



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Review of Compliance with USCP Hiring Standards and with Directive [REDACTED]

**Report Number OIG-2008-08
August 2008**

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UNITED STATES CAPITOL POLICE
WASHINGTON, DC 20003



INSPECTOR GENERAL

PREFACE

The Office of Inspector General (OIG) prepared this report pursuant to the Inspector General Act of 1978, as amended. It is one of a series of audit, reviews, and investigative and special reports prepared by OIG periodically as part of its oversight responsibility with the respect to the United States Capitol Police 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. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

The recommendations therein have been developed on the basis of the best knowledge available to the OIG, and have been discussed in draft with those responsible for implementation. It is my hope that these recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in blue ink that reads "Carl W. Hoecker". The signature is written in a cursive style.

Carl W. Hoecker
Inspector General

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Abbreviations

Background Investigations	BI
Capitol Police Board	Board
Chief of Police	Chief
Internal Affairs Division	IAD
Office of Human Resources	OHR
Office of Inspector General	OIG
President's Council on Integrity and Efficiency and Executive Council on Integrity and Efficiency	PCIE/ECIE
United States Capitol Police	USCP or Department

EXECUTIVE SUMMARY

At the request of the Chief of Police (Chief), the Office of Inspector General (OIG) conducted a review to determine if the Department complied with its directive to conduct periodic criminal history checks to ensure that United States Capitol Police (USCP) employees had not engaged in criminal conduct that could be detrimental to their employment. OIG conducted a 100 percent criminal history check¹ for all USCP employees (1,629 officers and 352 civilians) as of October 29, 2007. In its March 2008 Phase I report², OIG found 42 Department employees had a criminal history prior to their employment with USCP and 16 employees had criminal history during their employment with USCP.

To follow-up on compliance, OIG conducted this review to determine whether (1) the 42 employees with criminal history prior to their employment with USCP fully disclosed that history during the pre-employment screening process, (2) the Department fully vetted such disclosed information during the pre-employment screening process, and (3) the 16 employees with criminal complaints during their employment with USCP complied with USCP directive [REDACTED] which requires the employee to report incidents through their cognizant chain-of-command.

OIG found that the 42 employees with criminal history prior to their employment with the Department disclosed such activity and none of the criminal activity was preclusive to their employment. However, the Department did not have complete information in confidential personnel files to fully support that USCP fully vetted the criminal history prior to employment. For example, personnel files did not have pertinent information such as court documents, arrest reports and/or follow-up surrounding the nature of the criminal activity. Additionally, 6 of 42 files had inconsistent information. For instance, an applicant provided conflicting information during the psychological evaluation and the background investigation request form. Although USCP had hiring standards and various outdated standard operating procedures (SOPs) related to recruitment and selection, the Department did not have an encompassing hiring directive identifying its vision and goals in building a talented, committed, and diverse workforce to support an efficient and effective organizational culture.

In addition, 15 of the 16 employees with criminal complaints during their employment complied with the Department directive requiring employees to report incidents through their chain-of-command. The remaining employee did not report their arrest and is the subject of an on-going investigation.³

¹ OIG checked the Washington Area Law Enforcement System (WALES) for current wants and warrants and National Crime Information Center (NCIC) for arrest, criminal history, and Interstate Identification Index (III) for information.

² *Review of USCP Employee's Compliance with Directive [REDACTED] Phase I – IR-2008-0001*.

³ Internal Affairs Division # [REDACTED]

Furthermore, during this review another matter came to our attention. Specifically, we noted that the Department's Office of Human Resources (OHR) controlled the entire hiring process including recruitment, determining suitability of applicants, and recommending selection of sworn and civilian applicants with little or no involvement of sworn officers and oversight from other USCP elements. Ensuring that all persons involved in the hiring process (e.g., administrators, interviewers, assessors) understand their roles and responsibilities will ensure that the Department has a well-qualified sworn and civilian workforce.

