

**OVERSIGHT OF THE UNITED STATES
CAPITOL POLICE FOLLOWING THE
JANUARY 6TH ATTACK ON THE CAPITOL**

HEARING

BEFORE THE

**COMMITTEE ON RULES AND
ADMINISTRATION**

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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JUNE 16, 2021
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FIRST SESSION

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WEDNESDAY, JUNE 16, 2021

UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION
Washington, DC.

The committee met, pursuant to notice, at 2:19 p.m., in Room 301, Russell Senate Office Building, Hon. Amy Klobuchar, Chairwoman of the committee, presiding.

Present: Senators Klobuchar, Blunt, Warner, Merkley, Padilla, Ossoff, Cruz, Capito, Wicker, Fischer, Hyde-Smith, and Hagerty.

OPENING STATEMENT OF HONORABLE AMY KLOBUCHAR, CHAIRWOMAN, A UNITED STATES SENATOR FROM THE STATE OF MINNESOTA

Chairwoman KLOBUCHAR. Good afternoon. I call to order this hearing of the Rules and Administration Committee on “Oversight of the United States Capitol Police Following the January 6th Attack on the Capitol.” I would like to thank Ranking Member Blunt, and our colleagues, and, of course, our witness, the Inspector General for the Capitol Police, Mr. Michael Bolton. Thank you for being here, and we appreciate the recommendations and the work that you have done in this area as well.

We are here today just over a week after releasing our bipartisan joint report with the Homeland Security Committee that focuses on the security, planning, and response failures related to the violent and unprecedented insurrection at the Capitol on January 6th. We all remember the haunting words of an officer on the radio that day asking, “Does anyone have a plan? Does anyone have a plan?” The answer, sadly, that day was “no.” Our report lays out not only key findings, but important recommendations with needed changes to prevent anything similar from happening again, and to ensure that in the future, there is a plan.

I continue to support a January 6th independent 9/11-style commission to look at the larger causes of the insurrection as well as the rise of domestic extremism. These issues greatly contributed and caused what happened at the Capitol that day, but the focus of this committee, combined with the Homeland Security Committee, which actually allowed us to extend our jurisdiction and look at more things even outside of the Capitol Police because we did it with Homeland Security, which included looking at the role of the Defense Department decisions, as well as the FBI, and

Homeland Security, and the like, our focus was on what happened that day and what we can do to make sure it does not happen again.

We believe that we should not wait to implement changes that can be made immediately, and today's hearing on oversight of Capitol Police practices and procedures is an important step as we look at reforms that should be put in place without delay. Toward that end, we are glad that Mr. Bolton is here to discuss his work and perspective on the major issues facing the Department. Since January 6th, Mr. Bolton has issued four flash reports looking into the breakdowns and failures in the lead-up to and on that day. These inspector general reports, which cover topics including intelligence, operational planning, the Civil Disturbance Unit, and threat assessment, have expanded our understanding of what happened that day. These reports also identified changes that are needed with the practices and procedures of Capitol Police leadership, especially as the confidence of rank-and-file officers has been seriously undermined. Many of Mr. Bolton's recommendations identify reforms, and we also put those reforms together as part of our joint report. Based on what we have found, I want to focus today on the major changes facing the Department as well as the changes that are needed both to restore trust and ensure the security of the Capitol Complex.

First are the intelligence failures which greatly contributed to the breakdowns we saw on January 6th and left frontline officers unprepared for what they faced that day. We know that the three intelligence-related units within the Capitol Police knew about social media posts calling for violence at the Capitol, but that the full scope of these warnings never made it to the Capitol Police leadership, rank-and-file officers, or law enforcement partners. There were also conflicting reports on the threats. One Capitol Police intelligence assessment on January 3rd warned that the Capitol could be a target, but a January 6th daily intelligence report called the likelihood of violence "remote" to "improbable." Second, we know that there was a major issue with the lack of equipment. Seventy-five percent—75 percent—of the officers on duty that day were forced to defend the Capitol in their regular uniforms. Some of the equipment issued that day was old or had degraded due to improper storage, as was the case with some of the protective shields distributed that had been stored at the wrong temperature, making them shatter on impact. Just imagine being a police officer. You are given a shield and it shatters on impact. In another instance, officers could not access the gear that they needed because it was locked on a bus.

Third, we know that there was an issue with training, that less than 10 percent of the officers responding that day had advanced civil disturbance training, and many officers had not received any civil disturbance training since their initial recruit officer class training. Fourth, we know that there was no comprehensive department-wide operational plan from leadership in advance of January 6th, which resulted in confusion and a lack of communication that placed frontline officers in peril. We know that incident commanders, who could have provided better communication to offi-

cers, ended up being unavailable as they fought with rioters themselves because there had not been better preparation.

We know that there was no plan to deploy the National Guard if things escalated to a point where they were needed, and there was a delay in getting the required approval from members of the Capitol Police Board to request immediate National Guard support, an issue that I am introducing legislation to address with Ranking Member Blunt, and we will do it—be doing that very soon. These failures resulted in an unnecessary delay in the arrival of National Guard troops to assist in defending the Capitol from an armed insurrection. The Guard should have been, of course, called in before this started as the intelligence was gathered, and there should have been a plan to use the Guard. But even that day, they could have been called in sooner.

There is a lot to get through today, and, Mr. Bolton, I look forward to hearing your testimony. With that, I want to recognize Ranking Member Blunt for his opening statement.

OPENING STATEMENT OF HONORABLE ROY BLUNT, A UNITED STATES SENATOR FROM THE STATE OF MISSOURI

Senator BLUNT. Thank you, Chairwoman, and thanks for holding this hearing. It is the third hearing of our Committee of Rules and Administration. Two of them we did, as the Chairwoman mentioned, with the Homeland Security Committee, and that did allow us to talk to more people, but, of course, today, we are here with one of our principal responsibilities, and that is the responsibility of working with and helping, and assisting those people who protect us every day: The Capitol Police.

Last week, our colleagues at Homeland Security and Governmental Affairs, along with this committee, issued a comprehensive, bipartisan report of security failures on January 6th and made a series of detailed recommendations, I think thoughtful recommendations, directed at the Capitol Police, the Capitol Police Board, both the House and Senate Sergeants at Arms, the Federal intelligence agencies, the Department of Defense, and local law enforcement. Today, we want to focus our efforts where your efforts have been: On the Capitol Police.

Our bipartisan report made it clear that the Capitol Police officers were the true heroes that day, defending the Capitol with courage and honor. Their inspiring efforts, along with the immediate assistance of the Metropolitan DC Police, and the assistance that followed later from other forces in the area as they could get here, made an incredible difference. But their inspiring efforts, while they thwarted the rioters' goal and ensured that Congress would—could fulfill its constitutional obligation, were in so many ways done at great risk to themselves beyond what we think would be necessary with a force that is better equipped, that is better trained, that is better prepared to defend the Capitol. We owe that to the officers that defended us that day. The breach of the Capitol must never be repeated, and, in all cases, we want our officers to be better prepared and better equipped.

To date, the inspector general has issued, as Senator Klobuchar pointed out, four flash reports, and while the reports were done quickly, they were done, in my view, with great thoroughness and

65 significant separate recommendations. Both our committee and the Homeland Security Committee, in the report we issued last week, commented favorably on those recommendations in our joint report. I understand that you will have more reports in the future. We look forward to reviewing those new recommendations with you as well.

Today, we will hear more about the inspector general's current recommendations to improve the operational readiness of the Capitol Police. The recommendations and the bipartisan joint committee report, including the inspector general's recommendations, can be and should be implemented quickly. Many of these recommendations do not require congressional approval or Capitol Police Board approval, nor do they require, in many cases, additional appropriations. They just require quick action now that we know the problems that were inherent in the system as it related to preparation, and equipment, and training. This also marks the first time that the Capitol Police inspector general has testified before the Rules Committee in a public hearing, and we look forward to hearing further from the inspector general and the Capitol Police in future oversight hearings.

As I have mentioned before, Chairwoman Klobuchar and I have a long history of working together to ensure not only the smooth daily operations of the Capitol but on a number of other legislative areas outside this committee where we have been able to work together. We can—we will continue to do that on this important topic. As she just mentioned, we will be introducing legislation in the very near future to provide the chief of the Capitol Police with additional authority to seek external assistance in the event of an emergency. I look forward to hearing from Mr. Bolton today and working with his office as the investigation into the events surrounding January 6th continues.

Thank you, Chairwoman Klobuchar, for holding this hearing and what you have done so far to move this information quickly to make it available to people, and to try to find quick answers to the problems that we know we need to solve.

Chairwoman KLOBUCHAR. Thank you. Thank you very much, Senator Blunt. I would now like to introduce our witness for today's hearing, Michael A. Bolton, the Inspector General for the United States Capitol Police.

Mr. Bolton has served in the Capitol Police Office of Inspector General, also known as "OIG," for nearly 15 years, and he was appointed as inspector general on January 20, 2019. Mr. Bolton previously served as the acting inspector general beginning in March 2018, and before that, he served as the Department's first assistant inspector general for investigations beginning in August 2006. In that capacity, he played an active role in developing policies and procedures for the Office of Professional Responsibility and the Capitol Police Board. Prior to joining the OIG, Mr. Bolton served for four years as special-agent-in-charge of the Office of Investigations for the United States Department of Treasury. There, he worked on cases of procurement fraud and on complex criminal, administrative, and civil investigations. Before his time at Treasury, Mr. Bolton served for 21 years with the United States Secret Service where he held numerous roles, including as a member of the

Presidential Protection Division. Mr. Bolton holds a degree in criminal justice from the University of Maryland.

Thank you for being here today, Mr. Bolton, and if you would please stand and raise your right hand so I could administer the oath.

[Witness sworn.]

Chairwoman KLOBUCHAR. Thank you. You may be seated. You are now recognized for your testimony for five minutes.

**OPENING STATEMENT OF MICHAEL A. BOLTON, INSPECTOR
GENERAL, UNITED STATES CAPITOL POLICE, WASHINGTON,
DC**

Mr. BOLTON. Thank you. Good afternoon, Chair Klobuchar, Ranking Member Blunt, and distinguished members of the committee. Thank you for this opportunity to appear before you, the Committee of Senate Rules and Administration, to discuss our review of events in regards to the Department's operation, programs, and policies that were in effect during January 6, 2021. I would like to extend my appreciation to the committee for holding this hearing. As I have stated previously in my other hearings, but I do believe that this bears repeating, I am addressing not only the committee members exercising their constitutional role of oversight but I am testifying to witnesses as well as survivors, who are affected by the events of January 6th.

On January 6th, a physical security breach in the United States Capitol building occurred during a joint session of Congress to certify the electoral college vote. My goal is to provide each of you a better understanding on how the events of January 6th occurred in relation to the preparation and response of the Department. Other factors were involved and other entities are reviewing those aspects outside of the Capitol Police Department. I will discuss the non-law-enforcement-sensitive findings detailed in my four flash reports. Any law-enforcement-sensitive questions can be answered in a closed-door setting.

Shortly after the January 6th events, I notified the Department Board and the committees that my office would be suspending all future projects listed in our annual plan for 2021 to allow my entire staff to conduct a full review of these events. In order to accomplish this goal, both Audits and Investigations would combine their collective talents to achieve a complete review of the Department. In addition to my staff, I brought on two additional contractors with expertise and knowledge to assist my office, a retired deputy assistant director of the United States Secret Service and a retired senior special agent chief of the Federal Bureau of Investigation.

Our reports are not designed nor intended to cast blame on anyone individual or group. These reports are intended to be an independent, objective review of the Department's programs and operations to better protect the Capitol Complex, members, staff, visitors, and the rank-and-file officers who have shown their commitment and bravery each day by keeping us all safe. A collective effort must be undertaken to ensure that each and every officer when their shift is over, gets to go home to their families, as well as the safety of those who work and visit the first branch of government.

