



# UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

## Review of the United States Capitol Police Office of Professional Responsibility

Report Number OIG-2020-10

August 2020

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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

Commission on Accreditation for Law Enforcement Agencies	CALEA
Fiscal Year	FY
Government Accountability Office	GAO
Office of Inspector General	OIG
Office of Professional Responsibility	OPR
Report of Investigation	ROI
Standard Operating Procedure	SOP
United States Capitol Police	USCP or the Department

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## EXECUTIVE SUMMARY

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In accordance with our *Annual Performance Plan Fiscal Year 2020*, dated October 2019, the Office of Inspector General (OIG) conducted a review of the United States Capitol Police (USCP or the Department) Office of Professional Responsibility (OPR). The scope of the review included existing policies and procedures related to OPR for Fiscal Year (FY) 2019 through March 31, 2020.

OIG objectives were to determine if the Department (1) established adequate internal controls and processes for ensuring compliance with Department policies and (2) complied with policies and procedures, laws, regulations, and best practices.

OPR is responsible for overseeing administrative investigations relating to the conduct of department personnel and inspections of its organizational components. OPR records and investigates allegations of misconduct by USCP employees generated either from within the Department or outside sources.

Overall, the Department established adequate internal controls for ensuring that investigations were conducted in a fair and objective manner. For example, the OPR Commander reports directly to the Chief of Police, which allows OPR to perform its work without undue organizational influence. In addition, Category II complaints—defined as allegations concerning inadequate police services, minor breaches of rules or regulations, and minor policy violations—are typically investigated by the divisions in which the officers work. However, if there is a complaint involving personnel from more than one division, OPR is responsible for investigating the allegations ensuring a fair process for all personnel.

OPR case files did not always contain all of the required documentation. Of the 25 cases reviewed, 3 had documentation missing from the case file at the time. Upon follow-up from OIG, OPR was able to locate the additional documentation. Therefore, although all required documentation was properly prepared by OPR, it was not always maintained in the case file.

## BACKGROUND

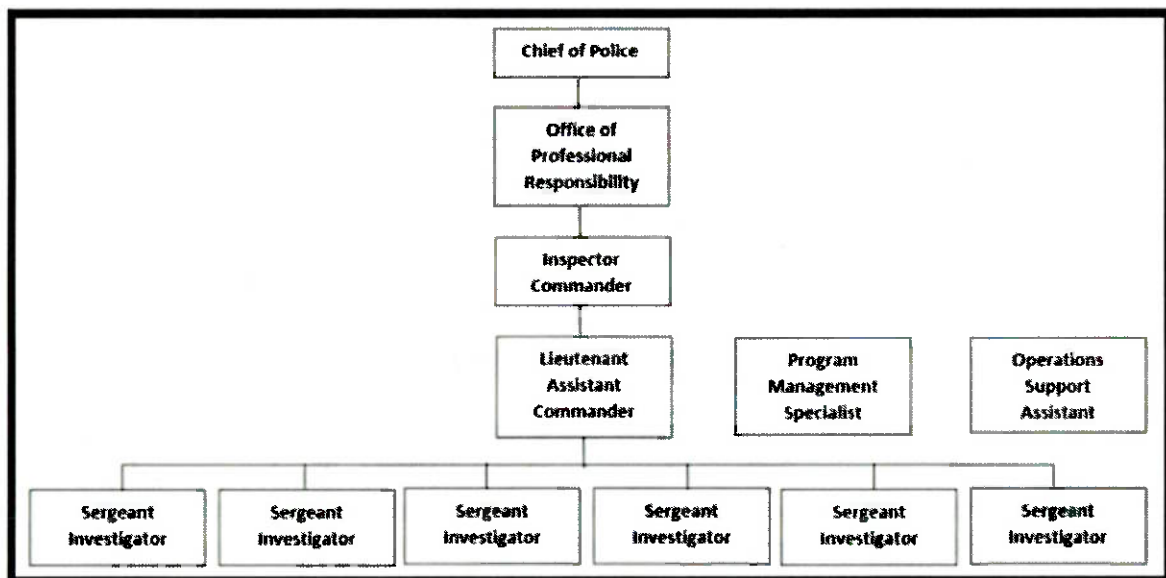
Public Law 109-55, dated August 2, 2005, established the United States Capitol Police (USCP or the Department) Office of Inspector General (OIG). The law granted OIG the authority to receive and investigate complaints or information from an employee or member of USCP concerning possible existence of an activity constituting violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety, including complaints or

information the investigation of which is under the jurisdiction of the Office of Professional Responsibility (OPR). Public Law 109-55 also states, “To the extent that any officer or entity in the Capitol Police prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the function of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.”