As shown in Appendix A, OIG is recommending that the Department update its recruitment, hiring, and selection SOPs and establish a specific hiring directive identifying the Department's visions and goals in building a talented, committed, and diverse workforce to support an efficient and effective organizational culture. The Department also should consider redefining and reassigning roles associated with the hiring process to ensure the most efficient and effective results. Specifically, providing sworn officers a greater role in the hiring process would provide a sense of ownership and build morale as well as contribute to a vigorous and motivated workforce that is armed with the necessary knowledge, skills, and abilities to achieve the Department's mission.

We conducted an exit conference with USCP officials on August 13, 2008. Their comments are incorporated into this report as applicable and in their entirety in Appendix B.

BACKGROUND

According to USCP's strategic plan, its mission is "to protect the Congress, its legislative processes, Members, employees, visitors, and facilities from crime, disruption, or terrorism. We protect and secure Congress so it can fulfill its constitutional responsibilities in a safe and open environment." To perform this mission, the Department employs sworn police officers as well as civilians who have access to Congressional security sensitive information. As a result of this access, the Department has a continuing obligation to ensure that applicants and current employees have not engaged in criminal conduct that could be relevant to their employment. Periodic criminal history checks reveal such criminal conduct.

In 1986, the Board approved a comprehensive recruit selection process for the Department. In May 1997, the Board approved the Department consolidated hiring standards. These consolidated standards were brought about, in part, as a result of increased hiring of civilians, the Capitol Police Retirement Act, the Americans with Disabilities Act, and the ability of creditors to garnish wages of congressional employees. These standards include permanent and temporary disqualifiers from employment with USCP.

As part of the Department's hiring process, OHR's Background Investigations (BI), conducts a background investigation on all applicants that is equivalent to a [REDACTED]

USCP's Standard Operating Procedure [REDACTED] effective June 1, 2005, directs Internal Affairs Division (IAD) to conduct annual criminal history checks on all employees. Further, USCP Operational Directive [REDACTED] requires employees to obey all laws of the United States. Employees arrested or indicted for a violation of any law or summoned to appear in response to a criminal complaint must immediately notify their supervisor.

To ensure compliance with these standards, the Chief requested OIG conduct a 100 percent background check of all employees and determine employee compliance with the applicable directives. OIG conducted a 100 percent criminal history check for all USCP employees (1,629 officers and 352 civilians) as of October 29, 2007. In its, March 11, 2008, Phase I Report, OIG informed the Chief that 42 Department employees had a criminal history prior to their employment with USCP and 16 employees had criminal complaints during their employment with USCP.

OBJECTIVES, SCOPE, AND METHODOLOGY

OIG conducted this second review to determine whether (1) the 42 employees with criminal history prior to their employment with USCP fully disclosed that history during the pre-employment screening process, (2) the Department fully vetted such disclosed information during the pre-employment screening process, and (3) the 16 employees with criminal complaints during their employment with USCP, complied with USCP directive [REDACTED] which requires the employee to report incidents through their cognizant chain-of-command. Our scope included the 42 Department employees with a criminal history prior to their employment with USCP and the 16 employees with a criminal history during their employment with USCP, which OIG identified during the prior review.

To accomplish our objectives, OIG reviewed over 130 files (consisting of personnel, confidential, medical, personnel, and T&A files for each of the aggregate 58 employees) to determine whether sufficient documentation showed that the 46 employees properly disclosed their criminal history prior to their employment with USCP and if that history was properly vetted during the employment screening process. OIG also coordinated

with IAD and the cognizant chain-of-command to determine whether the 16 employees reported such activity occurring during their employment.

In addition, we conducted analytical procedures; reviewed USCP operational and program data and applicable Federal laws and Department directives; written policies and procedures; and supporting documentation related to the hiring of USCP employees. OIG also interviewed prior and present program managers as well as current BI staff.

In addition to USCP Hiring Standards, we used the following applicable criteria.

- SOP [REDACTED] dated August 3, 2001, [REDACTED]
- SOP [REDACTED] dated July 25, 2001, [REDACTED]
- SOP [REDACTED] dated August 10, 2001, [REDACTED]
- SOP [REDACTED] dated July 25, 2001, [REDACTED]

We conducted fieldwork in Washington, D.C. from April 20, through July 1, 2008. Our review was conducted in accordance with President's Council on Integrity and Efficiency and Executive Council on Integrity and Efficiency *Quality Standards for Inspections*, as applicable at the USCP, and included such procedures we considered necessary under the circumstances. On August 15, 2008, we conducted an exit conference with Department officials. Department comments are incorporated in this report as applicable and attached in its entirety in Appendix B.

