

OVERSIGHT OF THE U.S. CAPITOL POLICE
OFFICE OF INSPECTOR GENERAL

HEARING
BEFORE THE
SUBCOMMITTEE ON OVERSIGHT
OF THE
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

JULY 19, 2023

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C O N T E N T S

	Page
OPENING STATEMENTS	
Chairman Barry Loudermilk, Representative from the State of Georgia	1
Prepared statement of Chairman Barry Loudermilk	2
Ranking Member Norma Torres, Representative from the State of California .	3
Prepared statement of Ranking Member Norma Torres	4
WITNESS	
Ron Russo, Inspector General, United States Capitol Police	6
Prepared statement of Ron Russo	7

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July 19, 2023

SUBCOMMITTEE ON OVERSIGHT,
COMMITTEE ON HOUSE ADMINISTRATION,
HOUSE OF REPRESENTATIVES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2 p.m., in room 1310, Longworth House Office Building, Hon. Barry Loudermilk [chair of the Subcommittee] presiding.

Present: Representatives Loudermilk, Steil, Griffith, Murphy, D'Esposito, and Torres.

Staff present: Tim Monahan, Staff Director; Elliott Tomlinson, Deputy General Counsel; Hillary Lassiter, Clerk; Jordan Wilson, Director of Member Services; Elliot Smith, Deputy Director of Oversight; Logan Langemeier, Professional Staff Member; Khalil Abboud, Minority Deputy Staff Director, Chief Counsel; Jamie Fleet, Minority Staff Director; and Matthew Schlesinger, Minority Oversight Counsel.

OPENING STATEMENT OF HON. BARRY LOUDERMILK, CHAIRMAN OF THE SUBCOMMITTEE ON OVERSIGHT, A U.S. REPRESENTATIVE FROM THE STATE OF GEORGIA

Chairman LOUDERMILK. The Subcommittee on Oversight will come to order.

We note that a quorum is present.

Without objection, the chair may declare a recess at any time.

Also, without objection, the meeting record will remain open for 5 legislative days so Members may submit any materials they wish to be included therein.

Thank you, Ranking Member Torres, Members of the Subcommittee, and our witness, Mr. Ron Russo, for joining us for today's oversight hearing.

The United States Capitol Police Office of Inspector General is responsible for evaluating the efficiency and the effectiveness of the U.S. Capitol Police's programs and operations. This includes supervising and conducting audits, inspections, and investigations to prevent fraud, waste, and abuse.

The OIG is responsible for both making recommendations to the Capitol Police Board and also ensuring that those recommendations are completed.

On January 6th, 2021, the U.S. Capitol experienced one of the biggest security failures in this institution's history. Following the attack on the Capitol, the OIG published six flash reports. In those

flash reports, the OIG detailed specific failures related to operations, intelligence, training, and other specialized units. To correct these failures, the OIG made specific recommendations to the Capitol Police.

During today's hearing, we will review those findings and evaluate the department's completion of the recommendations made in those flash reports.

Since being hired, Mr. Russo has closed numerous previous inspector general recommendations. I look forward to learning more about specifically what actions Capitol Police implemented.

Given that Mr. Russo is new to the role, today's hearing is also an opportunity to ensure that the OIG is fulfilling its purpose to provide independent and relevant analysis of the department.

An independent inspector general is essential to ensuring transparency. We have made progress to increase transparency by finally taking steps to publicly publish OIG reports, which is consistent with other Federal inspectors general. However, to date, there are only two available on the OIG's website.

Finally, since announcing today's hearing, numerous whistleblowers have come forward with claims of retaliation and abuse after speaking with the Office of Inspector General. While we have concerns about the conduct of both the inspector general and the—Inspector General's Office and the department on these matters, the Committee does not believe it is in a position yet to publicly address these allegations.

While we review these allegations, we take all whistleblower reports seriously and appreciate their willingness to come forward.

Before Mr. Russo was hired as inspector general, there were serious allegations of retaliation within the Capitol Police against whistleblowers who had spoken confidentially to a previous U.S. Capitol Police inspector general. Let me be clear: Any retaliation is unacceptable. I think I speak for both Democrats and Republicans when I say this Committee will aggressively protect whistleblowers from any internal retaliation.

Ensuring the U.S. Capitol Police is best positioned to defend against threats to the Capitol, including all the Members, staff, and visitors, is a priority for this Subcommittee. To accomplish this, Congress must continue to exercise our oversight responsibilities.

[The prepared statement of Chairman Loudermilk follows:]

PREPARED STATEMENT OF CHAIRMAN OF THE SUBCOMMITTEE ON OVERSIGHT BARRY LOUDERMILK

The United States Capitol Police Office of Inspector General is responsible for evaluating the efficiency and the effectiveness of the U.S. Capitol Police's programs and operations. This includes supervising and conducting audits, inspections, and investigations to prevent fraud, waste, and abuse.

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I now recognize the Ranking Member, Mrs. Torres, for 5 minutes for the purpose of providing an opening statement.