OIG and OPR are responsible for documenting, registering, and investigating complaints pertaining to Department policies or procedures or that allege misconduct by any employee of the Department. OIG will generally investigate misconduct concerning a sworn employee with the rank of Inspector or above, civilian employees with the grade of CP-14 and above, or civilian employees with the title of Associate Director and above. OPR will also generally investigate misconduct concerning a sworn employee with the rank of Captain or below, civilian employees with the grade of CP-13 or below. OIG may, however, determine to investigate a matter not meeting that criteria the result of factors such as the nature and magnitude of the offense; requests from the Chief of Police, Capitol Police Board, or Congress; egregiousness public trust violated; and the importance to accomplishing crucial mission objectives.

As of April 2019, OPR had 10 full-time employees—1 Commander (Inspector), 1 Lieutenant, 6 investigators (Sergeants), 1 Program Management Specialist, and 1 Operations Support Assistant. As Exhibit 1 reflects, OPR reports directly to the Chief of Police.

#### **Exhibit 1 – OPR Organization Chart**



Source: OIG generated using information from USCP PoliceNet as of April 2020.



OPR reviews allegations of misconduct from internal and external sources. OPR typically receives allegations through the mail, in person, by telephone, or from OIG. To track and manage the allegation and investigation process, OPR uses a case tracking software program called [REDACTED]. Depending on the nature of the allegation or departmental violations, the Department designates allegations of misconduct as either a Category I or Category II complaint.

Category I complaints are defined as any complaint or allegation containing one or more of the following elements: (1) unnecessary or excessive use of force, (2) false arrest, (3) sexual or racial discrimination, harassment, or breaches of civil rights, and (4) violations of specific criminal statutes. For Category II, the Department defines those complaints as allegations concerning inadequate police services, breaches of rules or regulations, minor policy violations, or any other complaint not listed in Category I. OPR investigates Category I complaints, and Division Commanders have the primary responsibility for investigating Category II complaints. In some instances, OPR may investigate Category II allegations for complaints that, by their nature or scope are not suitable for investigation at the Division level, or when complaints involve personnel from more than one Division, or when directed by the Chief of Police or Assistant Chiefs of Police.

The Department requires completion of cases involving sworn or civilian employees that are Category I allegations within 120 days of initiation. The Department requires completion of cases involving Category II allegations within 60 calendar days of initiation. When a Division receives a case, generally a Category II allegation, it has 20 working days to complete its investigation and submit its Report of Investigation (ROI) to OPR. Both Division Commanders and OPR may request an extension to complete their respective investigations. Completed investigations result in one of the following classifications: sustained, not sustained, exonerated, unfounded, or dismissed. Upon completion of the OPR investigation, the Lieutenant and the OPR Commander review each ROI.

OPR conducts an annual audit and unannounced inspection of physical evidence of the Special Operations Division's Crime Scene Search. OPR performs those audits and inspections as part of the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation process.

From January 1, 2018, through June 30, 2020, OPR opened 521 cases, which corresponded to 598 separate charges. The majority of the cases were opened based on internal complaints. See Figure 1 for a review of the origins of complaints OPR receives.

**Figure 1 – Origins of OPR Complaints**

Source	Number of Cases	Number of Separate Charges
Citizen Complaints	72	77
Internal Complaints	438	501
External Law Enforcement Agencies	11	20
Anonymous	0	0
<b>Total</b>	<b>521</b>	<b>598</b>

Source: OIG generated using information provided by OPR.

From January 1, 2018, through June 30, 2020, OPR's cases included 29 types of charges. See Figure 2 for an overview of the types of charges as well as the outcome of investigations.