Our objective for this review is to: Determine if the Department established adequate measures for ensuring the safety and security of Members of Congress, their staff, and the Capitol Complex; established adequate internal controls and processes that complied with Department policies and procedures; and complied with the applicable laws and regulations. The scope included reviewing the controls, processes, and operations surrounding the security measures prior to the planned demonstrations and the response during the takeover of the Capitol Building. Our recommendations are made by conducting interviews, document reviews, the combined knowledge and expertise of my staff, and following best practices throughout the Federal Government of those relevant agencies with similar functions of the Department. We are currently providing the Department, Board, and the committees a series of flash reports every 30 days, reviewing each element within the Department and noting any areas for improvement. We are providing any corresponding recommendations to compel the Department to move toward a protective agency as opposed to a police agency.

At the time of this hearing, my office has completed four flash reports. The first report was a review of the operational planning for January 6th, including a review of intelligence-gathering processes required for an operational plan that related to January 6th. Our second flash report focused on the Civil Disturbance Unit and the Intelligence Division as a whole. Our third flash report focused on threat assessment and countersurveillance, and, finally, our fourth flash report focused on the Containment Emergency Response Team and First Responders Unit. We anticipate our comprehensive review will extend for the remainder of fiscal year 2021. Currently, my office is reviewing the Command and Coordination Bureau, and we anticipate issuing that report by the end of July.

As of today, we have made 65 recommendations detailing areas for improvement. Along with your report with additional recommendations and findings that I completely concur with, we have provided the Department with a roadmap to achieve the ultimate goal of providing security to the Capitol Complex for a safe and open environment for members, staff, and visitors, and the rank-and-file officers. As our work continues, my office sees continuing areas in our findings that need to be addressed. Those areas are intelligence, training to include leadership training, operational planning, and a cultural change. In regards to a cultural change, we see that the Department needs to move away from the thought process as a traditional police department and move to the posture as a protective agency. Whereas, a protective agency is posture to being proactive in preventing events such as January 6th.

In conclusion, the Department is comprised of extraordinary men and women who are dedicated to protecting our democracy, putting their own lives in harm's way in order for Congress to exercise their constitutional duties in a safe and open manner. Thank you for the opportunity to appear before you today. I will be very happy to answer any questions the committee may have at this time.

[The prepared statement of Mr. Bolton was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very much, Inspector General. When supporters of President Trump stormed the Capitol

after his speech and after months of his false claims about the outcome of the election, we saw the results of that. We issued a joint report that focused on the issue of what went wrong at the Capitol leading into and during that day. Do you want to comment on our report and what you thought of the report?

Mr. BOLTON. I believe that your report, which, of course, I have read, it was spot on. It was—hit the mark of exactly what failed that day, the deficiencies within the Department and highlighted it. It was very useful for my office as well to review that report, and we appreciated that report as well, but it certainly was a report that hit the mark. I completely concur with all of your recommendations and findings.

Chairwoman KLOBUCHAR. Well, thank you. One reform that both your report and our joint report called for is consolidating Capitol Police intelligence operations into a single bureau as opposed to the three offices that currently exist. Can you briefly explain the problem with the current way that intelligence is handled? I noticed one of the things was—that you found is that public tips and other information received by Capitol Police intelligence were not properly reviewed and acted on.

Mr. BOLTON. Thank you. You are exactly right, ma'am. The problem when you have the different elements not coming on, it is almost what they refer to as stovepiping. You have different silos. That information is not being funneled up to the individuals, either to the command staff or all the way down to the officers where that information can be acted upon or analyzed in formulating either an operational plan or a different posture that you may have or call on additional resources. You need to have, as your report noted, that if you have a one—a bureau the way it is right now, it is not a standalone bureau. When you have these other elements in there, you are going to have a concerted effort in acquiring and disseminating, and analyzing intelligence information in a bureau-level setting.

Chairwoman KLOBUCHAR. There was not—that aside as a major problem, there also was not any kind of a department-wide plan for even where people would be located that day, even though they had officers there? Is that correct?

Mr. BOLTON. That is correct, yes. The officers or different units, even though they were mentioned in the Civil Disturbance Unit operational plan, as it were, those units were not even consulted or did not even have knowledge that they were included in this plan.

Chairwoman KLOBUCHAR. We recommend establishing the Civil Disturbance Unit as a formal, permanent component of the Capitol Police, making sure that those officers are trained and that they have the right equipment. Do you believe that those officers involved in protecting the Capitol when there is a potential civil disturbance should be trained on a regular basis?

Mr. BOLTON. Yes, ma'am, absolutely. If you have a standalone unit as opposed to as now as an ad hoc, you are not getting the training, the equipment. You are not developing that camaraderie that you would if they were a standalone unit where they start working together, and you would start knowing the individuals that you are working with, and you would be able to—it is like a

team, a sports team. The more that you are there together and the more they practice, the better they are going to perform on game day.

Chairwoman KLOBUCHAR. There have been many—one of our findings, as you know, was that 75 percent of the officers were forced to defend the Capitol in their regular uniforms. Some were locked outside of a bus. The bus contained their gear, and they could not access it. There has also been public reporting of officers' gear being stolen by supporters of President Trump, by rioters. Is that something that you found as well? How would the equipment, inventory, and storage procedure in your most recent report help to prevent this decaying of the equipment as well as the potential stealing of the equipment?

Mr. BOLTON. In regards to maintaining the equipment, one of our recommendations was tasking Property to start doing an inventory—a continuous inventory to update and to properly storage the—that equipment. You are correct that our First Responders Unit, we had 12 helmets and 12 ballistic vests stolen when they were—basically had to retreat. They were pre-positioned. We need to make sure when we are doing the planning stages, if we are going to pre-position, that that equipment is secured so that it will not fall into the hands of the very people who we are trying to stop from taking over or causing trouble.

Chairwoman KLOBUCHAR. During our first joint hearing on January 6th, we heard how, while the House and Senate Sergeants at Arms—the former House and Senate Sergeants at Arms were concerned with the safety of their members, the former chief of police was desperately trying to call them to get approval to deploy the National Guard. Of course, it should have been done ahead of time. A plan should have been in place. But even at that moment, he was forced to call them to try to find them while they were trying to guard the chamber. Do you agree that the structure of the Capitol Police Board impacted the ability of the chief to request assistance on January 6th, that day?

Mr. BOLTON. That is a difficult one for me to speak to considering, one, I answer to the Board.

Chairwoman KLOBUCHAR. Oh, I see.

Mr. BOLTON. They are my bosses.

Chairwoman KLOBUCHAR. Oh, Okay.

Mr. BOLTON. There are those who are looking into it. Yesterday's hearing that I attended with the GAO has produced a report in 2017 outlining changes for within the Board.

Chairwoman KLOBUCHAR. Right. Do you think that we should consider reforms to the Board?

Mr. BOLTON. Everything should be considered.

Chairwoman KLOBUCHAR. Alright. The Capitol Police Board is now conducting a search for the next Capitol Police chief, who will face the major task of responding to breakdowns that occurred on January 6th and rebuilding trust in departmental leadership among officers. Based on your work so far, what do you think should be the top priorities for finding the next Capitol police chief?

Mr. BOLTON. I am not involved in the selection of the chief obviously, so I will speak on a high level. It should be an individual that not only is schooled in—within, you know, law enforcement,

but a high-level executive with the education and the skill set, also has a protective—person with the knowledge of protective agencies, “force protection,” if you want to call it. Someone with that kind of level that is also very aware in understanding how important training really is and not to give lip service to training, and to coordinate and making sure that whatever training—because training dollars obviously are very—are very slim. They are difficult to fund, in a sense. But if you—you have to make sure the training that you are doing is linked to your mission, making sure that training dollars that are very rare, that we can actually get to that training and expend the funds appropriately.

Chairwoman KLOBUCHAR. Okay. Thank you. I do not want to—we have many members here, so I will put some questions on the record on your recent findings regarding the Department using a contractor that displayed images with known connections to white supremacist groups. If I have a moment, either I or someone else will ask those questions as well.

[The information referred to was submitted for the record.]

Chairwoman KLOBUCHAR. With that, I will turn it over to Senator Blunt.

Senator BLUNT. Thank you, Chairwoman. Again, Mr. Bolton, thank you for being here. By my count, which may not be—you may not have counted these this way, but by my count, around 50—my count says 50 of the 65 recommendations that you made can be implemented by the Department without any legislative changes or additional appropriations. Does that sound about right to you?

Mr. BOLTON. Yes, sir, that does sound about right because a lot of my recommendations are to update or create policies and procedures or to reinforce certain policies and procedures. Those certainly do not require a legislative fix nor approval by the Board.

Senator BLUNT. I think the remaining 15 focus on implementing proper training, acquiring necessary equipment, bolstering the Department’s intelligence unit. Is that correct?

Mr. BOLTON. Yes, sir, that is correct.

Senator BLUNT. There may be some cost to that, but even in those areas, not this hearing about cost, but those areas that cost is a cost that clearly is manageable and easily accessible, I believe, for the Capitol Police. What steps has the Department taken to implement the 50 recommendations that do not require legislative action or further appropriation?

Mr. BOLTON. I just had a conversation with a member of the Capitol Police Board. They have formed a Board work—what they call Board working group that is going to be focusing on not only my recommendations but also General Andre’s recommendations and your report, the Senate’s report, recommendations. They will be meeting. They think is just—they have had two meetings so far. My discussion with the Board members was that I will be included not so much in the meetings, but the after-action to provide me with an update of where the Department is heading to any kind of a timeline/timeframe for when I would be able to start seeing some of the closures of the recommendations and where they are at. The Board has instituted a working group. It is up and running now as we speak, so that is one, as well as we try to reach out to

the Department periodically to see where they are at with the recommendations.

Senator BLUNT. Good. On that issue, do you feel like you have had the cooperation from the Department, including the current leadership, that you needed for your flash reports?

Mr. BOLTON. Yes, sir. Absolutely. We have received full cooperation, and they have made themselves available whenever we have requested an interview and/or documents.

Senator BLUNT. You have looked at our report. I appreciated you saying that you completely concur with the recommendations and findings. Let me ask you about a couple of things just specifically to be sure where we are concurring in the same area. One of our recommendations is to update the Department's incident command system in order to designate who the incident commanders would be ahead of a large event, ensure better communication during the event, frontline and—better communication during the event with frontline officers, and to require senior leaders to take over communication responsibilities if needed. Do you agree with that recommendation?

Mr. BOLTON. Yes, sir. In fact, we are in the midst of conducting our other flash report of the Command Coordination Bureau, and I suspect that that will probably also be one of our recommendations as well.

Senator BLUNT. You believe the Department could implement this now if they wanted to go through your oversight group that is looking at it?

Mr. BOLTON. Yes, sir.

Senator BLUNT. Would I be right in assuming that now, can the Department—can they move forward with any of these 50 recommendations, or do you think that now has to go through the group that the Police Board has put together?

Mr. BOLTON. It is not so much that it has to go through the Board for that process—that working group. That working group, I think, is to assist the Department in moving forward in whatever—if there are recommendations that they may need assistance from the committees that the Board can assist them in that. But I also believe that the Board is to kind of keep them on track, keep them moving forward. It was just recently, last week, that the Department requested, I think, closure of six of our recommendations—about six recommendations for our second flash report. We did close two on—relating to the first flash report those had to deal with basically updating the policies and procedures, so they are moving forward with our recommendations, and I believe that this working group will assist them in keeping that momentum going.

Senator BLUNT. Well, I think momentum is important here, and it has been our view, both Senator Klobuchar's and mine, that so many of these things, we now clearly have a sense of what we ought to do, and now we ought to be sure that we move forward as quickly as we can to make the changes. Do you believe the better—that better command planning and communication on January 6th would have helped prevent the breach of the Capitol?

Mr. BOLTON. Certainly better planning, along with—there are also a lot of elements with the training, proper equipment. But cer-

tainly, the planning would have put the officers in a better position to succeed.

Senator BLUNT. One of the recommendations of the joint report is for the Capitol Police to conduct joint training exercises with Federal, state, and local partners on the command and control process during an emergency. Do you agree with that recommendation?

Mr. BOLTON. Yes, sir. When you are able to conduct joint exercises, joint training not only with our Federal partners, but one of our recommendations is that we need to be doing joint exercises within our own Department, with our own different elements. That way, everybody knows what they are doing, and we are taking a concerted, coordinated effort into whatever the situation or event calls for us to take action.

