department (1) established policies, procedures, and training designed to prepare sworn employees² for interacting with individuals with disabilities during screening and arrest and (2) complied with laws, regulations, and guidance in place for screening and arresting individuals with disabilities. After a July 2019 meeting with stakeholders, OIG refined the objectives to include identifying (1) challenges, if any, officers faced while interacting with individuals with disabilities, and (2) whether the Department leveraged best practices information from knowledgeable sources. Our scope included policies, procedures, practices, and training as of August 2019, and data collected during the three previous fiscal years—FY 2016 through FY 2018.

The Department had policies, procedures, and training in place designed to prepare officers to effectively conduct screening and arrest of individuals with disabilities. The Department reviewed and updated policies, procedures, and training directives. The majority of sworn employees interviewed and surveyed also stated that they believed guidance prepared them to effectively interact with individuals with disabilities. However, officers did not have a uniform

¹“disabilityscoop,” *80 Arrested In Nation’s Capital At Disability Rights Protest*, May 21, 2019; The Washington Post, *Disability advocates arrested during health care protest at McConnell’s office*, June 22, 2017; and Roll Call, *Disabled Protest Closes Rotunda*, March 22, 2017.

² OIG used interchangeably the terms sworn employee(s) and officer(s) throughout the report.

view of what constituted medical documentation and the potential existed for inconsistent treatment of individuals with disabilities during screening. USCP Directive [REDACTED], dated October 16, 2018, for example, allows a pregnant individual or visitor with a service animal to receive alternate screening without medical documentation, while individuals who may have obvious disabilities such as people who use wheelchairs, crutches or other mobility aides must have medical documentation to receive alternative screening.

Overall, officers identified communication as a major challenge when interacting with individuals with disabilities. Officers suggested that providing security screening guidance similar to the Transportation Security Administration to visitors before arrival at the Capitol Complex would help with communication between officers and the public. In addition, during an August 2019 teleconference, the Director of the Office of Congressional Accessibility Services (OCAS) stated a Helpline, or information on an external website about what to expect during security screening—including the requirement for medical documentation—would be most helpful in preparing individuals with disabilities for their visit to the Capitol Complex.

Two Federal laws, the ADA and Section 504 of the *Rehabilitation Act* of 1973, prohibit discrimination on the basis of a disability. Both those laws require that law enforcement offer to victims of crimes with disabilities an equal opportunity to benefit from and participate in all programs and services provided by the law enforcement agency. Officers must provide for equal communication with people with disabilities as well as make reasonable modifications to policy, practice, and procedure that will accommodate individuals with disabilities unless doing so would fundamentally alter the service or program. As previously stated, the Department reviewed and updated policies, procedures, and training to ensure both officer compliance and alignment with the ADA and Section 504.

In general, the Department leveraged best practices guidance from knowledgeable sources—such as the Department of Justice, and OCAS—to ensure equitable treatment of individual with disabilities as well as effective law enforcement.

To ensure effective communication between officers and individuals with disabilities, we are recommending that the Department clarify the term “medical documentation” in applicable directives and provide guidance in advance to visitors about what is needed such as medical documentation and what to expect to successfully navigate security screening. A Helpline or an external website that offers guidance to individuals with disabilities, medical devices, or medical conditions would provide for better communication between officers and the public as well as ensure the screening process is effective and respectful.

OIG made two recommendations as shown in Appendix A. On September 13, 2019, OIG provided a draft report to the Department for comments. We incorporated the Department’s comments and attached their response in its entirety in Appendix B.

BACKGROUND

The *Americans with Disabilities Act of 1990* (ADA) is a Federal civil rights law that guarantees equal opportunity for individuals with disabilities in state and local government services, public accommodations, employment, transportation, and telecommunications. In addition, Section 504 of the *Rehabilitation Act of 1973*, as amended (Section 504), prohibits discrimination on the basis of disability, which includes mental illness, in federally funded and federally conducted programs and activities. Under the *Congressional Accountability Act of 1995* (CAA), legislative branch entities are considered “public accommodations” and must comply with the ADA public access provisions.



Source: USCP Strategic Plan FYs 2015-2019.

Title II of the ADA requires that law enforcement agencies make reasonable modifications in their policies, practices, or procedures necessary to ensure accessibility for individuals with disabilities, unless making such modifications would fundamentally alter the program or service involved. Law enforcement officers should be prepared to make reasonable modifications, for example, by allowing, in appropriate circumstances, arrestees who are deaf to be handcuffed in front of their bodies so that they can communicate with others and by allowing detainees access to their medication.

To meet the control and supervision responsibilities of section 2001, title 2 of the United States Code (2 U.S.C. § 2001³), 2 U.S.C. § 2023,⁴ and 2 U.S.C. § 2183,⁵ regulations require any non-exempt individuals⁶ entering congressional office buildings to submit to inspections of their persons and packages by the United States Capitol Police (USCP or the Department). According to the *USCP Strategic Plan Fiscal Years (FYs) 2015-2019*:

³ Pursuant to 2 U.S.C. § 2001, the U.S. House of Representatives Office Buildings are under the control and supervision of the Architect of the Capitol, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker of the House.

⁴ Pursuant to 2 U.S.C. § 2023, the U.S. Senate Office Buildings are under the control and supervision of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration.

⁵ The Capitol Building Regulations are issued pursuant to 2 U.S.C. § 2183, which authorizes the Sergeants at Arms of the Senate and of the House of Representatives to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement and for protection of public property.