REVIEW RESULTS

OIG found that all applicants complied with USCP hiring standards and disclosed prior criminal history during the pre-employment screening process. Further, such history was not preclusive to employment with USCP. Except for one instance, current Department employees also complied with USCP [REDACTED] and notified supervisors of criminal complaints. During our review, we noted another matter related to OHR controlling the entire hiring process, with little or no involvement and oversight from other USCP elements.

COMPLIANCE WITH HIRING STANDARDS

USCP applicants with a criminal history prior to employment complied with the pre-employment screening process and disclosed pertinent information. However, data was not always available or valid to prove that disclosed information was fully vetted during the hiring process. The Department's hiring standards and related SOPs are outdated and need to be linked to the Department's overall vision and goals.

Applicant Compliance During Employment Prescreening

According to the USCP hiring standards approved by the Board on May 8, 1997, the following are among disqualifiers for both sworn and civilian employment:

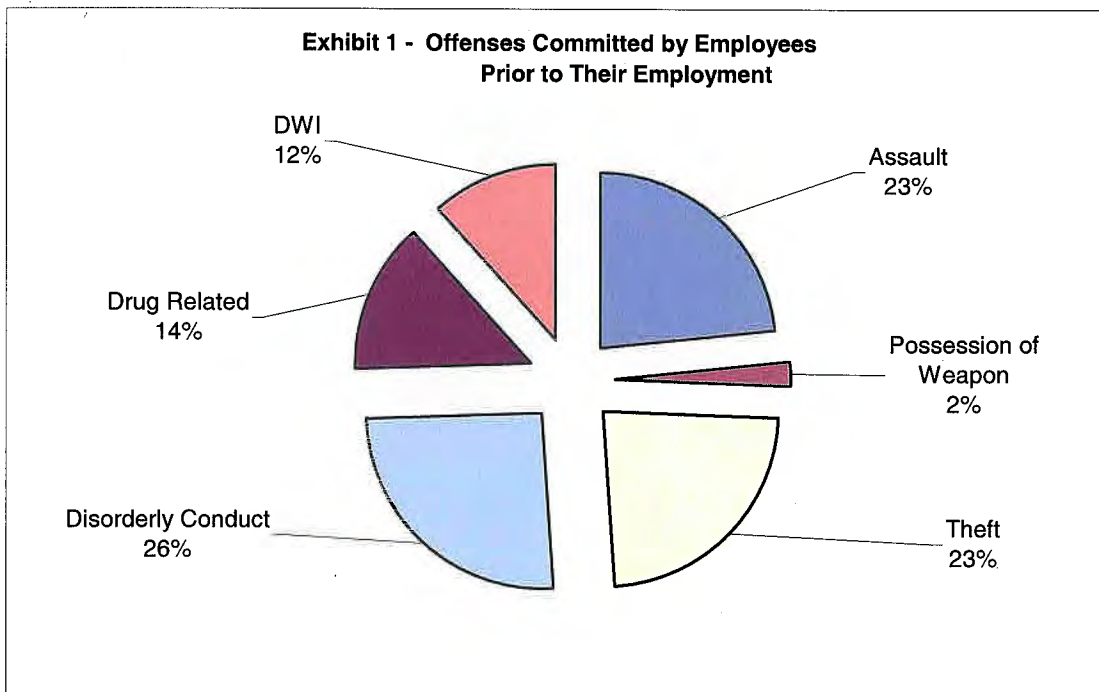
Permanent Disqualifiers

- Commission of a felony.
- Drug use included in Schedule 1 of the Uniform Controlled Substances Act that have not been prescribed by a competent medical authority.
- Use of marijuana within the last six months.
- Intentional Falsification of Application.

Temporary Disqualifiers

- DWI within two years preceding the date of application.
- Two or more moving traffic violations with the year preceding the date of application.