Senator BLUNT. On the idea of an event, one of the recommendations of the joint report is that a department-wide operational plan be in place for special events, that that would be required. Do you agree with that?

Mr. BOLTON. Yes, sir. Absolutely.

Senator BLUNT. It is important—do you think that plan like that would have helped prevent the breach of the Capitol?

Mr. BOLTON. Yes, sir. I firmly believe having a coordinated effort and plan would help and put the officers in a better position.

Senator BLUNT. It is my understanding that following January 6th, the Command and Coordination Bureau will be overseeing operational planning for special events. Have you seen any new directives from this bureau that would require department-wide operational plans for large events?

Mr. BOLTON. I do not believe I have seen that. I may be incorrect on the last—I am trying to remember the recent—most recent request for closure recommendations. I can get back with you, sir, just to certain make sure that I am correct on that they—but I do know that they have started, since the event, creating a—an operational plan more robust or thorough than the previous one. It seems to be that they have moved toward that area.

Senator BLUNT. My last question this round would be, one of our recommendations was that a civil disturbance unit be established as a permanent component and have dedicated officers as part of that unit. Do you agree with that?

Mr. BOLTON. Yes, sir.

Senator BLUNT. Chairwoman, thank you.

Chairwoman KLOBUCHAR. Thank you very much, Senator Blunt. Next up, Senator Capito.

Senator CAPITO. Thank you, Madam Chair, and thank you, Inspector General, for being here. I want to begin by thanking the Capitol Police for everything they do every day for us, for their bravery on January the 6th. I think we certainly want them to know that, I think, we all deeply respect them and are very appreciative of their efforts. My first question is, you mentioned that you want to go from—you think the Capitol Police should go from being a police entity, police agency to a protective agency. Where would the policing aspect of their jobs now, where would that go? DC Metropolitan Police? How do you envision that kind of coordination?

Mr. BOLTON. Some of it, it is almost also a posture that you are going—when I say “move to a protective agency,” it is not that every officer then we will go into a suit and tie, okay? But their focus would be less on minor crimes, like around Union Station, those—

Senator CAPITO. Station, mm-hmm.

Mr. BOLTON [continuing]. that type of areas or simple traffic violation.

Senator CAPITO. Mm-hmm.

Mr. BOLTON. But your training is the important component of all this. When you start training individuals into a protective mode and thinking protection, much like the DPD or the Secret Service, you are teaching your folks about protection and how to go about it. Like even with the Secret Service, you have a Uniformed Division who have police powers, but their focus is on protection, whether it be the foreign embassies, or the White House, or the Vice President. It is—it is also a mindset.

Senator CAPITO. You are not really envisioning two different agencies being here. You are just basically repositioning the way the force actually thinks about it. We call them the “Capitol Police,” so, you know, maybe that would be a good place to start, maybe rebrand them or—at least through their training, certainly. You mentioned, and this has been mentioned in all the reports, that the training was not there, both on—how to handle the situation or a situation similar to that, but also training on weapons and the use of certain types of weapons. I saw the CERT team did not have training. I think it was only 10 percent were up to date on their training for certain types of weapons. What was the reason for that, that they were not trained?

Mr. BOLTON. Maybe it is tenfold or several fold, but as far as—training is near and dear to my heart because I came also from officer training as a firearms instructor and the counter assault team, so I understand the importance of training.

Senator CAPITO. Mm-hmm.

Mr. BOLTON. There is no excuse for not getting your training in. Even with the pandemic and COVID, they trained out at Fort Meade. There is plenty of open air, open space that is wide open that you can spread out and still get your requals in. To me, the biggest failure is that because we have allowed certain elements within the Capitol Police to be autonomous, they conduct their own training.

Senator CAPITO. Okay.

Mr. BOLTON. That is the issue, whereas if you have a Training Services Bureau—and let us call it officer training—that is fully incorporated, they handle all the training. They conduct it. They make sure you get the training. They hold your officials accountable. Your people did not get training? Guess what? We are sending a letter to the chief, and they can no longer work until they get requal’d, or what have you.

Senator CAPITO. It sounds a little bit like our cybersecurity training. You make it mandatory, and if you do not follow through with it, there are consequences. Let me ask you this. Were there—and I do not know the answer to this question. Were there any K-9’s in and around—I know that K-9’s are trained to detect weapons

or maybe even substances. I actually, when I was the appropriator for the Capitol Police, went out to their K-9 training centers, a kind of area of interest for me. I know there is a shortage of fully trained K-9's in all law enforcement, whether it is at the airport or wherever it might be. What was the posture of those officers, and are those dogs trained in a protective way rather than a more anticipatory, if you understand what I am saying, more aggressive—I guess more aggressive posture?

Mr. BOLTON. Yes. Well, first off, we have not—we have not looked specifically at K-9. Our plan for our continuing reviews in August, we will be looking at K-9 and HMRT, specifically.

Senator CAPITO. Mm-hmm.

Mr. BOLTON. But as we have done with our—because we are also reaching out to individual officers for our—this report that we are doing now, the Command and Control, to get their officers and what commands are given. Some of the things that we have received and spoken to us is that K-9's, at that point they were tasked with basically supplementing CDU. There dogs were then placed into kennels, into our Department kennels. They were kenneled, and those officers, those handlers were put on the front line.

Senator CAPITO. Oh, Okay.

Mr. BOLTON. The problem when you do that is when you put a dog in a kennel, one, it is stressful for the dog, and dogs can only—our dogs, like any K-9 dogs, not us specifically, they do need—require a certain amount of down time, and because they are in a kennel, they are not getting that. Then when it was called upon for them to go ahead and sweep the Capitol once the insurrectionists were removed, you are wanting—you have to, you know, be mindful that those dogs are tired now, and you are tasking them to do very high-level work. Our dogs basically are not attack dogs. They are not crowd control dogs. They are sniffers, they would say, type dogs.

Senator CAPITO. Would that be a recommendation to amplify the force to get more crowd control dogs?

Mr. BOLTON. I would venture probably not crowd control dogs. Most police departments have moved away from that concept of crowd control dogs.

Senator CAPITO. Mm-hmm.

Mr. BOLTON. There are some that still employ that, but then again, that is something that, you know, needs to be really considered.

Senator CAPITO. Yes. Okay. My last question is, you have made a lot of recommendations, and the—and the report that came from the committee made a lot of recommendations. You are following up on those? You said you are going to be on this—until the end of the year. Is part of that following up on the recommendations to see in what stage they might be, or if they are being implemented by the—by the Capitol Police?

Mr. BOLTON. Basically, right now, our plan is that once we have completed our reviews of the different elements within the Department, we are going to produce a report on all the recommendations—

Senator CAPITO. Okay.

Mr. BOLTON [continuing]. to give a report to the committees and to the Board of the status of all the recommendations.

Senator CAPITO. Okay. Thank you.

Mr. BOLTON. Great.

Chairwoman KLOBUCHAR. Thank you very much, Senator Capito. Senator Ossoff? He is on remotely.

Senator OSSOFF. Thank you, Madam Chair. Thank you for your continued leadership, and thanks to your staff as well as the Ranking Member staff for their work preparing this report. Mr. Bolton, thank you for joining us today.

On February 22d, during this committee's first hearing on the events of January 6th, I asked a simple question of the panel: Who is in charge? Who is ultimately responsible for the security of the United States Capitol Complex? Nearly 4 months and many studies and ongoing investigations later, I want to ask the same question of you. Who today, which individual, is ultimately responsible for the security of the United States Capitol?

Mr. BOLTON. That is a difficult question to answer in a sense that, yes, you have a chief of police who runs the day-to-day operations for the Capitol Police, but then you have a Capitol Police Board, an entity that also is—basically has oversight of the Capitol Police. The chief, they have the authority to hire or terminate the chief, so that would be a difficult question. But if you—to try to pin it down the best, I would say probably the Capitol Police Board has probably the ultimate authority.

Senator OSSOFF. Mr. Bolton, would you agree with me that when a question, like who is in charge, which individual is accountable, is difficult to answer, that suggests, especially when the stakes are so high—this is a national security issue—the need for reform to establish clear lines of accountability, a clear chain of command, and one individual who is ultimately accountable for the security of the United States Capitol?

Mr. BOLTON. I would agree with you, sir, that if it takes—that if it is hard to distinguish who is actually in charge, then it certainly raises issues and questions.

Senator OSSOFF. Has there not been any capacity for the Board and those who are currently entrusted with and empowered to secure the United States Capitol to streamline and make clear who is in charge? Does that require statute? Does that require action by Congress? What could the United States Capitol Police, the Sergeants at Arms, and the Board do now to clarify which individual is in charge? Because I have to say it is—it is not reassuring to hear that there remains this basic ambiguity about responsibility, command, and accountability.

Mr. BOLTON. Sir, I think the best individuals to ask that question would actually be the Board as opposed to myself.

Senator OSSOFF. Okay. Mr. Bolton, we will put that in writing to the Board immediately.

Senator OSSOFF. I want to ask you about cybersecurity, and I know that this is not principally the responsibility of United States Capitol Police, but would nevertheless appreciate your view on the matter. The Senate Sergeant at Arms recently said that what keeps her up at night is actually not the threat of another violent, riotous invasion of the United States Capitol, but, instead, a

cyberattack on the Capitol or on congressional information technology. Maintaining physical security over computers and over devices is an essential aspect of cybersecurity. I want to ask you if there is a plan, to your knowledge, to handle the extensive fallout that would result if congressional networks were compromised, and who, to your knowledge, is ultimately accountable for the cybersecurity of the United States Capitol? I ask that question in the same spirit: Basic principle of management. If no one is in charge, then no one is in charge and no one can be held accountable. To your knowledge at this moment, with which individual rests responsibility for cybersecurity in the United States Congress?

Mr. BOLTON. Well, sir, I believe if you are looking at the cybersecurity, the Senate Sergeant at Arms would have overall security for cybersecurity for the Senate, the House Sergeant of Arms would have it for the House obviously, and the Architect of the Capitol would be for the Architect of the Capitol, that entity. Those—but there is one singular individual overall for the Capitol Complex.

Senator OSSOFF. Thank you, Mr. Bolton. Do you believe it would be appropriate to consolidate the disparate Capitol Police units responsible for intelligence gathering and analysis into a single bureau led by a civilian director of intelligence to increase the focus of Capitol Police intelligence gathering and analysis, improve the timely sharing of relevant intelligence, and improve coordination within the agency and its law enforcement partners?

Mr. BOLTON. Yes, sir. I believe that that would be the most efficient way of going about the gathering and dissemination of intelligence.

Senator OSSOFF. Thank you, Mr. Bolton. A final question with my remaining time, if you will indulge me, Madam Chair. Under the—under existing authorities, the Capitol Police Chief lacks unilateral authority to even request assistance from the National Guard and must first obtain an emergency declaration from the Capitol Police Board. Do you agree with this committee's report and its conclusion that the Capitol Police Chief's lack of such authority to request National Guard assistance unilaterally hindered his ability to respond quickly during the attack on January 6th?

Mr. BOLTON. Certainly, sir, I think the results of what occurred on January 6th bear that out to be correct.

Senator OSSOFF. Thank you, Mr. Bolton. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much, Senator Ossoff. Next up, I believe, is Senator Hyde-Smith, and the first one to arrive. Thank you.

Senator HYDE-SMITH. Thank you, Chairwoman Klobuchar and Ranking Member Blunt, for today's hearing, and I certainly commend both of you on such a wonderful example of bipartisanship, working together, and, along with your counterparts on the Senate Homeland Security and Governmental Affairs Committee, to complete the investigative report that was released.

You know, ensuring our Capitol Police have the intelligence and resources they need is very important to everyone sitting up here, and, Mr. Bolton, your office has proposed numerous ways to im-

prove the intelligence, training, equipment, and operations for our Capitol Police. All of those are very important. However, I am concerned that without an adequate number of officers on the force, that all of this would be pointless. I continue to hear about the unprecedented resignations and retirements among the Capitol Police officers since the event on January the 6th, and I have also heard how the officers remaining on the force are working unsustainable schedules, including many overtime shifts, which you mentioned briefly in your testimony. How is your office now approaching recruitment, the retention issues, to ensure that we can always have an adequate number of officers on the force?