⁶ Certain individuals, such as members of Congress, are exempt from security screening.

Our mission requires that we provide a high level of security and safety to Congress, while also ensuring that the American people have appropriate access to the processes that ensure our constitutional government. This mission presents complex challenges to the Department; requiring that we maintain a range of comprehensive functions and capabilities to provide modern policing, homeland security, dignitary protection, intelligence and physical security.

Accordingly, USCP conducts security screening to prevent prohibited items from entering secure areas within the Capitol Complex.⁷ USCP allows access to secure areas only after individuals have successfully cleared security screening.

According to the USCP external website, Uniformed Services Bureau (USB) is the most visible element of the Department because it provides security for the U.S. Capitol and Congressional office buildings. The primary mission of USB is to screen visitors to the Capitol Complex, suppress crime, and enhance relations with the community and its citizens. USB is divided into four divisions—Capitol Division, House Division, Senate Division, and Library Division.

The Operational Services Bureau (OSB) provides specialized support to the Department's operational needs. The Patrol Mobile Response Division (PMRD), a division under OSB, consists of sections responsible for providing police services during specified tours of duty on a 24-hour basis, and security services designed to protect the Congress, its employees and visitors, and property under the jurisdiction of the Congress, from all threats posed by criminal or civil disorder. The Department activates the PMRD Civil Disturbance Unit (CDU) when additional officers are needed to assist in handling large protests and mass arrests. Standard Operating Procedures (SOP) [REDACTED], dated August 25, 2009, states "Each Recruit Officer Class (ROC) will receive a CDU Basic Class of instruction prior to graduation from the Training Academy."

The Training Services Bureau (TSB) primary mission is to create and sustain a vigorous and motivated workplace that is highly trained and armed with the necessary knowledge, skills, and abilities to achieve the mission. The Training Management System (TMS) is a computerized database for documenting and scheduling in-service training. TMS is the official system of record for all courses of instruction offered, sponsored, or contracted by USCP. TSB maintains recruit officer training records outside of TMS.

The Office of Policy and Management Systems (OPOL) creates and maintains the Written Directive System as well as facilitates and maintains accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

The Office of Professional Responsibility (OPR) oversees administrative investigations related to the conduct of Department personnel and inspections of its organizational components. OPR records and investigates allegations of misconduct by Department employees generated from

⁷ USCP Directive [REDACTED], defines Capitol Complex as the U.S. Capitol Buildings and Grounds.

outside sources and within the Department and provides an annual statistical summary of investigations.

The Office of Congressional Accessibility Services (OCAS) is a legislative branch agency that operates under the direction of the Congressional Accessibility Services Board. OCAS is tasked with:

1. Providing and coordinating accessibility services for individuals with disabilities, including Members of Congress, officers, and employees of the House of Representatives and the Senate, and visitors in the U.S. Capitol Complex.
2. Providing information regarding accessibility for individuals with disabilities, as well as related training and staff development to Members of Congress and employees of the Senate and House of Representatives (see 2 U.S.C. § 2172[a][3]).

OBJECTIVES, SCOPE, AND METHODOLOGY

As a result of congressional interest and in accordance with our *Annual Performance Plan Fiscal Year 2019*, the Office of Inspector General (OIG) conducted a performance audit of USCP interactions with individuals with disabilities. OIG objectives were to determine whether the Department (1) established policies, procedures, and training designed to prepare sworn employees⁸ for interacting with individuals with disabilities during screening and arrest and (2) complied with laws, regulations, and guidance in place for screening and arresting individuals with disabilities. After a July 2019 meeting with stakeholders, OIG refined the objectives to include identifying (1) challenges, if any, officers faced while interacting with individuals with disabilities, and (2) whether the Department leveraged best practices information from knowledgeable sources. Our scope included policies, procedures, practices, and training as of August 2019, and data collected during the three previous fiscal years—FY 2016 through FY 2018. During the audit, stakeholders provided nine complaints from individuals with disabilities.

To identify policies, procedures, and training in place, we reviewed documents and conducted interviews with officials from divisions in USB with the primary mission of screening staff and visitors and OSB (PMRD and CDU) responsible for providing assistance in handling large protests and mass arrests. We also interviewed officials from OPOL responsible for maintaining written directives and CALEA submission data as well as TSB, which is responsible for development and delivery of training. Further, we reviewed budget justifications for FY 2016 through FY 2018 to identify changes in staffing levels or training plans that could affect officer interactions with individuals with disabilities. To identify annual in-service training courses and refresher classes designed to supplement and reinforce the skills required to carry out their responsibilities, we reviewed the Department-wide annual training plans submitted through the Force Development Business process for FY 2016 through FY 2018.

⁸ OIG used interchangeably the terms sworn employee(s) and officer(s) throughout the report.



Source: CDU.

We also interviewed the Director of OCAS and reviewed brochures as well as documents related to disability etiquette training as part of USCP recruit training, accessible entrances, maps, and OCAS semiannual reports to Congress for the periods October 1, 2018, to March 31, 2019, and April 1, 2016 to September 30, 2016, to determine what training and support, if any, OCAS provided to USCP.