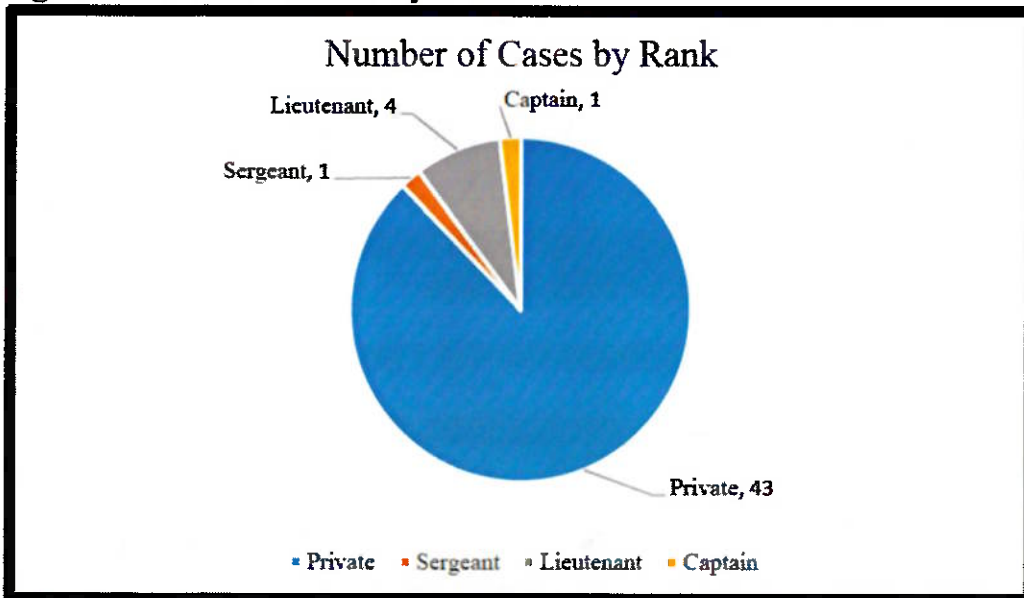
**Figure 2 – Types of Charges and Outcome of Investigations**

	Sustained	Not Sustained	Unfounded	Exonerated	Diminished	Suspended	Pending	Total
A1: Knowledge of Laws and Regulations		1						1
A2: Conformance to Laws	2	11			1	3	1	18
A3: Compliance with Directives	182	37	3	15	16	3	8	264
A6: Impersonation	5	7	1					13
A7: Truthfulness	2	3						5
B1: Unsatisfactory Performance	15	9			2			26
B10: Neglect of Duty	21	11						32
B12: Operating Vehicles	1	1			1			3
B13: Use of Force	1	1		1	1		2	6
B14: Use of Weapons	1							1
B16: Treatment of Persons in Custody		1						1
B3: Absence from Duty (AWOL)	19	4	2	20	1		1	47
B4: Reporting for Duty	1							1
B5: Carrying of Credentials and Identification	1				1			2
B6: Malingering		1			1		1	3
B7: Duty Post	13	1		3			2	19
B8: Meals and Other Relief Periods					1			1
B9: Courtesy	5	20		1	9		5	40
C1: Conduct Unbecoming	31	20	7		2	3	6	69
C10: Improper Remarks	5	4			2			11
C11: Retaliation		2			1			3
C2: Discrimination and/or Harassment		6	1		4	1	1	13
C3: Possession and/or Use of Drugs or a Controlled Substance	1							1
C4: Use of Alcohol	4	1				1		6
C7: Improper Associations	2							2
E1: Abuse of Process	4	2						6
E4: Dissemination of Information		2						2
E6: Public Appearances	1							1
E7: Testimonials	1							1
<b>Total</b>	<b>318</b>	<b>145</b>	<b>14</b>	<b>40</b>	<b>45</b>	<b>11</b>	<b>27</b>	<b>598</b>

Source: OIG generated using information provided by OPR.

From January 1, 2020, through June 30, 2020, OPR provided data that arrayed the 49 cases by the rank of the employee. The majority of OPR cases during that period involved employees at the rank of Private. See Figure 3, for the breakdown of cases by rank.

**Figure 3 – Number of Cases by Rank**



\*One Lieutenant accounted for two cases

Source: *OIG generated using information provided by OPR.*

## **OBJECTIVES, SCOPE, AND METHODOLOGY**

Our objectives were to determine if the Department (1) established adequate internal controls and processes for ensuring compliance with select Department policies and (2) complied with select policies and procedures, laws, regulations, and best practices.

The scope of the review included existing policies and procedures related to OPR for Fiscal Year (FY) 2019 through March 31, 2020.