Mr. BOLTON. Thank you, ma'am. Well, first, my office is not involved within the recruitment or retention of the officers. That is going to be handled by the Department. Human resources would be handling that. The type of job that we have done is we have looked at what kind—how they constituted their recruitment office and how they are going about that. But as far as individually recruiting or being involved in it, that is not something within our role, or responsibility, or our purview of the actual physically going out there and recruiting. We will look at are they being effective in recruiting, and we would bump that out with either GAO best practices or other departments' best practices on how they go about—go about recruiting, but not the actual recruitment of officers.

Senator HYDE-SMITH. Do you have any recommendations on how we can improve the morale of the officers?

Mr. BOLTON. I think the best way you are going to improve the morale of officers is to give them good leadership that they can trust, and provide them with a clear mission, and train them to be able to accomplish that, and give them the tools to do their job, and that will increase your morale.

Senator HYDE-SMITH. Repeatedly throughout many of the flash reports that I have seen published by your office, you mentioned the difficulty in separating credible threats of violence in the First-Amendment-protected activities. Walking this line is key to ensuring that we keep our Capitol Complex safe and prevent unlawful activity, but also preserving the area to continue to serve as a public forum for the First Amendment activity. Are there best practices that you have identified for how to ensure First Amendment rights are protected while also taking seriously the potential intelligence about that violence and other unlawful activity?

Mr. BOLTON. Well, that is something you can circle back to. Having an intelligence agency or bureau with trained analysts to disseminate that information, provide it to the officers, your rank and file, one, that is going to give them the confidence of what they may be going to experience, be prepared for it, and understand that, most important, is our first—the First Amendment rights for people to exercise those rights when they come up here to the People's House. The understanding is, I have heard many times, that they did not receive any direct threat or substantiated threat before January 6th. If they are waiting for that mystical letter to show up on their desk saying you are going to have people who are going to grab your shields, and break glass, and storm the Capitol, and such as that, you are never going to receive that. Intelligence is like a piece of a puzzle, and you have to have the trained ana-

lysts to be able to put those pieces together to give the Department a picture of what to expect and to be prepared for, also making sure to allow for First Amendment activity in a lawful manner.

Senator HYDE-SMITH. I am quickly running out of time, but you also mentioned in your testimony the need for additional medical training for Capitol Police to ensure that the officers receive quick access to emergency care. One of the things that we have thought about is, have you considered whether there is any role here that should be played by the Office of the Attending Physician or any of nurses that we have stationed out through the Office Health Units throughout the Capitol Complex?

Mr. BOLTON. Maybe not in a direct manner because, again, you are taking civilians and placing them in harm's way, but having your officers, and they can coordinate that kind of training with the Office of the Physician and the nurses, and the type of training. Back in my day, we called it 5-minute medicine. Every agent was provided training in what we call 5-minute medicine, in case, to basically to stabilize an individual, whether it be a sucking chest wound, broken bones, compound fracture, that we would be able to at least get them stabilized in order—until proper medical care came in there. If every officer at least had basic medical training that they can assist, whether it be civilians, innocent individuals, or their own officers, or even members, to be able to provide them with that immediate medical care for them.

Senator HYDE-SMITH. Thank you, Mr. Bolton, and thank you, Madam Chairwoman.

Chairwoman KLOBUCHAR. Senator Padilla?

Senator PADILLA. Thank you, Madam Chair. Mr. Bolton, thank you for your participation today. Now, in your testimony, you described a need to change the culture of the Capitol Police from that of a police force to that of a protective agency. First, I guess, a two-part question. First, in practice, what does it mean to reshape the Capitol Police into a protective agency? What would the practical and operational effects of that be, number one. Number two, how long do you think such a culture shift would take to implement? I mean, beyond just changing the policies, right, the words on paper and procedures on paper, what needs to be done in terms of training, and tactics, and ethos to operationalize such a change?

Mr. BOLTON. Thank you, sir. To best answer your question, one, in the thought process of a protective agency, a protective agency is more—is geared toward proactive, that you are trying to anticipate as opposed to being reactive. Yes, that is it—is not exactly a quick fix. Yes, you can—you can put things—certain things down as directives or SOPs. The hard part and the part that is actually going to require a lot of funds is having a Training Services Bureau, an officers training, that is geared now to teaching, and also do an in-service training in that protective mode where now you are changing—basically, the courses that you are teaching now are regular police-type tactics or police procedures, that now you are shifting. It is a fundamental shift, and it is not an easy shift because it is going to require for us, one, to have a larger footprint in Cheltenham, to utilize more of that space there, and it is quite a bit of an infrastructure we are going to be requesting or they would have to request from appropriations, but as well as bring in

subject matter experts, those who have been brought up in that type of environment, in that protective mode, and getting the Department up to speed to where now they can do that training in there. They are going to probably have to bring folks from the outside who are already trained in that skill set, get us at level, the subject matter experts.

Senator PADILLA. Thank you. Next, I want to shift to the topic of white supremacy. It is conversation we have had in the Judiciary Committee with different nominees coming through for confirmation as it pertains to rooting out white supremacy, not just in Federal Departments and agencies, but in law enforcement agencies, frankly, throughout the country, but specific to this. Top of mind for me, particularly because of, I will be blunt about it, the relationship that the Trump Administration and President Trump himself had with some of these fringe groups, which were, in large part, what led to January 6th.

In the course of your investigation, you found that the Capitol Police's Containment Emergency Response Team, the CERT Team, contracted with privately owned entities to train its personnel in firearm marksmanship and other tax exempt facilities located outside the District of Columbia metropolitan area. One of the contractors used by the Capitol Police had, according to your report, "questionable content on their website." News reports have suggested that the questionable content includes symbols associated with the white supremacist movement. These reports are, of course, of serious concern. Beyond identifying the fact of the contract and the concerning website content of the contractor, have you undertaken any deeper study into why or how this particular contractor came to be selected? You know, more broadly, have you already or do you plan to undertake any study of whether the use of this contractor suggests a wider concern with white supremacist ideologies within the force?

Mr. BOLTON. At this time, sir, once we discovered that, we conveyed our concerns, as you mentioned, within a—what we call management advisory report to the Department, our concerns in recommending that they seriously consider not utilizing that particular company. We have not done any in-depth work on investigating that company. I did refer our information in my report over to the Department of Justice for action as they deem appropriate. It is more appropriate for them to look at it as opposed to me. That would be somewhat outside of my jurisdiction unless they were—we could show that there was contract fraud that would keep it within my purview. But as to investigating that kind of an entity, that is not within my jurisdiction, hence why I sent it over to the Department of Justice. That is the more appropriate entity to look at that.

Senator PADILLA. Madam Chair, just a follow-up question on this topic. I appreciate you are engaging the Department of Justice for what they and only they can do. I would suggest that, along with this culture shift that we are talking about, this is something that remains in your purview, and let me ask an additional specific question to help. Given the Federal Law Enforcement Training Center and other non-contracted training facilities are nearby, is there any justification for Capitol Police relying on contractors to

provide training to officers, and have you done a comprehensive review to determine if Capitol Police has entered into other similar contracts instead of relying on available Federal resources to train other—that are available to train other Federal law enforcement officers?

Mr. BOLTON. There is really no reason for them not to use other Federal agencies. My previous employer, the Secret Service, when I was on the Counter Assault Team, we would utilize obviously our own training facilities, which are a little bit more extended than what Capitol Police have, but we would also use DOD so we would not have those kind of things. But it was approved training through the Office of Training to fit our skills and abilities and needs to complete our mission.

We do plan on looking at for fiscal year 2021—I have already started trying to work on my annual plan for 2022. One of the things that we are going to look at, we are going to look at all outside contractors for the appropriateness and whether or not we would be able to use—you know, leverage some Federal agencies to assist us and save money, and that is kind of what our mandate is, the fraud, waste, and abuse, to weed out those.

Senator PADILLA. Well, the fraud, waste, and abuse is in and of itself meritorious, but to the extent that it gives a better ability to identify and root out dynamics such as white supremacy, I would argue, bring some urgency to it. I do not want to put words in your mouth, but the first part of your answer to that final question sure sounded like there does not seem to be any reason or justification for using non-Federal resources already available in officer training. Therefore, the use of contractors to provide that training does not make sense.

Mr. BOLTON. That would be correct, sir.

Senator PADILLA. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much, Senator Padilla. Senator Hagerty?

Senator HAGERTY. Thank you, Chair Klobuchar, Ranking Member Blunt. I appreciate your having this hearing. Mr. Bolton, thank you for being here, and I want to also reiterate what my colleagues have said, how much we appreciate what the United States Capitol Police does for us every day to keep all of us safe and protected. I know they have been working long hours, and we very much appreciate their efforts.

I would like to start my question with you to highlight the critical role of local, state, and Federal law enforcement agencies in the effort that took place all around the region, coming together on January the 6th. I would like to highlight the recent bipartisan report by this committee and the Senate Homeland Security Committee, which notes that at 1:51 p.m. on January the 6th, the Capitol Police activated its mutual aid agreement with regional law enforcement agencies, and that led to a quick response by local, state, and Federal law enforcement agencies, who helped Capitol Police and Metro police secure the Capitol building by 4:28 p.m., which was fully an hour before the DC National Guard arrived.

So, Mr. Bolton, and I would like to focus on how we can assure that Capitol Police officers have the leadership, the training, and the tools that they deserve.

Your recent interview identified intelligence-related deficiencies in the Department's organizational structure, the Department's training, its professional standards, its internal controls, and the collection and dissemination of information, as well as a failure with intelligence evaluations in connection with January the 6th. These intelligence shortcomings were known before January 6th, in fact, identified in two previous IG reports. Similarly, the bipartisan Rules and Homeland Security report found that "important intelligence information received by internal United States Capitol Police components was not appropriately shared among USCP's distinct intelligence-related components." I would like to ask you, Mr. Bolton, is it accurate that you found numerous Capitol Police intelligence-related shortcomings ahead of January 6th, at least one of which has been raised in previous IG reports?

Mr. BOLTON. That would be correct, sir, yes.

Senator HAGERTY. Thank you. Leading up to January 6th, who was in the role of assistant chief of the Protective and Intelligence Operations, which oversees Capitol Police intelligence components?

Mr. BOLTON. That would be Acting Chief Pittman.

Senator HAGERTY. Thank you for putting it on the record. More general, the bipartisan Rules and Homeland Security Committee found out that on January the 6th, Capitol Police leadership did not adequately utilize available intelligence. They did not adequately plan operationally. They did not provide protective equipment for officers. They did not provide civil disturbance training to officers, nor did they communicate with officers during the violence. Mr. Bolton, your written testimony quoted a 2014 IG report stating that, "Only when the right personnel for the job are on board and provided the right training, tools, structure, incentives, and responsibilities is operational success possible." My next question, Mr. Bolton: Do you believe that Capitol Police officers were given the training, the tools, the structure, the incentives, and the responsibilities they needed to succeed operationally on January the 6th?

Mr. BOLTON. No, sir. I do not believe that they were given those tools and the ability to be able to do—to be successful. Some of the officers that I have spoken to just briefly, one made a comment to me it is not so much that we had to fight with one hand behind our back, but at times they felt like both hands were tied behind their back.

Senator HAGERTY. Thank you. Finally, Mr. Bolton, in reviewing your recommendations, I was struck that many of your recommendations focus on improving internal policies and practices, on improving training regiments, on improving organizational structures and emergency preparedness. Is it your view that addressing these management issues that you have identified would go a long way toward remedying the issues that came up on January the 6th?

Mr. BOLTON. Yes, sir. If you establish repeatable business practices in doing what we need to do to complete our mission, you are going to be successful.

Senator HAGERTY. You concluded in your written testimony by stating that, "It is our duty to honor those officers who have given their lives, but also ensuring the safety of all those working and visiting the Capitol Complex by making hard changes within the

Department.” I think that is very well said, and I agree that we owe it to our Capitol Police officers, who put their lives on the line every day, to make the changes necessary to protect them, to give them the equipment, the resources necessary for them to succeed in their job. Thank you, Mr. Bolton.