To determine if the Department’s policies and procedures and training prepare officers, and identify challenges officers face when interacting with individuals with disabilities, we worked closely with each USB division to identify and survey officers with varied tenures and experiences (less than 2 years [Attribute 1] and more than 2 years of experience [Attribute 2]). Using USB’s time and attendance records (Cognos⁹), excluding the “midnight shift¹⁰” because officers were unlikely to interact with individuals with disabilities, we established a sampling universe of 949 officers. In total, OIG surveyed 96 sworn employees or 10 percent from the four divisions as shown in Table 1. To ensure an equal number of officers for each attribute, we rounded numbers up and down. OIG, working closely with the Office of Human Resources, utilized the Survey Monkey application to send the questionnaire, collect, and analyze common themes.

Table 1: Total Number of Officers Surveyed by Division

| USB Division | Total Number of Officers (Minus the Midnight Shift) | Number of Officers Surveyed (Less than 2 Years of Experience) | Number of Officers Surveyed (More than 2 Years of Experience) | Number of Officers Surveyed by Division |
|------------------|-----------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------|
| Capitol Division | 373 | 19 | 19 | 38* |
| House Division | 292 | 15 | 15 | 30* |
| Library Division | 107 | 5 | 5 | 10* |
| Senate Division | 177 | 9 | 9 | 18* |
| Total | 949 | 48 | 48 | 96* |

Source: OIG generated from USB time and attendance documents for each Division (Excludes the midnight shift because officers are unlikely to interact with individuals with disabilities.)

*Numbers do not equate to a true 10 percent due to rounding up or down to ensure equal numbers under each attribute.

To determine compliance, we took steps to understand the ADA, Section 504, and section 14025 of the *21st Century Cures Act* and its applicability to law enforcement operations as the laws prohibit discrimination on the basis of disability, which includes mental illness, in federally funded and federally conducted programs and activities. In addition, we reviewed policies and procedures and the *Strategic Plan FY 2015-2019*, which states that Department leadership **will develop** (emphasis added) informative performance measures by defining clear expectations for each

⁹ Business intelligence software that provides the Department with the ability to extract and analyze salaries, appropriation, and expenditure data and assemble reports.

¹⁰ The midnight shift is the shift between 11 p.m. and 7 a.m.

mission set and major lines of business. OIG did not test compliance with the security screening and arrest directives because the Department did not have screening or arrest records identifying individuals with disabilities. In addition, screening protocols can change depending on the threat level and officer discretion of the situations.

OIG did, however, take steps to understand the relationship between number of people screened and the number of complaints. We reviewed documents and statistics data, when available, related to the number of individuals screened at the Capitol Visitor Center (CVC) and congressional buildings and interior checkpoints; outputs reported in the Department's annual financial statement audit reports,¹¹ *USCP Management Discussion and Analysis* for FYs 2016 through 2018; the OPR *Annual Statistical Summary Report* for FYs 2016, 2017, and 2018, which summarize the annual total of investigations. In addition, we reviewed nine complaints related to individuals with disabilities that stakeholders provided during the audit fieldwork. We also reviewed the following USCP guidance related to recruit and in-service training and best practices:

- USCP Directive [REDACTED] dated May 28, 2019.
- USCP Directive [REDACTED], dated February 14, 2019.
- *Federal Law Enforcement, DHS and DOJ Are Working to Enhance Responses to Incidents Involving Individuals with Mental Illness*, (GAO-18-229), dated February 2018.
- U.S. Government Accountability Office (GAO), *Standards for Internal Control in the Federal Government* (GAO-14-704G), dated September 2014.

During our July 9, 2019, meeting, the Senate Committee on Rules and Administration requested that OIG identify best practices or tools cited as leading practices for interacting with individuals with disabilities. In addition, committee staffers requested we compare USCP training that prepares officers to interact with individuals with disabilities with other law enforcement agencies.

To identify best practices, OIG reviewed websites for leading practices and training related to law enforcement interacting with individuals with disabilities, including mental illness. We also reviewed websites for the ADA National Network¹², the Department of Justice (DOJ), and some State websites to identify model policies and training programs. As a legislative branch entity, many laws and regulations that apply to executive branch agencies do not apply to USCP. We believe, however, that those laws, regulations, guidance, and training represent appropriate guidance and industry best practices for USCP. OIG contacted the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia; the Pentagon Force Protection Agency in the

¹¹ *Independent Auditor's Report Financial Statements for Fiscal Years 2016, 2017, and 2018*, Report Numbers OIG-2017-02, OIG-2018-04, OIG-2019-04.

¹² The ADA National Network offers a variety of training related to the ADA.

Department of Defense (DOD); the Office of Security and Law Enforcement for the Department of Veterans Affairs (VA); the Transportation Security Administration (TSA); and the U.S. Secret Service (USSS) to determine industry best practices for training related to officers interacting with individuals with disabilities.

We conducted this performance audit in Washington, D.C., from May through August 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.

On September 13, 2019, we provided a draft copy of this report to Department officials for comments. See Appendix A for a complete list of recommendations. OIG incorporated Department comments as applicable and attached their response to the report in its entirety as Appendix B.

RESULTS

The Department had policies, procedures, and training in place for preparing officers to effectively conduct screening and arrests of individuals with disabilities. Officers stated that they believe the greatest challenge faced is effective communication and suggested the first step in communication would be to provide guidance in advance, similar to TSA, about what to expect during screening and what is needed, such as medical documentation, to get through security screening. The Department policies, procedures, and training generally aligned with the ADA and Section 504. Generally, the Department leveraged best practice guidance from knowledgeable sources to review, update, and implement policies and procedures and training to prepare officers to effectively interact with individuals with disabilities.