During our first review, we found that 42 employees, or 2 percent of total workforce, had a criminal history prior to their employment with USCP. Our review of the 30 sworn officers and 12 civilian employee files showed that all disclosed such information during the pre-employment process. Application forms indicated that criminal history and such activity was not preclusive to the hiring standards. Types of criminal offenses prior to employment with USCP are depicted in Exhibit 1.



Source: OIG generated from WALES and NCIC III checks as of October 29, 2007.

Incomplete or Lack of Documentation

SOP [REDACTED] dated July 25, 2001, is to provide a standardized process in conducting background investigations on individuals who have made application for sworn, and/or civilian positions prior to appointment to a probationary status. The SOP requires BI to verify the existence of credentials and make a copy of each as applicable, to include any and all arrest/conviction data to include arrest records and court dispositions. This SOP also requires BI to conduct a personal interview and forward all investigative materials with a recommendation for, or against, continuing the candidate in the application process.

We found that the Department did not have evidence to prove that information disclosed during the pre-employment screening process was fully vetted and resolved prior to employment. For example, our review of 42 employee confidential files showed:

- 13 files had missing court dispositions, and arrest/conviction data.
- 20 files did not contain notes indicating that a personal interview was conducted in accordance with the SOP.
- 1 file for a sworn officer did not contain the polygraph results.
- 1 file for a sworn officer was missing and never provided during our review. The employee's 1990 criminal offense was not preclusive to employment with the Department.

Validity of Information

SOP [REDACTED] dated August 10, 2001, requires a hiring decision review. The Department did not provide a similar SOP for civilian personnel. According to the SOPs, in evaluating a candidate for the position, selecting officials will use all available information obtained during the selection process to identify the candidates who best demonstrate that they possess the job dimensions that are essential parts of the job. Some of those dimensions include, but not limited to, integrity, and willingness to confront problems.

We found that the Department failed to validate some applicant information through independent interviews. Six of 42 files showed information provided by the applicant was different than the information provided during other phases of the hiring process, such as during the psychological evaluation or the background investigation request form. For example, one applicant reported on their application that their mother had committed suicide; however, during the psychological evaluation, the applicant reported that their mother had died of natural causes. Nothing was in the applicant's file explaining the

conflicting statements. In another example, the applicant admitted to several thefts during the interview phase, to include having to resign from employment for allowing his/her friends to shoplift. However, the applicant did not disclose this information during his/her psychological exam. Resolving conflicting statements would ensure the applicant's integrity before offering employment.

Outdated Hiring Standards and Related Standard Operating Procedures

To execute the USCP hiring standards approved by the Board in 1997, the Department uses the following SOPs:

- SOP [REDACTED] dated August 3, 2001, [REDACTED]
- SOP [REDACTED] dated July 25, 2001, [REDACTED]
- SOP [REDACTED] dated August 10, 2001, [REDACTED]
- SOP [REDACTED] dated July 25, 2001, [REDACTED]

We found that the hiring standards and none of the above SOPs had been updated or amended to reflect the transfer of statutory functions, duties, and authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for USCP to the Chief of Police⁵. We also noted that neither the hiring standards nor the related SOPs outlined the Department's standardized assessment and decision-making process for hiring the most qualified applicants. Selecting qualified applicants is a critical step in building a talented and committed workforce, supporting an effective organizational culture, and enhancing the overall performance of the Department.

Conclusions

USCP applicants with a criminal history prior to employment complied with the pre-employment screening process and disclosed pertinent information. However, the Department did not have complete information in the employee file to show that disclosed criminal history had been fully vetted before employment. The Department has not updated its hiring standards since 1997 and the related SOPs since 2001. Thus, OIG is making the following recommendation.

Recommendation 1: We recommend that the United States Capitol Police in coordination with the Capitol Police Board, update its hiring standards and establish a comprehensive hiring directive to support an effective organizational culture and enhance the overall performance of the Department.

⁵ Public Law 108-7, February 20, 2003.

Recommendation 2: We recommend that the United States Capitol Police review and update current hiring, recruitment, and selection standard operating procedures to provide the Department with sound repeatable business practices. These updated procedures should establish quality control procedures to ensure that required documents showing that applicants' criminal history has been fully vetted and posted in the confidential personnel files.