Mr. BOLTON. Thank you, sir.

Senator HAGERTY. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much. I just have a few additional questions. A vote has been called, but Senator Blunt and I just have a few additional questions. The Capitol Police currently has personnel who are integrated in intelligence task forces, including with the FBI and other Federal law enforcement agencies. Part of our report, as I mentioned earlier, was about recommending how the Capitol Police better coordinate with the FBI, Homeland Security, and other intelligence-gathering agencies. Can you briefly explain, Mr. Bolton, the importance of these information-sharing roles, and do you agree that the relationship between Capitol Police and Federal intelligence agencies must be improved?

Mr. BOLTON. Thank you, ma’am. Absolutely. That is going to be your conduit in getting the intelligence. It is having and forming these relationships with these other agencies. It is important just to actually establish a working relationship, meeting folks face-to-face, dealing with them on a daily basis, providing and sharing the information. That is how you are going to accomplish your goals, is by establishing these firm relationships and also understanding how you can learn from others. It is a—it is not that everybody has the right answer. There are a lot of good answers out there.

The Department has been moving forward in strengthening those. In today’s Board meeting, which I attended, they were outlining several of the new initiatives that the Capitol Police are undertaking, and directly with involving and to strengthening those relationships, putting—getting out into their—the field offices, to establishing—also to help on threat assessment cases, as well as they will be bringing eight new analysts on board here shortly.

Chairwoman KLOBUCHAR. Mm-hmm. That is good to know. When the two incident commanders ended up in the middle of the violent insurrection, which was precipitated by President Trump and his false claims, they were unable—these commanders were unable to communicate. They were unable to communicate because they were actually on the front lines fighting. Then no one from Capitol Police leadership stepped in and directed officers, and that was the haunting words of the officer, “Does anyone have a plan?” Our report recommended that the Capitol Police update its incident command system to establish communication priorities and contingency plans so officers are not left listening to radio silence and pleas for help. Do you agree that the Department’s communication system should include backup plans so a senior officer is always available on the radio?

Mr. BOLTON. Absolutely. Yes, ma’am. It should be one of those things where you plan for the worst, hope for the best.

Chairwoman KLOBUCHAR. Very good. Can you briefly elaborate on why some divisions, like the Containment and Emergency Response Team, have separate training programs, and why all Cap-

itol Police training should be, instead, centralized under the Training Services Bureau?

Mr. BOLTON. As I outlined in my flash report, that is an issue that has long plagued the Department in allowing these individual entities to become almost autonomous in the training, hence why we have been vocal—very vocal about need—the need to centralize your training. We brought up in other reports K-9. K-9 should not be conducting their own training. You need to have that separation of duties. That is just best practices. Any GAO report that you pull up on training are going to tell you to have a separation of duties.

Chairwoman KLOBUCHAR. Mm-hmm.

Mr. BOLTON. These are not something that is new that we are—just thought this was a great idea. These are longstanding best practices. You have got to have centralized training. They handle the training. When you run into—it is the old thing of the tail wagging the dog. The Department should establish what are—what is the mission goals. We will take CERT for instance. What are our mission goals? What skill sets do we need then to complete this goal? What are our expectations? What can and can they not do? They should formulate that, and which that was one of our recommendations. Do a study and formulate detailed mission goals. Once you have done that, then you send it over to the Office of Training. They develop the training. They track the training. They bring in your subject matter experts. They conduct and monitor and track all the training. The CERT is there to—then they have a clear understanding of what their mission is, and so does the Department.

Chairwoman KLOBUCHAR. Mm-hmm. Do you think the Department needs a standalone counterintelligence entity?

Mr. BOLTON. A countersurveillance unit?

Chairwoman KLOBUCHAR. Mm-hmm.

Mr. BOLTON. Yes, ma'am, they certainly do, and it would be very helpful. I know the Secret Service has that. They set that up a number of years ago, and that is quite helpful in conducting their day-to-day operations.

Chairwoman KLOBUCHAR. Last question. We have had—we know there are a lot of organizational changes that need to be made. We talked about the new police chief, legislation, those things, but there has also been, even beyond January 6th, an increasing number of threat assessment cases the Capitol Police have had to handle. The Department—the police department has tracked—tasked with tracking and investigating threats against Members of Congress. Last month, the Capitol Police reported that threats against members are up 107 percent compared to this time last year. Does the Capitol Police have the resources and specialists needed to keep up with these serious threats?

Mr. BOLTON. They are ramping up in that very regard, like I said about the eight new analysts to assist it. They will be standing up here shortly, if they have not already, two field offices with a plan of three additional field offices throughout the country, basically regionalizing their functions out there to take certain locations within the country for those field officers to handle—start handling some of that threat assessment, taking the load off here.

Chairwoman KLOBUCHAR. Okay. Very good. Senator Blunt?

Senator BLUNT. General, the—your report indicated there were a few longstanding recommendations, namely realigning the Containment Emergency Response Team within the Department's structure, requiring all officers to maintain a security clearance, and elevating all intelligence components of the Department into an intelligence bureau. Why do you think those were not implemented?

Mr. BOLTON. There may be—I think some of that relates back to—going back to the cultural change. Once again, we recommended, as you stated, that the CERT teams fall under the Protective Services Bureau so they can better support the dignitary protective as well as other operations within the Department. Again, I think that was a reluctance to change based on longstanding, long-term ways of doing business. There are always going to be—people resist change.

Senator BLUNT. Do you believe if these recommendations had been implemented before January 6th, it would have made a difference in how they responded?

Mr. BOLTON. That would be very difficult—we do not have a crystal ball, but I would certainly say it would have put us in a better position to have succeeded that day.

Senator BLUNT. You said earlier that you report to the Police Board, though we may want you to testify before our committee more than we have in the past since it is your first day here, and we have some responsibilities with the Capitol Police. But when you reported to the Police Board, did you report to them that these recommendations were not followed?

Mr. BOLTON. Well, they do get—receive copies of whenever we close our recommendations and they are briefed by the Department on the status of their recommendations.

Senator BLUNT. Are you aware that they ever encouraged the police to—Capitol Police to move forward with your recommendations?

Mr. BOLTON. Sir, I am not aware of those—but those discussions could very well have happened.

Senator BLUNT. Alright.

Mr. BOLTON. But I am not aware of them.

Senator BLUNT. On January 6th, the heavier less-than-lethal weapons, like sting balls, were never used. Do you know who gave the order not to use those and why?

Mr. BOLTON. My understanding is it was an assistant chief, who is no longer with the Department, had those more heavier munitions stand down and not to be utilized. Some of those munitions, my understanding, too, through our report, that they were also expired munitions, as well as individuals were not fully—had not been fully trained and recertified to utilize those munitions.

Senator BLUNT. Well, so training, again, would have made a difference in what could happen there.

Mr. BOLTON. Yes, sir.

Senator BLUNT. I have some more questions for the record, but the only question I think I have today, in terms of rethinking what the Capitol Police—how they—how they view themselves, whether it is a security unit or a protective unit, are there jobs in the Capitol Police now that are done by uniformed officers that do not need

to be done by uniformed officers? If we set up this new intelligence unit, does everybody we might recruit for that unit, for instance, have to become a trained Capitol Police officer, or are they part of the Capitol Police who focuses specifically on intelligence? Have you given thought to that?

Mr. BOLTON. Well, certainly, I think right now most of the—your intelligence bureau, your analysts—excuse me—are non-sworn officers. They are—they are civilian, so there are—certainly a lot of those positions can—be, and also other agencies, are civilianized. They are not—like, serve as special agents. There certainly should be a study, at least a look or discussion, of some of the duties that Capitol Police undertake now could be, let us say just far as an instance, like, think of it as more of a security officer as opposed to a sworn officer.

Senator BLUNT. Mm-hmm, or a parking officer or something that would—

Mr. BOLTON. Something similar, yes.

Senator BLUNT. Well, I think we ought to be thinking about that. We have just about worn out the Capitol Police force, and I think we talk about adding more to the force. Our first big challenge is to fill the jobs we have, and in every police force in America that is a problem right now. We have got to be thinking, I think, smarter of how we use the trained and sworn officers we have. Thank you, Chairwoman. I have other questions for the record, but none today.

[The information referred to was submitted for the record.]

Chairwoman KLOBUCHAR. Very good. Thank you. Senator Cruz?

Senator CRUZ. Thank you, Madam Chair. Mr. Bolton, welcome. Thank you for your work. Thank you for your examination of the issues behind what occurred on January 6th. The men and women of the Capitol Police and the other law enforcement officers who defended the Capitol and defended Members of Congress were heroic. They are heroes every day, but that day, in particular, they demonstrated extraordinary courage and valor, and they no doubt saved lives as a result of that bravery. Nonetheless, anytime there is a violent attack, a terrorist attack, it is important to engage in the careful retrospective of what steps can be taken—law enforcement steps, intelligence steps can be taken to prevent another incident from occurring.

Looking at your flash reports, looking at the joint report that the Senate has put out, there have been a number of failings—law enforcement and intelligence failings that have been identified. In your judgment, what are the most significant intelligence failures that led to the failure to be adequately prepared for the violent attack on January 6th?

Mr. BOLTON. In regards to the Capitol Police, since that is—it is within my jurisdiction, I would say not having the ability to analyze and then disseminate that information. That particular Norfolk memo, or situational report, never made it to the chief or to the upper level of the command. That cannot happen. You have got to provide your commanders or your management teams with all the information. Nothing can be withheld from it because, again, as I talked about before, intelligence is like a puzzle. Now we just

took one of the pieces and threw it away, and you cannot complete the picture now.

Senator CRUZ. What were the impediments that prevented it from making it to the chief?

Mr. BOLTON. I think part of that is the basic structure that they had in place at that time whereas the intelligence was not a stand-alone bureau. You did not have the trained individuals there to analyze this information and to be able to—with clear policies on how to disseminate it up the chain of command.

Senator CRUZ. What changes should the Capitol Police make or should Congress consider making in terms of how the Capitol Police is structured to prevent those intelligence failures in the future?

Mr. BOLTON. One of the biggest changes you can make is to make the current intelligence a standalone bureau, elevated to the level, beef it up; in other words, provide it with more assets. Take some of the elements that are within the Capitol Police, within that division, that are separate from them, bring them over and make it that—a concerted effort and where you have an individual that is schooled in the intelligence field from the very beginning of their career to right now, somebody that is well schooled and connected within the intelligence community.

Senator CRUZ. In hindsight, on January 6th, what operational steps should the Capitol Police and other law enforcement have taken to prevent the violent terrorist attack from successfully breaching the Capitol? What could have been done differently to prevent what occurred?

Mr. BOLTON. I think the best way is—to answer that, because hindsight, you know. Yes, that is what inspector generals do. We sit there and we are Monday morning quarterbacks. We are great at that. But I think just the overall—if you look at every—each one of our flash reports as well as your—the Senate's report, that is how we are going to achieve what we need to achieve, and not so much the hindsight, but here is what is before us. Here is the roadmap. Let us get to work and let us do it.

Senator CRUZ. Well, but in terms of what we can learn from hindsight, would you say it is principally additional manpower, both police officers and National Guard forces, that would have made a difference on that day, or other steps that would have made a difference to prevent the attackers from successfully breaching the Capitol?

Mr. BOLTON. I think by having a very detailed plan. If you had the training, the equipment, the steps that you could have taken to put you in a better position to succeed that day. They are there in front of us, that if we had had those in place, we would have been in a better position to succeed.

Senator CRUZ. In terms of the significant failings on the front end, you see the intelligence gathering and the failure for that intelligence to go up the chain to the decisionmakers, and then on the day of execution, the lack of an operational plan to deal with a violent terrorist attack of that magnitude. Is that right?

Mr. BOLTON. That would be correct, sir.

Senator CRUZ. Very good. Thank you.

Mr. BOLTON. Thank you, sir.

Chairwoman KLOBUCHAR. Well, thank you very much, Senator Cruz. I want to thank Ranking Member Blunt, the members of this committee, and especially you, Inspector General Bolton, not only for appearing before us today but for all the work and recommendations that you have made. Your experience comes into play here in a big way. I know some of these recommendations are being implemented as we speak, but there is much more to do. In today's hearing, we heard more about measures that are needed to restore trust and confidence in the United States Capitol Police leadership. These reforms are wide ranging, impacting nearly all parts of the Capitol Police, including with respect to intelligence, training, equipment, and operational planning.