Policies and Procedures for Interacting with Individuals with Disabilities

The ADA guarantees equal opportunity for individuals with disabilities in State and local government services, public accommodations, employment, transportation, and telecommunications. Under the CAA, legislative branch entities are considered “public accommodations” and are thus required to comply with the ADA public access provisions. The ADA affects virtually everything officers do—screening, arresting, booking, transporting, holding suspects, and enforcing laws.

DOJ directed that law enforcement components review and implement guidance on addressing individuals with disabilities—including mental illness—and obligations under the ADA and Section 504 of the *Rehabilitation Act of 1973*. Specifically, in January 2017, the DOJ’s then Deputy Attorney General issued a memo with guidance directing that components review policies and training and, where necessary, modify or develop policies and training to implement

legal requirements and principles related to Section 504.¹³ GAO *Standards for Internal Control in the Federal Government* (GAO-14-704G), dated September 2014, also states management should communicate to personnel the policies and procedures so personnel can implement the control activities for assigned responsibilities.

The Department had policies and procedures in place that address interacting with individuals with disabilities—including mental illness—during security screening and arrest. Some guidance specifically addresses screening and arrest of individuals with disabilities, while others touch on the issue as part of larger policies on other topics (such as security screening) as illustrated in Table 2.

Table 2: USCP Guidance Related to Screening and Arresting Individuals with Disabilities

| Number Effective Date | Title | Description |
|-------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Directive [REDACTED] October 16, 2018 | [REDACTED] | Establishes uniform policy and procedures for security screening to allow individuals access to secure areas. Provides comprehensive guidance related to screening individuals with disabilities, medical conditions, medical devices, medication and specific guidance related to: <ul style="list-style-type: none"> • Pacemakers, Defibrillators and Other Implanted Medical Devices • Medical Oxygen or Respiratory-Related Equipment • Diabetes-Related Supplies or Other Exterior Attached Medical Devices • Wheelchairs, Walkers, Crutches, and Canes • Deaf and Hard-of-Hearing Individuals • Prosthetic Devices, Casts, or Body Braces • Orthopedic Shoes or Support Appliances • Medical Dressings, Medication, and Supplies. |
| Directive [REDACTED] February 7, 2018 | [REDACTED] | Provides that discretion may be exercised in choosing to apply handcuffs or other restraints when an individual's age or physical infirmity, or disability renders use of handcuffs or other restraints unnecessary, unreasonable, or cruel. |
| Directive [REDACTED] November 20, 2015 | [REDACTED] | Provides the deaf/hard of hearing with the ability to communicate in an effective manner during arrests, stops, contacts, or any other emergency or significant situation requiring the transferring of information between officers and the deaf/hard of hearing. Once determined that an individual may be deaf/hard of hearing, Department employees will use auxiliary aids, so as to facilitate successful communication with the individual. |

¹³ DOJ Memorandum from the Deputy Attorney General, "Department Guidance in Interactions with Members of the Public with Disabilities in Traditional Law Enforcement Programs and Activities," January 6, 2017.

| Table 2: USCP Guidance Related to Screening and Arresting Individuals with Disabilities (Continued) | | |
|------------------------------------------------------------------------------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Number Effective Date | Title | Description |
| Directive [REDACTED] July 13, 2015 | [REDACTED] | Provides policy for handling individuals believed to be suffering from mental illness with due regard for their welfare and legal rights. This policy assists in defining whether an individual's behavior is indicative of symptoms of mental illness, and in dealing with those individuals in a constructive and humane manner. Alerts officers that dealing with individuals that are known or suspected to be mentally ill carries the potential for violence. |
| Directive [REDACTED] November 19, 2012 | [REDACTED] | Requires that the physical well-being of arrestees be monitored during transit. Addresses persons reported or suspected of being under the influence of drugs and/or alcohol or who have a known history or propensity for violence. Further, any medications are to be transported along with but not in actual possession of the arrestee to the USCP Prisoner Processing Facility. In addition, wheelchairs, crutches, prosthetic devices, and other similar items must be transported as well. |
| SOP No. [REDACTED] June 4, 2018 | [REDACTED] | Establishes uniform procedures for the use of the telecommunication device for the deaf. |
| SOP No. [REDACTED] October 17, 2011 | [REDACTED] | Establishes uniform procedures for transporting prisoners. Discretion may be exercised in choosing to apply handcuffs or other restraints when an individual's age or physical infirmity renders use or restraints unnecessary, unreasonable or cruel. |
| Bulletin [REDACTED] August 05, 2019 | [REDACTED] | Provides clarifying information on what a service animal is and addresses what questions an officer can and cannot ask of an individual with a service animal. |
| Bulletin [REDACTED] August 23, 2019 | [REDACTED] | Ensures that the Department has access to sign language interpreting services for interactions with individuals who are deaf or hard of hearing after regular business hours; OCAS has procedures under which USCP can secure after-hours sign language interpreting services. |

Source: OIG generated based on USCP screening and arrest policies and procedures.

OIG conducted interviews and surveyed sworn employees to determine if the Department's policies and procedures prepared officers to effectively interact with individuals with disabilities. OIG surveyed 96 officers, or 10 percent of the officers from the 4 USB divisions. Of the 96 officers surveyed, 33 officers, or 34 percent, responded to the questionnaire. Because of the low response rate, the officers' perspectives cannot be generalized to the entire USB or other USCP law enforcement components. Nevertheless, their views provided valuable insight about the policies and procedures the Department has implemented for preparing officers to interact with individuals with disabilities. Of 33 officers responding to the OIG survey, 85 percent stated the policies and procedures are clearly delineated in guidance and prepared them to interact with individuals with disabilities.