COMPLIANCE WITH DIRECTIVE [REDACTED]

The USCP Directive [REDACTED] dated August 23, 2000, states

...The policy of the Department is to ensure that all employees, both sworn and civilian, maintain an exemplary standard of person integrity and the highest professional standards or conduct in both their private lives and in their official capacities...

...Rule A2: *Conformance to Law*:

Employees will obey all laws of the United States, the District of Columbia, and of any state, local, or military jurisdiction in which they may be present.

Employees arrested or indicted for a violation of any law, other than minor non-custodial traffic offenses, or summoned to appear in response to a criminal complaint, will immediately notify one of their supervisors, who in turn will notify the Chief of Police through the chain of command....

We found that the majority of employees (13 sworn officers and 3 civilian employees) with criminal activity during their employment with USCP complied with *Rule A2, Conformance to Law*. Specifically, 16 employees, or 1 percent of the USCP workforce, were arrested while an employee of USCP. At the request of OIG, IAD researched their records to determine whether the 16 USCP employees made proper notification of these criminal complaints. Employee charges and disposition are shown in Table 1.

Table 1 - Arrest after Employment

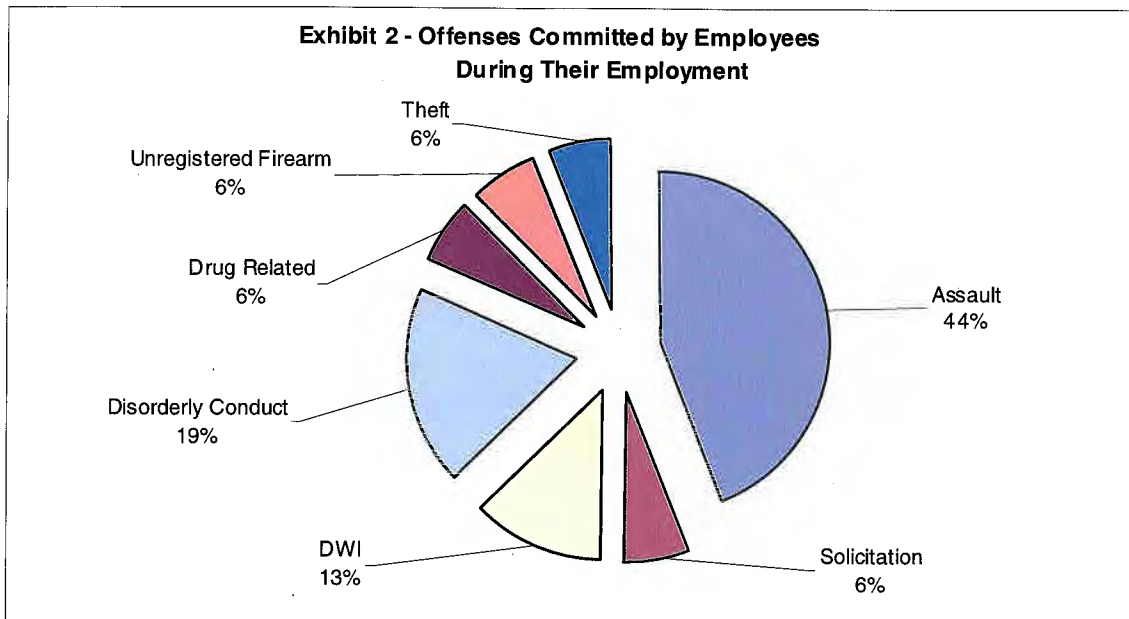
Date of Arrest	Method of Notification	Charges	Final Disposition
11/08/05	Police Department	Conformance to Laws	Unfounded
10/24/06	Police Department	Conformance to Laws Conduct Unbecoming	Dismissed Dismissed
06/08/06	Police Department	Conformance to Laws Conduct Unbecoming	Resigned in lieu of termination
06/2897, 01/04/02	Police Department	Conformance to Laws Conduct Unbecoming Compliance w/Directive Conformance to Laws Conduct Unbecoming	Sustained [REDACTED] 30 hrs ⁶ [REDACTED] Warning ⁷ Last Chance agreement
9/28/05	Complainant	Conformance to Laws	Unfounded
2/18/98	Police Department	Conformance to Laws Conduct Unbecoming	Not Sustained Not Sustained
9/14/04	Police Department	Conformance to Laws Use of Alcohol	[REDACTED] 5 days [REDACTED] Warning
12/10/95	Police Department	Conduct Unbecoming Conduct Unbecoming	[REDACTED] 32 hours [REDACTED] 16 hours
5/23/87, 05/06/80	Police Department U.S. Attorney Office	Conduct Unbecoming No OPR Records *	Not Sustained
5/9/94	Respondent	Assault and Battery	Dismissed
5/23/07	Respondent	Conformance to Laws Conduct Unbecoming	Dismissed Dismissed
12/17/03	Respondent	Conformance to Laws Conduct Unbecoming	Not Sustained [REDACTED] Termination
4/23/05	Triple I Check	Pending Investigation	Employee notified chain of command
10/10/07	Anonymous	Conformance to Laws	Pending
4/30/05	Triple I Check	Pending Investigation	Pending Employee suspended
8/29/87	Police Department	Conduct Unbecoming	Sustained 30 days Suspension Reduced to rank of Private w/training