As we have heard in today's hearing, it is clear that changes are needed and that they should be implemented without delay. It is why we got our report out as quickly as we could, and our bipartisan report makes a number of recommendations, several of which were discussed today, and you have made 65 recommendations yourself, Mr. Bolton, so far. While more must be done in the aftermath of the insurrection, and while I continue to feel very strongly that a 9/11-style report and investigation on what happened on January 6th would be most helpful because it would consolidate all the work that is being done across many branches of government, and including in—over in the House because it would be bicameral, I still think it is really important that we implement these recommendations from our bipartisan report and your work as soon as possible. Thank you very much to our colleagues.

The hearing record will be held open for a week if you want to add anything, Senator Blunt.

Senator BLUNT. [Off audio.]

[The information referred to was submitted for the record.]

Chairwoman KLOBUCHAR. Okay. We will go off to our vote and look forward to working with you in the weeks and months to come, Mr. Bolton.

The hearing is adjourned.

[Whereupon, at 3:43 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

STATEMENT OF INSPECTOR GENERAL MICHAEL A. BOLTON
UNITED STATES CAPITOL POLICE
OFFICE OF INSPECTOR GENERAL

Committee on Senate Rules and Administration
United States Senate
June 16, 2021

Good afternoon, my name is Michael A. Bolton. I am the Inspector General for the United States Capitol Police (USCP or Department). I have been with the Inspector General's office since 2006. In January 2019, I was appointed as the Inspector General. Thank you for this opportunity to appear before you, the Committee on Senate Rules and Administration, to discuss our Review of Events in regards to USCP's Departmental Operation, Programs and Policies that were in affect during January 6, 2021.

I would like to extend my appreciation to the Committee for holding this hearing. This hearing is different in many ways. I am addressing not only Committee members exercising their Constitutional Role of Oversight, but I am testifying to witnesses, as well as, survivors who are affected by the events of January 6, 2021. On January 6, 2021, a physical security breach of U.S. Capitol Building occurred during a Joint Session of Congress to certify the Electoral College vote. My goal is to provide each of you with a better understanding of how the events of January 6, 2021 occurred in relation to the preparation and response of the Department. Other factors were involved and other entities are reviewing those aspects outside the USCP Department. I will discuss the non-law enforcement sensitive findings detailed in my four "Flash Reports." Any law enforcement sensitive questions can be answered in a "closed door" setting.

Shortly after the events of January 6th, I notified the Department, Board and the Committees that my office would be suspending all future projects listed in the OIG Annual Plan for 2021 to allow my entire staff to conduct a full review of these events. In order to accomplish this goal, both OIG Audit and Investigations, would combine their collective talents to achieve a complete review of the Department. In addition to my staff, I brought on two additional

contractors with the expertise and knowledge to assist my Office. A retired Deputy Assistant Director for the United States Secret Service and a retired Senior Special Agent Chief of the Federal Bureau of Investigations.

Our reports are not designed nor intended to cast blame on any one individual or group. These reports are intended to be an independent objective review of the Department's programs and operations to better protect the Capitol Complex, members, staff, visitors, and the rank and file officers, who have shown their commitment and bravery each and every day by keeping all safe. A collective effort must be undertaken, to ensure that each and every officer, when their shift is over, gets to go home to their families. As well as the safety of those who work and visit the first branch of government.

In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General began a review of the operations and programs that were in place prior to and during the takeover of the U.S. Capitol on January 6, 2021. Our objective, for this review, is to determine if the Department (1) established adequate measures for ensuring the safety and security of Members of Congress, their Staff and the Capitol Complex, (2) established adequate internal controls and processes that complied with Department policies and procedures and, (3) complied with applicable laws and regulations. The scope included reviewing the controls, processes, and operations surrounding the security measures prior to the planned demonstrations and the response during the takeover of the Capitol building. Our recommendations are made by conducting interviews, document reviews, the combined knowledge and expertise of my staff and following best practices throughout the Federal Government of those relevant agencies with similar functions of the Department.

We are currently providing the Department, Board and Committees, a series of flash reports every 30 days. We are reviewing each element within the Department, noting any areas for improvement. We are providing any corresponding recommendations to compel the Department to move towards a Protective Agency as opposed to a Police Agency. At the time of this hearing, my office has completed four flash reports. The first report was a review of operational planning for January 6th including a review of the Intelligence gathering process

required for the operational plan that related to January 6th. Our second flash report focused on the Civil Disturbance Unit and the Intelligence Division as a whole. Our third flash report, focused on threat assessment and the counter-surveillance unit. Our fourth flash report focused on the Containment Emergency Response Team and First Responders Unit. We anticipated our comprehensive Review would extend for the remainder of FY 2021. Additional reviews will include Manpower usage (communication, makeup and structure of the command staff), Training, Security Services Bureau, K-9. Essentially almost every element and component of the Department.

As our work continues, my office sees continuing areas in our findings that need to be addressed. Those areas are Intelligence, Training, Operational Planning, and cultural change. In regards to culture change, we see that the Department needs to move away from the thought process as a traditional Police Department and move to the posture as a Protective Agency. A police department is geared to being reactive. A crime is committed; police respond and make an arrest. Whereas, a Protective Agency is postured to being proactive to prevent events such as January 6th.

Our first flash report was designed to communicate any deficiencies with the Department's operational planning and intelligence for planned demonstrations on January 6, 2021. The deficiencies included the following (a) lack of a comprehensive operational plan or adequate guidance for operational planning, (b) failure to disseminate relevant information obtained from outside sources, (c) lack of consensus on the interpretation of threat analyses, (d) dissemination of conflicting intelligence, and (e) lack of security clearances.

In order to improve its operational planning capabilities, USCP should implement detailed guidance for operational planning. The guidance should include policies and procedures that designate the entity or entities responsible for overseeing the operational planning and execution process, require documentation of supervisory review and approval, and standardize planning document formats. All Department employees should be required to obtain and maintain a security clearance as a condition of employment. Guidance should also require that individual units develop plans and coordinate those plans with other units for a comprehensive,

Department-wide effort. Additionally, the guidance should communicate when specific operational planning documents are required. For example the Department could use a multi-tiered system based on the anticipated size and scope of an event as criteria for determining the required level of operational planning documentation it needs to prepare.

Implementing formal guidance requiring that employees communicate any intelligence reports and concerns from external sources to appropriate commanders would improve USCP ability to effectively disseminate intelligence throughout the Department. Providing additional training to personnel on how to better understand intelligence assessments and an increased role for Department entities that have intelligence analysis and dissemination responsibilities in operational planning would also improve USCP ability to achieve a consensus on threat analyses. Furthermore, the Department should require supervisory review and approval for intelligence products to ensure the products are supported by relevant intelligence information and are internally consistent. Lastly, receiving classified briefings on emerging threats and tactics would better prepare the Department's sworn and operational civilian employees to identify and counter threats and tactics in the field.

The Department lacked adequate guidance for operational planning. USCP did not have policies and procedures in place that communicated which personnel were responsible for operational planning, what type of operational planning documents its personnel should prepare, nor when its personnel should prepare operational planning documents. Additionally, USCP lacked guidance requiring that its various entities coordinate their planning efforts into a comprehensive plan.

Interviews with Department officials revealed inconsistencies in the types of planning documents USCP should have prepared for January 6, 2021. Former Chief of Police Steven Sund stated the Department used documents commonly referred to as a "Plan of Action" for large events and that such a Plan of Action signed by an Assistant Chief should have existed for the events of January 6, 2021. Former Chief Sund also stated that the Commander of the USB Capitol Division should have completed an "Incident Action Plan" for the Joint Session of Congress. Former Chief Sund stated that he believed there were Department policies addressing

those planning documents. However, we could not find any policies that clearly addressed creation of those specific planning documents.

According to the OSB official responsible for preparing the *CDU Plan*, prior to the summer of 2020 there were no formal planning documents for CDU events. After protest activity during the summer of 2020, OSB began utilizing a planning document from the International Association of Chiefs of Police as a guide for creating such a plan. The official stated that OSB forwards a CDU Operational Plan by email to an Assistant Chief for approval and OSB receives a confirmation with no correspondence log or other documented approval. Certain CDU commanders provide input to the plan but OSB does not distribute the plan to any other Department commanders. Several Department officials stated that they were not familiar with *CDU Operational Plan* for January 6, 2021.

USCP failed to disseminate relevant information obtained from outside sources, lacked consensus on the interpretation of threat analyses, and disseminated conflicting intelligence information regarding planned events for January 6, 2021. Additionally, the Department did not require that all of its sworn and operational civilian employees obtain security clearances.

USCP failed to disseminate relevant information obtained from outside sources regarding planned events for January 6, 2021. According to the Department's timeline, on January 5, 2021, at approximately 7 p.m. to 8 p.m., a USCP task force agent embedded with the Federal Bureau of Investigation (FBI) emailed IOS a memorandum from the FBI Norfolk Division providing additional details regarding the January 6, 2021, event.

Acting Assistant Chief of Police for Protective and Intelligence Operations stated that the memorandum was a "Situational Information Report," which he viewed differently than an Intelligence Assessment because Situational Information Reports are not necessarily authenticated or followed-up; the FBI produces them to communicate something its agents saw or learned. Acting Assistant Chief acknowledged it was hard to view it that way after January 6, 2021. Acting Assistant Chief also stated that to his knowledge the FBI never formally sent the memorandum to USCP. The FBI Norfolk Division produced the document, and it was then

placed on an FBI intranet or other internal system. Late in the evening on January 5, 2021, a USCP task force officer (TFO) assigned to the FBI Guardian Squad Task Force pulled the memorandum from the FBI system and emailed it to a USCP IOS email distribution list.

According to an Acting Assistant Chief, the memorandum did not surface again until it was attached to an information package sent out late on January 6, 2021, after the security breach occurred. In the days following January 6, 2021, the memorandum began to surface in the media and Members of Congress began to ask USCP if it had received it. The Department was originally under the impression that it had not received the document until a Department official inquired with USCP's TFOs about it. An Acting Assistant Chief stated that to his knowledge, prior to the events of January 6, 2021, the memorandum did not make it out of the IOS email distribution list to IICD or other Department commanders.

According to an Acting Assistant Chief, after January 6, 2021, the FBI produced a similar situational report about a threat to the State of the Union, but USCP received that report through its formal channels with the Joint Terrorism Task Force executive board, which includes the Acting Assistant Chief and Acting Chief Pittman. As of February 11, 2021, PSB requires that all reports or concerns must be sent to the Investigations Division as well as IICD Commanders—which was not required or always happening before January 6, 2021. Implementing formal guidance requiring that employees communicate any intelligence reports and concerns from external sources to appropriate commanders would significantly improve the ability of USCP to effectively disseminate intelligence throughout the Department.

Interviews with USCP officials revealed a lack of consensus about whether intelligence information regarding planned events on January 6, 2021, actually indicated specific known threats to the Joint Session of Congress. Certain officials believed USCP intelligence products indicated there may be threats but did not identify anything specific, while other officials believed it would be inaccurate to state that there were no known specific threats to the Joint Session based on those same USCP intelligence products.

The threat analysis in the *CDU Operational Plan* for January 6, 2021, dated January 5, 2021, states, “At this time there are no specific known threats related to the Joint Session of Congress – Electoral College Vote Certification.” While a prior version of Special Event Assessment 21-A-0468, dated December 16, 2020, contains the exact same statement and updated versions of the assessment published later that month contain similar language, the final version dated January 3, 2021, does not contain that statement. The IICD Director stated that IICD periodically revised the assessment as it received more information, and IICD updated the final version based on concerns communicated by the Department’s law enforcement partners. An OSB official responsible for preparing the *CDU Operational Plan* dated January 5, 2021, admitted it was most likely an error on their part that the threat analysis in the plan was not updated. However, multiple Department officials with intelligence dissemination responsibilities stated they had never even seen the threat analysis included in the *CDU Operational Plan* dated January 5, 2021.