Confusion among officers existed, however, about the medical documentation that Directive [REDACTED] requires—for example, State disability or implant identification cards. In addition, OIG identified potentially inconsistent guidance in Directive [REDACTED] and Bulletin [REDACTED],

Recommendation 1: We recommend the United States Capitol Police review Directive [REDACTED], dated October 16, 2018, to ensure that the Directive is consistent with guidance such as Bulletin [REDACTED], dated August 5, 2019, about what is needed for alternate screening and define medical documentation to ensure officers apply consistent protocols to all individuals with disabilities during screening.

Training to Prepare Officers to Interact with Individuals with Disabilities

The January 2017 DOJ guidance identified, among other things, DOJ's law enforcement components' legal obligations under Section 504 as well as the policies and procedures components must have so officers can anticipate and plan for encounters with members of the public with disabilities. The guidance, for example, states that law enforcement components must train officers and agents on varying types of commonly encountered disabilities; how to identify, without medical or psychological training, analysis, or diagnosis, common characteristics and behaviors most often associated with disabilities; and appropriate responses to the challenges that an encounter with a member of the public with a disability may present. Training for officers and agents in effective communication with members of the public with a mental illness is explicitly referenced in the guidance as well.

According to the GAO *Standards for Internal Control in the Federal Government*, "Effective management of an entity's workforce, its human capital, is essential to achieving results and an important part of internal control. Only when the right personnel for the job are on board and are provided the right training, tools, structure, incentives, and responsibilities is operational success possible."

The Department had training policies and procedures in place and offered entry-level and in-service training for preparing officers to effectively interact with individuals with disabilities including mental illness. The Department recently updated both training directives—Directive [REDACTED], dated May 28, 2019, and Directive [REDACTED], dated February 14, 2019. In addition, of the 33 officers who responded to the OIG survey, 29, or 88 percent, confirmed that the Department provided entry-level training that prepared them to interact with members of the public with disabilities. The Department-wide Annual Training Plans for FYs 2016 through 2018 also identified training courses for dealing with individuals with disabilities, including mental illness as stand-alone sessions and modules within a larger course exploring other law enforcement topics such as security screening.

According to Directive [REDACTED], every USCP recruit officer completes a multidimensional police training program that ensures they are proficient in all elements of the law and USCP law enforcement policies and procedures. The length of the entry-level training program is approximately 34 weeks in total and generally occurs in the following order:

1. USCP Training Academy at FLETC, Cheltenham, Maryland (2 weeks)
2. Uniformed Police Training Program at FLETC, Glynnco, Georgia or Artesia, New Mexico (12 weeks)
3. USCP Training Academy at FLETC, Cheltenham (12 weeks)
4. Police Training Officer Program, Onsite at the Capitol Complex in Washington, D.C. (8 weeks)

Based on interviews and documentation, entry-level recruit officers receive about 20 hours in total of instruction addressing law enforcement and people with disabilities. USCP recruits receive about 10 hours of classroom and scenario-based training related to people with disabilities at the USCP Training Academy at Cheltenham. Examples of such training are shown in Table 3.

Table 3: Individuals with Disabilities Training Courses for Entry Level Recruit Officers - Cheltenham

| Course Title | Audience | Training Objectives | Delivery Method | Course Length | Instructor |
|------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------|----------------------------|
| <i>Recruit Officer Security Screening Handling Special Circumstances</i> Course Number 108.10 | Recruit Officers (Entry Level) | Handle initial and secondary screening of individuals with disabilities, medical conditions, and/or medical devices in accordance with Directive [REDACTED]. | Lecture/ Lab | 1.5 Hours | TSB Staff |
| | | Course includes demonstrations of special circumstances recruits may encounter and is followed up with practical exercises and examination. | Practical Exercises and Exam | 3.5 Hours | |
| <i>Handling/Processing Emotionally Disturbed Persons (EDP)</i> Course Number 103.03 | Recruit Officers | Deals with emotionally disturbed persons. Students should be able to recognize and respond safely and correctly to an emotionally disturbed person in accordance with Directive [REDACTED] and other Department directives. This course is followed up with practical exercises covered during the 103.04 course. | Lecture/ Lab/ Exam | 2 Hours | TSB Staff |
| <i>Mental Disorders</i> Course Number 103.04 | Recruit Officers | Identify and handle mental disorders such as bipolar, borderline personality, antisocial personality, schizophrenia, and other psychotic disorders. This course includes practical exercises and examination. | Lecture/ Lab/ Exam | 3 Hours | Consultant Expert in Field |

Source: OIG generated based on course information provided by TSB.

In addition, at FLETC recruits receive about 10 hours of classroom and scenario-based training related to individuals with disabilities. According to a FLETC official, recruits attend the Uniformed Police Training Program for 60 training days¹⁴ at Glynco. During the 60 training days, students receive 496 hours of instruction from 10 different FLETC training divisions. Of those 10 training divisions, 4—Behavioral Science Division, Enforcement Operations Division, Firearms Division, and the Physical Techniques Division—teach some material as it relates to individuals with disabilities.