To accomplish our objectives, we interviewed USCP officials to gain an understanding of OPR. We also reviewed the following laws, guidance, and industry best practices:

- USCP Directive [REDACTED], dated April 17, 2020
- SOP [REDACTED], dated March 27, 2020
- SOP [REDACTED], dated March 27, 2020
- SOP [REDACTED] (Restricted), dated March 27, 2020

- SOP [REDACTED], dated March 27, 2020
- SOP [REDACTED], dated March 27, 2020
- SOP [REDACTED] [REDACTED] dated March 27, 2020
- SOP [REDACTED], dated March 23, 2020
- SOP [REDACTED] [REDACTED], dated March 23, 2020
- USCP Directive [REDACTED] [REDACTED] dated December 21, 2018
- Directive [REDACTED] [REDACTED] dated February 13, 2017
- SOP [REDACTED], dated September 11, 2015
- GAO-14-704G, *Standards for Internal Control in the Federal Government*, dated September 2014
- SOP [REDACTED] dated May 24, 2011

OPR opened 76 cases from September 2018 through March 2020, and OIG randomly selected a sample of 15 case files to determine compliance with policies and procedures. Additionally, we selected six individual cases terminated following an OPR investigation and seeking legal redress. The additional 6 cases included 10 additional cases outside of the OPR opened-case timeframe. The 10 cases ranged from FY 2011 through FY 2018. Therefore, OIG reviewed a total of 25 case files.

OIG conducted this assessment in Washington, D.C., from December 2019 through July 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. OIG did not conduct this assessment in accordance with generally accepted government auditing standards. Had we conducted an audit and followed such standards, other matters might have come to our attention.

On August 7, 2020, we provided a draft copy of this report to Department officials for comment. A list of recommendations is detailed in Appendix A. We incorporated Department comments as applicable and attached the response to the report in its entirety as Appendix B.

## RESULTS

The Department had established adequate internal controls in place that would ensure that investigations were conducted in a fair and objective manner. However, documentation was not always properly maintained in the case file.

### Adequately Designed Internal Controls

Overall, The Department had established adequate internal controls in place that would ensure that investigations were conducted in a fair and objective manner. For example, as noted above in Exhibit 1, the OPR Commander reports directly to the Chief of Police, which allows OPR to perform its work without undue organizational influence. In addition, Category II complaints—defined as allegations concerning inadequate police services, minor breaches of rules or regulations, and minor policy violations—are typically investigated by the divisions in which the officers work. However, if a complaint involves personnel from more than one division, OPR is responsible for investigating those allegations, ensuring a fair process for all personnel.

### Non-compliance with Best Practices

OPR case files did not always contain all of the required documentation. GAO-14-704G, *Standards for Internal Control in the Federal Government*, dated September 2014, states:

Management clearly documents internal control and all transactions and other significant events in a manner that allows the documentation to be readily available for examination. The documentation may appear in management directives, administrative policies, or operating manuals, in either paper or electronic form. Documentation and records are properly managed and maintained.

Of the 25 cases reviewed, 3 had documentation missing from the case file. Upon follow-up from OIG, OPR was able to locate the additional documentation elsewhere. Therefore, all required documentation was properly prepared by OPR, but not always maintained in the case file.

### Conclusions

Overall, the Department had adequate internal controls in place that would ensure investigations were conducted in a fair and objective manner. We noted, however,

several instances in which case file documentation was not in the case file at the time of our testing. Therefore, OIG makes the following recommendation:

**Recommendation 1: We recommend that the United States Capitol Police ensure that the Commander for the Office of Professional Responsibility advise investigators about the importance of properly maintaining all case file documentation.**

# APPENDICES

## *List of Recommendations*

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**Recommendation 1:** We recommend that the United States Capitol Police ensure that the Commander for the Office of Professional Responsibility advise investigators about the importance of properly maintaining all case file documentation.



## DEPARTMENT COMMENTS



PHONE 202-224-9806

### UNITED STATES CAPITOL POLICE

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

August 21, 2020

COP 200425

#### MEMORANDUM

**TO:** Michael A. Bolton  
Inspector General

**FROM:** Steven A. Sund  
Chief of Police

**SUBJECT:** Response to Office of Inspector General draft report *Review of the United States Capitol Police Office of Professional Responsibility (OIG-2020-10)*

The purpose of this memorandum is to provide the United States Capitol Police response to the recommendation contained within the Office of Inspector General's (OIG) draft report *Review of the United States Capitol Police Office of Professional Responsibility (OIG-2020-10)*.

The Department generally agrees with the recommendation and appreciates the opportunity to work with the OIG to further improve upon the policies and procedures in place for our Office of Professional Responsibility. The Department will assign Action Plans to appropriate personnel regarding the 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,

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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*United States Capitol Police  
Attn: Office of Inspector General  
499 South Capitol St. SW, Suite 345  
Washington, DC 20003*



Or visit us:

*499 South Capitol Street, SW, Suite 345  
Washington, DC 20003*



You can also contact us by email at:

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When making a report, convey as much information as possible such as: **Who? What? Where? When? Why?** Complaints may be made **anonymously** or you may request confidentiality.

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