Providing additional training to personnel on how to better understand and interpret intelligence assessments and requiring that any threat analyses included in operational planning are coordinated with Department entities with intelligence analysis and dissemination responsibilities would improve USCP ability to achieve a consensus on its threat analyses.

Our second flash report communicated deficiencies with the Department’s Civil Disturbance Unit (CDU) and intelligence operations. As part of our review, OIG also conducted a follow-up analysis of the Department’s implementation of recommendations contained in *Follow-up Analysis of the United States Capitol Police Intelligence Analysis Division*, Investigative Number 2018-I-0008, dated March 2019, to confirm the Department took the corrective actions in implementing the recommendations.

USCP did not have adequate policies and procedures for CDU defining its responsibilities, duties, composition, equipment, and training. CDU was operating at a decreased level of readiness because of a lack of standards for equipment, deficiencies noted from the events of January 6, 2021, a lapse in certain certifications, an inaccurate CDU roster,

staffing concerns for the unit, quarterly audits that were not performed, and property inventories not in compliance with guidance.

The Department should implement detailed policies and procedures that address several aspects of CDU and its operations. Implementation of the Department's formal training guidance, requirements, and lesson plans is crucial to its mission. Formalizing and implementing equipment standards will provide officers with proper functioning equipment. Additionally, the Department should require that all types of weapon systems classified as less lethal are staged prior to large events as well as ensure that additional CDU Grenadiers are trained and certified.

Ensuring that the Department conducts periodic safety inspections would prevent expired munitions from being deployed and used. Also, a formal process is needed for management within CDU to ensure that when munitions do expire they are exchanged appropriately with the Property and Asset Management Division for proper disposal in a timely manner. Further, USCP should store its riot shields in the proper temperature-stable climate to prevent compromise of the riot shield's life span.

USCP Directive 2055.001, *Specialty Pay Program*, effective August 1, 2019, states that "the Chief of Police is authorized to establish and determine positions within the USCP as specialty assignments or requiring certain proficiencies eligible for additional compensation." Exploring options for incentivizing the CDU Program would go a long way toward increasing participation because of its hazardous nature. As well, holding management accountable for incomplete CDU audits would enforce controls.

Based on our follow-up analysis, a condition identified in two previous reports, the Department's failure to update and document evaluations of its intelligence priorities reemerged. We also identified intelligence related deficiencies with the Department's organizational structure, training, professional standards, internal controls, and capability to effectively collect, process, and disseminate intelligence information.

To increase the efficiency of its intelligence resources, the Department should consider reorganizing its intelligence functions into a single intelligence bureau. A formal Intelligence Training Program is necessary; otherwise, the Department cannot ensure the proper training of its intelligence employees or ensure that they are up to date on policies and procedures related to Intelligence and Interagency Coordination Division (IICD) personnel duties. Furthermore, implementing additional formal guidance that applies to USCP's collection, processing, and reporting of information would improve its ability to effectively disseminate intelligence throughout the Department. Lastly, the Department should address gaps in meeting the intelligence needs of its operational stakeholders; the lack of training, certification, or professional standards for its intelligence analysts; and determine the necessary staffing, security clearances, and technology IICD needs to accomplish its mission.

Our third Flash Report reflects the continuing need for the Department to focus on the four areas of Intelligence, Training, Operational Planning and cultural change

Based on ongoing work, this flash report is designed to communicate any deficiencies with the Department's counter-surveillance and threat assessment operations. Deficiencies included (a) outdated or vague guidance, (b) failure to adequately report stop or contact activities, (c) lack of a dedicated counter-surveillance entity, (d) insufficient resources for supporting counter-surveillance operations, and (e) inadequate resources for supporting its Threat Assessment Section (TAS).

The Department did not adequately provide detailed and up-to-date guidance in place for its counter-surveillance and threat assessment operations, which could have led to unclear guidance and accountability. Additionally, a lack of clear and detailed communication procedures could have increased inefficiencies with processes as well as led to critical counter-surveillance information not being appropriately communicated throughout the Department. Furthermore, the Department did not adequately document, collect, and analyze PD-76 *USCP Stop or Contact Reports*, which may have impeded its ability to identify trends or patterns that warranted further investigation or dissemination.

A stand-alone entity, with a defined mission dedicated to counter-surveillance activities in support of protecting the Congressional Community, would improve the Department's ability to identify and disrupt individuals or groups intent on engaging in illegal activity directed at the Congressional Community and its legislative process. The entity should be sufficiently staffed to accomplish its mission and have adequate resources, including dedicated analyst support and a central desk to exploit, investigate, disseminate, and triage information in real time.

Although the Department has increased the number of Full-Time Employees within TAS, the section continues to experience manpower issues. In a previous report, OIG found TAS caseloads steadily increased from the beginning of the calendar year 2017 through the end of 2019. Department officials and TAS agents stated that increased caseloads as well as staffing levels were some of the greatest challenges for TAS. TAS did not have Investigative Analysis and TAS agents performed tasks, such as database checks, that Investigative Analysts performed at other agencies. OIG found allowing Investigative Analysts to assume some responsibilities from agents would help TAS maintain a manageable caseload for its staff.

Our fourth Flash Report reflects the continuing need for the Department to focus on the four areas of Intelligence, Training, Operational Planning and cultural change.

Based on ongoing work, our flash report is designed to communicate deficiencies with the Department's Containment Emergency Response Team (CERT) and First Responders Unit (FRU) operations. In Report Number 2021-I-0003-A, *Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol, Flash Report: Operational Planning and Intelligence*, dated February 2021, OIG reported a lack of a comprehensive, Department-wide operational plan and inconsistencies in how the Department planned to use CERT on January 6, 2021. Our work revealed further deficiencies and inconsistencies with how the Department planned to use CERT on January 6, 2021. In Report Number 2021-I-0003-A, OIG recommended that in order to improve its operational planning capabilities, USCP should implement detailed guidance for operational planning.

The Department should increase oversight and define a mission for CERT that better supports its primary mission of security and protection of Congress. Realigning CERT from the Special Operations Division (SOD) to the Protective Service Bureau (PSB) would provide the Department more opportunities for using CERT in support of protection details, congressional delegations, air operations, and motorcades. Implementing recurring training between CERT and other USCP elements it may support and assuming a greater role in pursuing appropriate, mission driven training opportunities for CERT from its Federal partner agencies would assist the Department in developing competencies within CERT that are appropriate for improving the Department's ability to achieve its mission. The Department did not have adequate, updated Standard Operating Procedures (SOPs) in place for CERT, and the Department did not always comply with guidance related to tactical command, communication device function checks, instructor certification, weapons qualifications, or equipment inventories.

The Department did not have adequate, updated SOPs in place for FRU operations. A lack of adequate and updated policies and procedures can create ambiguity and lack of accountability and coordination. As well, a lack of adequate policies and procedures can also inhibit readiness for FRU and loss of Department equipment. Additionally, completion of monthly remote locking devices drills and resources such as less lethal weapons, mountain bicycles, physical access, and training are needed for FRU to successfully complete its mission.

Our review again highlights the areas in which the Department needs to address as a whole in Leadership, Training, Planning, and Cultural Change. Specifically, the Department needs to clearly define the mission, expectations, and skill sets needed for both CERT and FRU. CERT is not a SWAT team nor should they ever be considered one. SWAT is a police function whereas CERT needs to be a tactical team supporting the overall mission of the Capitol Police. The same can be said for the role and responsibilities for FRU.

In Report Number OIG-2018-06, OIG reported that CERT training did not always reinforce skills appropriate for the mission of the Department and that concentrating more on training such as close quarter battle, motorcades, and perimeter security would allow CERT to maximize its

training opportunities by focusing on areas that reinforce skills appropriate for the Department's mission.

OIG also found that CERT training lacked segregation of duties because CERT conducted most of its own training and maintained its own training records. OIG recommended the Department determine which types of training develop competencies within CERT appropriate for improving the Department's ability to achieve its mission and have its Training Services Bureau take a greater role in CERT training to achieve better segregation of duties.

CERT, SOD, and PSB officials all stated that CERT should train more often with other Department elements it may deploy to support such as DPD, CDU, FRU, and the Crisis Negotiation Team. Officials cited inadequate staffing and a lack of available training facilities as challenges to having CERT train with those elements.

Officials also stated that the Department's training facilities at the Federal Law Enforcement Training Center (FLETC) in Cheltenham, Maryland did not meet their training needs. A CERT official stated that CERT and CDU tactics differed and when CERT deploys less lethal munitions it is for different situations than when CDU deploys them. According to that official, CERT never trains with CDU and CERT would "wing it" during a deployment if CERT had to assist CDU because there isn't any coordination between them. There is not an understanding of unit tactics so they know what the other is doing during events based off training or consistent operations with the other. Additionally, the official could not recall CERT and DPD holding any joint training on evacuations and stated they had no idea what tactics DPD currently uses during Member evacuations. The official estimated CERT and DPD had only trained in tactics together a couple of times over the course of their career.

Various CERT officials stated that a lack of access to adequate training facilities was a recurring challenge for CERT and that developing contacts with partner agencies was essential for gaining training opportunities at the agency's facilities. The officials also stated that another challenge was that CERT never had an opportunity to train inside the Capitol. A CERT official stated that coordinating CERT training was one of their main responsibilities and that because of the

challenge of scheduling training at the Department's facilities at FLETC Cheltenham and in the local District of Columbia area at free of charge sites, CERT had contracted with privately owned entities to train its personnel in firearm marksmanship and other tactics at facilities located outside of the local District of Columbia area.

Research into the privately owned entities revealed that one of the entities, Northern Red, Inc. (Northern Red), had questionable content on its website. During 2018 and 2019, the Department spent \$90,075 for CERT to train with Northern Red. The home page of the company's website uses the motto or slogan, "For those who have hunted armed men training is never the same." While some of the content could have multiple meanings, their use at Department-provided training could lead employees to feel unsafe or uncomfortable. Furthermore, USCP participation at training Northern Red provided could also lead individuals to believe that USCP sanctions the use of such content. As a result, OIG issued Report Number OIG-2021-07, *Management Advisory Report: Containment Emergency Response Team Contractor*, dated May 26, 2021, to communicate this information to the Department and recommended that it review the appropriateness of utilizing Northern Red for further training.

To ensure that CERT receives appropriate, mission driven training, the Department and its Training Services Bureau should assume a greater role in pursuing training opportunities for CERT from Federal partner agencies. Such a move would also allow CERT leadership to focus on CERT operations instead of training coordination. Implementing recurring training between CERT and other USCP elements it may support and assuming a greater role in pursuing appropriate, mission driven training opportunities for CERT from its Federal partner agencies would assist the Department in developing competencies within CERT that are appropriate for improving the Department's ability to achieve its mission.

USCP did not have adequate policies and procedures for FRU defining its overall operations. Additionally, FRU lacked resources and training for properly completing its mission. The Department did not have adequate policies and procedures for all aspects of FRU. For example, FRU lacked clear policies relating to mountain bike training requirements. Although SOP USB-000-73 requires that employees attend and successfully complete a Department-

sanctioned or recognized police mountain bike training program, that SOP does not specify the programs that meet the Department requirements.

The Department did not have adequate policies and procedures for securing ballistic helmets and vests strategically stored around the Capitol Complex. A total of 12 ballistic vests and 12 ballistic helmets were stolen by rioters on January 6, 2021. According to PoliceNet, FRU “is the first line of defense and is usually the Unit that the public sees on television and newspaper coverage of the Capitol.” A Department official stated on January 6, 2021, that FRU was tasked with their regular duties and was not provided with any precautionary information. Some of FRU’s ballistic vests and helmets were staged in storage cases next to standing posts. After FRU officers retreated as a result of the violent rioters, those ballistic vests and helmets were stolen. FRU does not have proper storage for their ballistic vests and helmets at certain FRU posts.

FRU lacked clear policies related to inspection logs for remote locking devices. Although SOP AC-000-04 requires that remote locking devices are inspected on a semi-annual basis by the Security Services Bureau to include battery replacement, that SOP does not require the process is documented. As such, the Department was unable to provide support that the remote locking devices had been inspected on a semi-annual basis.