Directive [REDACTED], states, “The Department will establish in-service training programs that continually educate experienced employees, further the professionalism of the Department, and improve employees’ individual performance in their mission preparedness.” A TSB official, however, stated that Department training courses are offered based on available space and resources. As a result, all officers may not receive annual in-service training related to individuals with disabilities. Our review of the Department-wide Annual Training Plans for FYs 2016 through 2018 identified in-service courses dealing with individuals with disabilities as stand-alone sessions and modules within a larger course exploring other law enforcement topics such as security screening. The plans also showed training that was mandatory and offered through class instruction or online portals. The Department, for example, required annual mandatory online training on *Emergency Hospitalizations of Mentally Ill Persons*.

Our survey of other Federal law enforcement organizations with a similar mission as USCP showed that Department entry-level and in-service training hours related to individuals with disabilities issues either met or exceeded other law enforcement organizations training—DOD, Pentagon Force Protection Agency; VA, Office of Security and Law Enforcement; TSA; and USSS [REDACTED]. FLETC provides entry-level training, Uniformed Police Training Program, to all those organizations. As discussed previously, USCP recruits receive an additional 10 hours of classroom and scenario-based training related to people with disabilities at the USCP Training Academy at Cheltenham and refresher training is offered based on the availability of space and resources.

| [REDACTED] | | | |
|------------|------------|------------|------------|
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

¹⁴ Recruits attend FLETC Glynco or Artesia for 12 weeks (84 days, less 24 days for weekends = 60 training days.)

Conclusions

The Department has entry-level and in-service training in place for preparing officers to effectively interact with individuals with disabilities. The Department recently reviewed and updated both training directives. The Department-wide annual training plans also identified annual mandatory on-line courses related to individuals with disabilities. Because the Department-wide annual training plans identified annual on-line courses that prepared officers to interact with individuals with disabilities, OIG is not making a recommendation related to training at this time. Additionally, USCP entry-level training hours preparing officers to interact with individuals with disabilities—including mental illness—either met or exceeded other Federal law enforcement organizations training hours. As discussed previously, USCP recruits receive an additional 10 hours of classroom and scenario-based training related to people with disabilities at the USCP Training Academy at Cheltenham. USCP also offered annual mandatory refresher training.

OIG encourages the Department to continue its efforts to provide refresher courses either online or during roll call, thereby strengthening officers' skills and encounters with members of the public with disabilities.

Officer Challenges When Interacting with Individuals with Disabilities

Sworn employees interviewed and those responding to the OIG survey cited a number of challenges related to interactions with individuals with disabilities. While those sworn employees' perspectives cannot be generalized to the entire Department, their views provided insights into the challenges USB officers face while screening individuals with disabilities. We have relied on the sworn employees' responses to answer this reporting objective as the officers are uniquely positioned to speak to their experiences, and any challenges they face, interacting with a member of the public with a disability.

Overall, officers identified communication as a major challenge when interacting with individuals with disabilities. A sworn employee explained that when passage through walk-through magnetometer is impossible (such as persons confined to wheelchairs) and when the walk-through or hand-held magnetometer alarms, necessitating secondary screening, the screener must identify the cause of the alarm by conducting a limited or a full body pat down. That requires the screener to physically touch all outer areas of an individual's body and clothing to check for the presence of prohibited items. One sworn employee explained that individuals with disabilities sometime feel targeted because of the invasive techniques. Another sworn employee stated "people do not like to be touched" and some screeners do not communicate the reasons for conducting the different screening procedures.

From the perspective of an individual with a disability, officers appear insensitive and disrespectful. In a complaint received during the audit, the individual alleged, “The lack of sensitivity and respect to me, as a disabled person, needs work/training. Customer service should be a top priority and ‘outing’ a disabled person to others/complete strangers as needing something different, let alone, being responsible for the public’s inconvenience, should not be happening.”

Sworn employees suggested that additional training and providing guidance related to security screening, similar to TSA, to individuals with disabilities prior to their arrival at the Capitol Complex would assist in better communication between the officer and the public. TSA, for example, has five main resources available for travelers with disabilities or individuals who travel with medical devices or medical conditions to ensure that they can get through the security screening process. TSA resources include the TSA Cares Helpline, the TSA Customer Service, Passenger Support Specialists, information posted on TSA.gov, and interactive Twitter and Facebook Messenger accounts.

The OCAS Director also stated that having the USCP website include a list of screening requirements and required documentation, such as medical documentation, would be helpful in preparing individuals with disabilities for their visit to the Capitol Complex and would inform them of what to expect when entering the Capitol. The Director also stated a USCP Helpline could assist in alleviating some of the confusion and misunderstandings between officers and individuals with disabilities during the screening process.

The USCP external website already provides a general guide for what is and is not allowed to be brought into the various buildings on the Capitol Grounds. Specifically, the website states:

To ensure the safety and security of the U.S. Capitol Complex, certain items are prohibited from being brought into the Capitol Buildings and Grounds. While this may be a small inconvenience, planning ahead by leaving these items at home will allow for an expeditious security screening process. Failure to adhere to these established regulations can result in arrest, fine and/or imprisonment, as well as the confiscation and/or destruction of the item. This list is not intended to be all encompassing but to serve as a general guide for what is and is not allowed to be brought into the various buildings on the Capitol Grounds.



Source: USCP external website.

Providing similar guidance for visitors and staff with disabilities, medical devices, or medical conditions about what to expect and what is needed would assist in better communication between officers and the public and ensure that these individuals get through the security screening process successfully, respectfully, and efficiently.