Source: USCP/ IAD records as of June 4, 2008.

*IAD database does not go back to 1980.

Fifteen of 16 employees complied and notified their supervisor of their arrest. However, IAD is reviewing the circumstances surrounding the chain of command's failure to further report one employee's arrest to IAD. Furthermore, the remaining employee failed to report an arrest and is the subject of an ongoing IAD investigation into this matter. The types of criminal offenses conducted by employees during their employment with the Department are depicted in Exhibit 2.

[REDACTED]



Source: OIG generated from WALES and NCIC III checks as of October 29, 2007.

Conclusions

Fifteen of 16 employees that committed criminal activity during their USCP employment complied with USCP Directive [REDACTED] and properly reported the incidents to their supervisors. The remaining employee failed to report an arrest to their supervisor and IAD.

OTHER MATTER

According to USCP Strategic Plan, FY 2008-2013, the Strategic Goal, Support the Mission is to "Improve the efficiency and effectiveness of internal business processes and procedures in support of delivering mission responsibilities at the highest level." As its objective, OHR is to create and sustain a vigorous and motivated workforce that is highly trained and armed with the necessary knowledge, skills and abilities to achieve the mission. The responsibility for overseeing, approving, selecting, and hiring new applicants was primarily assigned to OHR. According to Department officials, one of the Department biggest challenges is attracting and retaining well-qualified high-performing employees.

OIG found that OHR controlled the entire hiring process to include recruiting, determining suitability of the applicants, and hiring recommendations of employees with little or no involvement and oversight from other USCP elements. However, the strategic goal of OHR was not to determine suitability of applicants, but to provide the Department

with highly trained employees whereas the goal of BI, a subordinate element of OHR, was to determine the suitability of each applicant for the position of a USCP employee.

According to OHR officials, there is little involvement on the part of sworn officers in the recruit hiring process. However, we noted that other law federal enforcement entities use sworn personnel to conduct applicant screening interviews and hiring decision reviews to determine eligibility and suitability for employment. The use of sworn officers in recruit hiring will provide officers a sense of ownership and improve morale, as well as create a more efficient and effective process. For example, experienced officers would be better positioned to identify those applicant qualities and attributes for a successful law enforcement career with USCP. According to the Government Accountability Office's, *Standards for Internal Control in the Federal Government*

...Effective management of an organization's workforce—its human capital—is essential to achieving results and an important part of internal control. Management should view human capital as an asset rather than a cost. 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....

Conclusions

OHR controlled the entire hiring process from recruitment, determining suitability of applicants, and recommending applicant selection with little or no involvement and oversight from other USCP elements. A more efficient and effective process would include sworn officers in the recruit hiring process. Thus, OIG is making the following recommendation.