The Department lacked policies and procedures defining a requirement that FRU officers be certified with the use of the M4 rifle. As of May 2021, officers assigned to FRU were not required to be M4 certified. A Department official stated, however, that the M4 rifle is the unit’s primary long gun and used by FRU officers at certain posts and staged at strategic locations. Additionally, the official stated that all FRU officers should be required to be M4 certified because of its use in daily FRU operations.

GAO Standards for Internal Control in the Federal Government; Documentation of Responsibilities through Policies, GAO-14-704G, dated September 2014, state:

- 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.

FRU did not have the proper resources to complete its mission. During interviews with Department officials, concerns were expressed about FRU's equipment, training, and physical access management. Many of the concerns were highlighted during the events of January 6, 2021. Furthermore, a Department official stated that manpower is an issue because of the schedule of working 6 days a week, 12 hours a day and is affecting retention and morale.

FRU officers were not equipped with adequate less lethal weapons such as the PepperBall and Sting-Ball weapon systems. Department officials expressed concerns about FRU's less lethal capabilities. As of May 2021, FRU officers were equipped with the Department's standard *oleoresin capsicum* spray and collapsible baton as their less lethal options. According to an FRU official, the Department's standard less lethal weapons provided to FRU officers on January 6, 2021, was "inadequate." As previously stated, FRU officers are typically stationed on the outer perimeter of the Capitol where the general public makes first contact. A Department Official stated that "less lethal weapons are just as important as long guns" because of their ability to incapacitate a person or a group of people without directly escalating to lethal means. Those types of weapons would be effective assisting officers when confronting violent crowds similar to the ones encountered during the events of January 6, 2021, or mentally ill individuals. The official specifically commended the Washington, D.C., Metropolitan Police Department (MPD) officers who provided assistance to the USCP officers utilizing "heavier less than lethal weapons" and suggested the FRU Officers be trained and provided with more effective less than lethal weapons.

FRU did not have an adequate number of bicycles in its unit. FRU relies on motorcycles, automobiles, and mountain bicycles to patrol their assigned area. A Department official stated mountain bikes are critical to patrolling their area of responsibility due to their low cost and ability to quickly respond to situations especially evident during January 6, 2021, when

MPD's bicycle unit was able to rapidly respond to USCP's call for assistance. As of May 2021, FRU had 20 mountain bikes available for approximately 160 FRU officers.

FRU lacked advanced medical and tactical training. On January 6, 2021, many officers were affected by chemical irritants dispatched from the crowd. Those officers did not have a proper decontamination site within reach and ended up using water bottles or bathroom sinks to decontaminate. A Department official stated that USCP relies on the District of Columbia Fire and Emergency Medical Services Department for medical assistance during events. The issue with utilizing the District of Columbia services is response time and the probability some requests for the District to pre-stage their medical personnel for events may be rejected. Furthermore, the Department official suggested that FRU members train and equip a number of its officers to the same standard as an Emergency Medical Technician. Implementing that suggestion would ensure FRU officers are provided with immediate access to emergency medical care and supplies in any future violent events.

A Department official stated FRU officers are the Capitol's "first line of defense" but the unit does not tactically train as a team, which would help mitigate issues such as crossfire and officer tactical movement. Because of the range for projectiles when fired by the M4 rifle, the danger to both police officers and innocent civilians is increased by the use of such weapons. And because of the positioning of FRU posts, a high probability exists that those officers may be the first to encounter an active shooter situation. Other than initial M4 long gun and required in-service training, which includes individual officer weapons qualifications, FRU members do not receive additional unit tactical training with their M4 rifles.

The Department did not have adequate access to the Capitol's physical security infrastructure. Facilities staff members associated with the Architect of the Capitol have the responsibility to secure doors and elevators. FRU officers must contact those individuals to fulfill any requests for access, such as responding to a notification from an alarm system. FRU officers located in the Capitol Subway system during the physical breach of the Capitol Building complex on January 6, 2021, were responsible for securing the area as a last line of defense against rioters. A Department official stated officers were unable to unlock and lock all of the

doors or elevators and it was an issue during the events of January 6, 2021, where officers ended up resorting to using furniture to disable elevators surrounding the Capitol Subway system.

In conclusion, the Department is comprised of extraordinary men and women who are dedicated to protecting our democracy, putting their own lives in harm's way in order for Congress to exercise their Constitutional duties in a safe and open manner. It is our duty to honor those officers who have given their lives but also ensuring the safety of all those working and visiting the Capitol Complex by making hard changes within the Department. Some of these changes may include a complete restructuring of the Capitol Police away from a Police Department to being more align with a Protective Agency. This new structure may have a Director of the Capitol Hill Protective Agency in command of the overall security of the Capitol Complex with a Chief of Police in command of the day-to-day Police Operations. Such a command structure would ensure a level of accountability and transparency of the overall security of the Capitol Complex.

Thank you for the opportunity to appear before you today. I would be very happy to answer any questions the Committee may have at this time.

Senate Committee on Rules and Administration
Oversight of the U.S. Capitol Police following the January 6th Attack on the Capitol

Questions for the Record
Mr. Michael Bolton

Senator Klobuchar

1. You testified that you have heard concerns regarding morale among Capitol Police officers since the January 6th insurrection, noting that “the schedule of working 6 days a week, 12 hours a day is affecting retention and morale.”
 - What have you observed with respect to morale in the Department? **(Response)** The Department is suffering from low morale. During our interviews with officers as part of our fifth Flash Report, Command and Coordination Bureau, USCP officers have expressed their low morale and lack of confidence with the current command.
 - Do you have any views on actions that should be taken to improve officer recruitment and retention while the search for a new Capitol Police Chief is ongoing? **(Response)** The Department should look at already trained Law Enforcement from local police agencies. Offering them signing bonuses for education level as well as experience. That way USCP would not need to send those officers to the Federal Law Enforcement Training Center, thus they only need specialized training from USCP.
2. During your review, you found that the Capitol Police hired a contractor that displays images with known connections to white supremacist groups on its website to provide training to the Containment Emergency Response Team (CERT) in 2018 and 2019. You also recommended that the Capitol Police review whether that contractor should be used for further training and stated that you referred the matter to the Department of Justice.
 - Have you received a response from Capitol Police leadership on this matter? **(Response)** Yes, the Department has responded and are no longer using that contractor. In addition, USCP is now vetting all future contractors prior to entering into a contract with a particular vendor.
 - Have you found any other contracts that raise similar concerns in the course of your work? **(Response)** At this time no, but OIG is going to review all contracts during our FY 2022 Annual Plan.

Senator Blunt

1. Your four flash reports include recommendations that had previously been issued by your office prior to January 6, 2021.
 - If the Department declines to implement a recommendation issued by your office, how is that decision documented and justified? **(Response)** If the Department

declines to implement OIG's recommendations, USCP management provides OIG with a written response outlining the reason why they cannot implement one of our recommendations.

- If the Department fails to implement your office's recommendations, what actions can your office take? **(Response)** OIG will notify the Committees and the Board as well as document in our Semi-Annual Report.
 - Does your office follow up to ensure that recommendations are implemented? **(Response)** Yes, once all recommendations of a report are closed, OIG will then do a follow-up review to ensure that those recommendations are still being adhered to.
 - If the Department implements a recommendation issued by your office, does the Department notify your office? How and when are such notifications made? **(Response)** Yes, once the Department implements a recommendation USCP will provide that in writing along with any documents to support the closing of the recommendation. Notifications are made in writing, along with any supporting documentation. For recommendations that are 6 months or older, OIG reports those outstanding recommendations via our Semi-Annual Report to Congress.
2. In the joint report issued by the Committee on Rules and Administration and the Homeland Security and Governmental Affairs Committee, the committees recommended that the Department update its Incident Command Directive to address how Incident Commanders communicate priorities, strategies, tactics, and threat assessment to front-line officers during an event, including requiring senior leaders to take over communication responsibilities during an incident if needed. Department leadership recently informed Rules Committee staff that it believes it already has an appropriate directive in place but will conduct additional training as needed.
- Do you agree with the Department's view? Do you believe changes to the Incident Command Directive are needed? **(Response)** No, OIG does not agree with the Department's assessment that they have an appropriate directive in place. Changes need to be made in the Incident Command Directive. Our next Flash Report dealing with Command and Coordination Bureau will show that the Department needs additional training and update Directives.
 - As a general matter, do the Department's policies and procedures need to be streamlined in order to make them more helpful to the officers? **(Response)** Short answer is yes, but not only that the Department needs to update all its policies and procedures in order to be more helpful to the rank and file.
3. The Capitol Police Board is currently considering candidates for a new Chief of Police.
- In your view, what should the key priorities be for the new incoming Chief of Police? **(Response)** A high-level executive from another Federal Agency who understands both Policing and structure of an intelligence based agency. One of the first priorities for the new Chief is restoring the trust and confidence of the rank and file. Provide them with leadership and commitment to changing the cultural of the Department.

- Are there any long-standing recommendations from your office that a new Chief of Police should prioritize? **(Response)** yes, those recommendations that deal with the Disciplinary Process.
 - Are there any recommendations previously rejected by the Department that a new Chief of Police should reconsider? **(Response)** Yes, those recommendations contained in our Review of the Disciplinary Process, especially involving the use of the 12 Douglas Factors that the Department refuses to use as opposite of all other Federal Agencies.
 - There are a number of recommendations in your January 6 Flash Reports regarding the updating of Departmental policies and procedures. Should the new Chief of Police make it a priority to review all of the Department's policies and procedures and not just those mentioned in the Flash Reports? **(Response)** Yes, this should be one of the first thing the new Chief should have the executive team do.
4. You have repeatedly recommended that USCP pursue security clearances for all of the Department's sworn officers and operational civilian employees. In a 2019 response to that recommendation, USCP said it agreed with the recommendation, but that it would not be pursuing security clearances for all employees at that time.
- Do you know why the Department did not pursue the recommendation? Are there any laws, regulations, policies, procedures, or agreements that would prevent the Department from doing so? **(Response)** OIG believes it was somewhat based on funding as well as, the Department did not believe that all employees needed a security clearance.
 - Are you aware of any other federal protective force where security clearances are not widely held by sworn officers? **(Response)** Most if not all, federal protective agencies, such as, Secret Service and FBI require their employees to have and maintain a security clearance.
 - What is the benefit of having security clearances for front-line USCP officers? Why is it necessary? Can operational information and orders, even when based on classified intelligence information, be transmitted to officers in unclassified form? **(Response)** By having all of your employees requiring a security, clearance provides the Department with a level of protection against insider threats also with a clear define Rules of Conduct for those who cannot maintain a security clearance. Operational information could still be provided to the officers as long as in an unclassified form, but by having all employees with a security clearance this would enable the Department to provide real time information quickly without the delay of waiting for the information to be declassified.

Senator Wicker

1. What capabilities would a military unit designated as a Quick Reaction Force provide that a properly led, funded, and manned Capitol Police could not provide? **(Response)** A quick reaction force could provide USCP with a surge of manpower in an extreme emergency response. However, a well-trained Department under proper leadership with the right equipment should be able to handle most if not all situations. A quick Reaction Force would be used to assist the Department once the situation is resolved to relieve some of the duties of the officers for rest.
2. Are there any potential disadvantages, in your opinion, of designating military troops vice civilian law enforcement as primary first responders to a disturbance caused by U.S. citizens? **(Response)** Civilian Law Enforcement should always be the first responders to any incident caused by citizens of the United States. Military assets should only be used in a support mode for civilian law enforcement and should never be used as the primary law enforcement response.
3. A fact sheet issued by the House Committee on Appropriations about the Emergency Security Supplemental describes the recommended Quick Reaction Force as “a ground force equivalent of the 113th Wing within the District of Columbia Air National Guard at Joint Base Andrews, which defends National Capital Region airspace. Please explain what “a ground force equivalent” to the 113th Wing with its F-16 fighter jets would look like. **(Response)** OIG is not familiar with what a ground force equivalent to the 113th Wing would look like since this entity is not within the purview of OIG. OIG understands that it would be a Quick Reaction Force on stand-by in case of emergency call-up. However, as stated before, a well-trained, highly professionalized Department should be able to handle most if not all emergency.