Conclusions

Officers identified communication as the major challenge they face when interacting with individuals with disabilities. Sworn employees stated that they believe the first step in effective communication is to provide guidance in advance to visitors, similar to TSA, about what to expect during the screening process and what is needed, such as medical documentation, to successfully navigate the security screening. A helpline or an external website providing guidance for individuals with disabilities, medical devices, or medical conditions, would provide for better communication between the officer and the public and ensure that the screening process is effective and courteous. Thus, OIG makes the following recommendation.

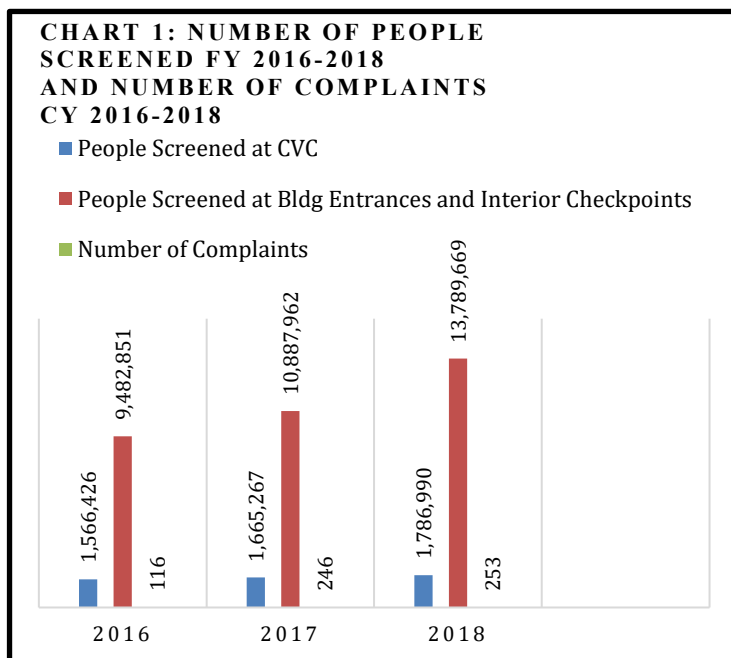
Recommendation 2: We recommend that the United States Capitol Police implement a practice, without revealing security postures, of informing the public of screening requirements such as medical documentation and what to expect at security checkpoints prior to their arrival at the Capitol Complex.

Efforts to Comply with ADA and Section 504

Two Federal laws, the ADA and Section 504, prohibit discrimination on the basis of a disability. Both laws require that law enforcement offer to victims of crimes with disabilities an equal opportunity to benefit from and participate in all programs and services provided by the law enforcement agency. Officers must also provide for equal communication with people with disabilities and must make reasonable modifications to policy, practice, and procedure to accommodate individuals with disabilities unless doing so would fundamentally alter the service or program.

As discussed earlier, USCP has made significant efforts in reviewing and updating policies, procedures, and training to ensure its alignment with the ADA and section 504.

We also reviewed the Department's *Strategic Plan FY 2015-2019* to identify relevant organizational performance measures for security screening. According to the Strategic Plan, "Department leadership **will develop** (emphasis added) informative performance measures by defining clear expectations for each mission set and major lines of business." Thus, OIG was unable to test compliance with screening and arrest directives because the Department did not have screening or arrest records identifying individuals with disabilities and USCP can adjust procedures to meet the evolving threat to achieve the highest levels of security. As a result, visitors and staff may notice changes in officers' procedures from time to time.



Source: OIG generated based on FY 2016-2018 screening statistics and complaints data for CY 2016-2018.

We did, nevertheless, attempt to reach conclusions related to officers' compliance with Directive [REDACTED]. OIG compared screening statistics for FYs 2016 through 2018 to the total complaints reported in OPR's annual statistical summary reports for Calendar Years (CY) 2016-2018. While the Department did not track complaints by FY or by category such as individuals with disabilities, the total number of complaints reported was miniscule—CY 2016 (116), CY 2017 (246), and CY 2018 (253)—in comparison to millions of people screened at the CVC and at building entrances and interior checkpoints as illustrated in Chart 1.

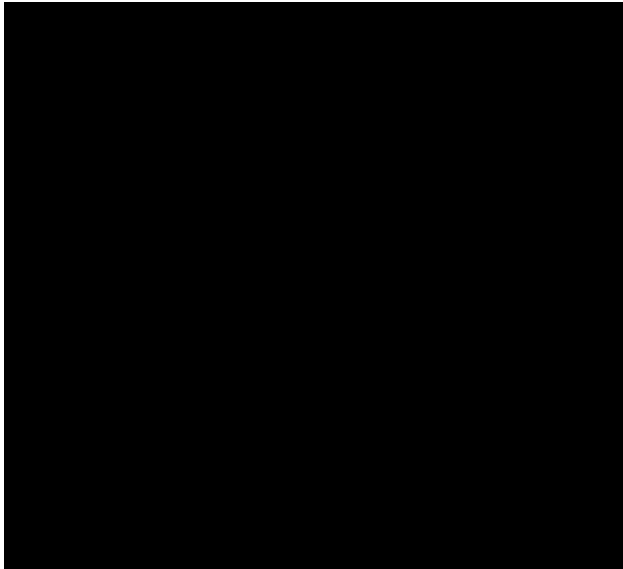
Conclusions

The Department policies, procedures, and training generally aligned with the ADA and Section 504. Thus, OIG is not making a recommendation at this time.

Leveraged Best Practices from Knowledgeable Sources

DOJ directed components to review and implement guidance on addressing individuals with disabilities—including mental illness—and obligations under Section 504. Appropriate policies, procedures, and training can prepare personnel to execute their ADA responsibilities in a manner that keeps staff and individuals with disabilities safe. For the purposes of our audit, a best practice is one that is generally effective when officers apply it to their interactions with individuals with disabilities (for example, it helps the officers deescalate a given situation or better positions them to assist the public).