Recommendation 3: We recommend that the United States Capitol Police consider redefining and reassigning roles associated with the hiring process for the most efficient and effective results. Specifically, the roles and relationships of Office of Human Resources and Background Investigations should be examined. We also suggest the Department engage sworn officers in the recruit hiring process by assigning them as members of personnel panels who review applicant files and make hiring recommendations to the Chief of Police.

APPENDICES

Listing of Recommendations

Recommendation 1: We recommend that the United States Capitol Police in coordination with the Capitol Police Board, update its hiring standards and establish a comprehensive hiring directive to support an effective organizational culture and enhance the overall performance of the Department.

Recommendation 2: We recommend that the United States Capitol Police review and update current hiring, recruitment, and selection standard operating procedures to provide the Department with sound repeatable business practices. These updated procedures should establish quality control procedures to ensure that required documents showing that applicants' criminal history has been fully vetted and posted in the confidential personnel files.

Recommendation 3: We recommend that the United States Capitol Police consider redefining and reassigning roles associated with the hiring process for the most efficient and effective results. Specifically, the roles and relationships of Office of Human Resources and Background Investigations should be examined. We also suggest the Department engage sworn officers in the recruit hiring process by assigning them as members of personnel panels who review applicant files and make hiring recommendations to the Chief of Police.

DEPARTMENT COMMENTS



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UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF
1100 STREET NE
WASHINGTON, DC 20510-5216

MEMORANDUM

TO: Carl W. Hoecker
Inspector General

FROM: Phillip D. Morse, Sr.
Chief of Police

SUBJECT: Review of Compliance with USCP Hiring Standards and with
Directive [REDACTED] Report Number OIG-2008-08

I respectfully submit my response to the Review of Compliance with USCP Hiring Standards and with Directive [REDACTED] Report Number, OIG-2008-08.

Recommendation 1: We recommend that the United States Capitol Police in coordination with the Capitol Police Board, update its hiring standards and establish a comprehensive hiring directive to support an effective organizational culture and enhance overall performance of the Department.

USCP Response: The USCP generally agrees. The Office of Human Resources (OHR) is developing a comprehensive update to the USCP Hiring Standards. Once OHR completes the standards, they will be presented to the USCP senior leadership for review and comment, prior to submission to the Capitol Police Board. A comprehensive directive will be developed based on any changes to the Board standards.

Recommendation 2: We recommend that the United States Capitol Police review and update current hiring, recruitment and selection standard operating procedures (SOPs) to provide the Department with sound repeatable business practices. These updated procedures should establish quality control procedures to ensure that the required documents showing that applicants' criminal history has been fully vetted and posted in the confidential personnel files.

Response to OIG Report 2008-05


USCP Response: The USCP generally concurs. The Office of Human Resources has enacted interim processes to follow to ensure there is quality control within the hiring process. Personnel files have been re-organized to ensure the proper documentation exists and is fully vetted by command. Once the Standards addressed in recommendation 1 are fully implemented, the quality control steps taken on an interim basis will be permanently established in revised SOPs.

Recommendation 3: We recommend that the United States Capitol Police consider redefining and reassigning roles associated with the hiring process for the most efficient and effective results. Specifically, the roles and relationships of the Office of Human Resources and Background Investigations should be examined. We also suggest the Department engage sworn officers in the recruit hiring process by assigning them as members of personnel panels who review applicant files and making hiring recommendations to the Chief of Police.

USCP Response: The USCP generally concurs. Sworn personnel have been temporarily assigned to OHR to assist in the evaluation of sworn officer candidates. A proposal has been forwarded through the Chief Administrative Officer to re-establish a sworn presence in the hiring process on a permanent basis. This request is pending. Meanwhile, in the interim, sworn personnel review all applicant folders and interviews. Additionally, on an interim basis, a panel of USCP sworn division commanders has been established and provides review and recommendation to the Chief of Police based on a review of all applicant files forwarded by OHR to the Chief of Police for recommendation to hire. Additional steps will be codified in the revised SOPs addressed in Recommendations 1 and 2.

I trust that the actions already taken and planned efforts underway address your recommendations.

Very respectfully,


Phillip D. Morse, Sr.
Chief of Police

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