The Department has generally used best practice guidance and leveraged resources from knowledgeable sources to review, update, and implement policies and procedures and training. The Civil Rights Division in DOJ provides guidance to assist law enforcement agencies in complying with the ADA. OIG compared the DOJ guidance, *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers* with USCP's Directive [REDACTED] and found similar language and practices.



DOJ also provided guidance related to *Commonly Asked Questions about the Americans with Disabilities Act and Law Enforcement*, which offers common sense suggestions to assist law enforcement agencies comply with ADA. The fact sheet answers frequent questions about the ADA and its effect on law enforcement services involving people with disabilities. The questions and answers are presented in six sections: *Introduction*; *Interacting with People with Disabilities*; *Effective Communication*; *Architectural Access*; *and Modifications of Policies, Practices, and Procedures*; and *Resources*.

The Department has continued to build officer knowledge related to physical and developmental disabilities and handling of sensitive equipment. The Department, for example, utilized DOJ guidance to develop training, which is offered to recruit officers and to officers assigned to CDU. Training has addressed *ADA and Biased Based Profiling*, slides dated February 2019 and *Power Wheelchair and Scooter Training*—slides dated January 24, 2019. A slide from the *ADA and Biased Profiling* class states the examples presented are drawn from real-life situations as described by police officers or encountered by the DOJ in its enforcement of the ADA.

According to a TSB official, USCP has further developed an *Autism Awareness for Law Enforcement* course, which the Department expects to implement in the Second Quarter of FY 2020. The course discusses recognizable signs of a person who has Autism Spectrum Disorder (ASD) and identifies procedures a law enforcement officer should follow to ensure the safety and cooperation of a person with ASD.

Furthermore, the Department has developed a cooperative partnership with OCAS, which assists in training officers to interact with individuals with disabilities. For example, OCAS provides disability etiquette training and sign language interpreting services for interactions with individuals with disabilities. According to the *OCAS Semiannual Report* for the period October 1, 2018, through March 31, 2019, the director of OCAS provided disability etiquette and sensitivity training to five recruit officer classes (ROC)—ROC 196, ROC 197, ROC 198, ROC 199 and ROC 200.

USCP and OCAS continued working to ensure a secure environment and accessibility to Congress for all visitors with disabilities. During this same period, OCAS reported working with USCP to host the third annual “Morning at the Museum” program at the U.S. Capitol. The goal of this program was to provide access for individuals with cognitive and sensory processing disabilities by providing pre-visit materials, early entrance for registered families, and a “Take a

Break Space.” A total of 179 people (49 families) securely and successfully attended this reservation-required event.



Source: CDU.

OCAS further offered an informational seminar titled “*Communicating with Constituents with Disabilities*.” Under the ADA, people who are deaf or hard of hearing are entitled to the same services law enforcement provides to anyone else. Therefore, USCP and OCAS have entered into an arrangement to ensure that officers have access to sign language interpreting services for interactions with individuals who are deaf or hard of hearing.

Conclusions

The Department has generally leveraged best practices information from other knowledgeable parties to ensure equitable treatment of individual with disabilities as well as effective law enforcement. As previously discussed, USCP has reviewed, updated, implemented policies, practices, and training that aligned with ADA and DOJ guidance. Cooperative partnerships with others also have resulted in OCAS providing disability etiquette training and sign language interpreting services for interactions with individuals with disabilities.

APPENDICES

List of Recommendations

Recommendation 1: We recommend the United States Capitol Police review Directive [REDACTED], dated October 16, 2018, to ensure that the Directive is consistent with guidance such as Bulletin [REDACTED], dated August 5, 2019, about what is needed for alternate screening and define medical documentation to ensure officers apply consistent protocols to all individuals with disabilities during screening.

Recommendation 2: We recommend that the United States Capitol Police implement a practice, without revealing security postures, of informing the public of screening requirements such as medical documentation and what to expect at security checkpoints prior to their arrival at the Capitol Complex.

DEPARTMENT COMMENTS



PHONE: 202-224-9806

UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF
119 D STREET, NE
WASHINGTON, DC 20510-7218

September 20, 2019

COP 190584

MEMORANDUM

TO: Michael A. Bolton
Inspector General

FROM: Steven A. Sund
Chief of Police

SUBJECT: Response to Office of Inspector General draft report *Performance Audit of the United States Capitol Police Interactions with Individuals with Disabilities* (Report No. OIG-2019-15)

The purpose of this memorandum is to provide the United States Capitol Police response to the recommendations contained within the Office of Inspector General's (OIG) draft report *Performance Audit of the United States Capitol Police Interactions with Individuals with Disabilities* (Report No. OIG-2019-15).

The Department generally agrees with all of the recommendations and appreciates the opportunity to work with the OIG to further improve upon the policies and procedures in place for the Department's interactions with individuals with disabilities. The Department will assign Action Plans to appropriate personnel regarding each recommendation in effect in order to achieve long term resolution of these matters.

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,

A handwritten signature in black ink, appearing to read "S. Sund".

Steven A. Sund
Chief of Police

cc: Chad B. Thomas, Acting Assistant Chief of Police
Richard L. Braddock, Chief Administrative Officer
[REDACTED] USCP Audit Liaison

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Washington, DC 20003***



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