OPENING STATEMENT OF HON. NORMA TORRES, RANKING MEMBER OF THE SUBCOMMITTEE ON OVERSIGHT, A U.S. REPRESENTATIVE FROM CALIFORNIA

Mrs. TORRES. Thank you, Chairman.

Welcome, Mr. Russo. I also want to thank you for meeting with me earlier this week to discuss some of my concerns about security at the Capitol, and I look forward to working with you in conducting oversight of the United States Capitol Police.

Oversight of the police, including the Office of Inspector General, should be a bipartisan issue. And, while my colleagues on the other side of the aisle and I disagree on some issues, I am hopeful that we can approach oversight of the Office of Inspector General with the seriousness and bipartisanship that it deserves.

The U.S. Capitol Police Office of Inspector General is one of the most essential offices in the entire legislative branch. The inspector general's audits, investigations, and other oversight activities related to Capitol Police operations are vital to the Committee, the Congress, and, as a result, our Nation.

Tragically, on January 6, 2021, we saw firsthand the importance of the inspector general's work in making recommendations to the department and ensuring that those recommendations are implemented.

Last Congress, on the morning of January 7, 2021, then chair of this Committee, Zoe Lofgren, asked the prior Capitol Police inspector general to drop all of their pending work and evaluate the department's preparation for the January 6th attack on the Capitol. This resulted in a series of seven flash reports and corresponding series of hearings. The inspector general spent nearly 7 hours in

front of this Committee explaining his findings and answering tough questions.

Today I am particularly interested in implementation and the status of those recommendations. And, as I mentioned to you when we met privately, I spent 17-and-a-half years as a 911 dispatcher with the LAPD. I was also in the House gallery when the Capitol was breached on January 6th. Needless to say, I take my security and the security of the people that visit here and that work here very seriously.

Inspector General Russo and his team are subject-matter experts. You know, you are a vital partner to the Committee as we conduct our oversight. I am eager to hear Inspector General Russo's assessment of the current state of the department. What steps has the department taken to improve its intelligence-sharing capabilities with both partner agencies and internally? What are the offices at the top of the department's organizational chart doing to ensure the rank-and-file officers are appropriately read into relevant intelligence assessments, and has officer morale improved? How has the department changed the way it trains both new recruits and veteran officers? Will the department be ready if and when an event like the January 6th attack happens again?

These are just a few of the questions that I hope to have answered today.

In addition to the Committee prepared for today's proceedings, it heard from several individuals expressing concerns about the operations of the Inspector General's Office.

I hope that anyone, any one of our Federal employees, who has experienced workplace misconduct can feel comfortable coming forward and has the appropriate tools and resources to do so.

I look forward to continuing conversations with the inspector general to ensure that the office is held to its highest possible standard. And, while this is not the forum to address those concerns, I do expect the Committee to do so thoroughly.

Thank you, Chairman.

Thank you again, Mr. Russo, for being here with us today.

I yield back.

[The prepared statement of Ranking Member Torres follows:]

PREPARED STATEMENT OF RANKING MEMBER OF THE SUBCOMMITTEE ON OVERSIGHT NORMA TORRES

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Inspector General Russo and his team are subject-matter experts. You know, you are a vital partner to the Committee as we conduct our oversight. I am eager to hear Inspector General Russo's assessment of the current state of the department. What steps has the department taken to improve its intelligence-sharing capabilities with both partner agencies and internally? What are the offices at the top of the department's organizational chart doing to ensure the rank-and-file officers are appropriately read into relevant intelligence assessments, and has officer morale improved? How has the department changed the way it trains both new recruits and veteran officers? Will the department be ready if and when an event like the January 6th attack happens again?

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Chairman LOUDERMILK. The gentlelady yields.

Thank you, Ms. Torres.

Without objection, all other Members' opening statements will be made part of the hearing report if they are submitted to the Committee clerk by 5 p.m. today.

Pursuant to paragraph (b), Committee rule 6, the witness will please stand and raise your right hand.

[Witness sworn.]

Chairman LOUDERMILK. Let the record show that the witness answered in the affirmative and may be seated.

I will now introduce our witness, Mr. Ron Russo.

The United States Capitol Police Board hired Mr. Russo to be the United States Police inspector general on January 29th, 2023.

As the United States Capitol Police inspector general, Mr. Russo reports directly to the Capitol Police Board and leads the Office of Inspector General, where he supervises and conducts audits, inspections, investigations involving U.S. Capitol Police programs, functions, systems, and operations.

We appreciate Mr. Russo being here with us today, and I look forward to your testimony.

As a reminder, we have read your written statement, and it will appear in the full hearing record. Under Committee rule 9, you are to limit your oral presentation to a brief summary of your written statement, unless I extend this time period in consultation with Ranking Member Torres.

Please remember to press the button on the microphone in front of you so that it is on and the Members can hear you.

When you begin to speak, the light in front of you will turn green. After 4 minutes, the light will turn yellow. When the red light comes on, your 5 minutes have expired. You do not have to stop at that moment, but we would ask that you do wrap up your statements at that time.

And, Mr. Russo, I now recognize you for 5 minutes for your opening statement.

STATEMENT OF RON RUSSO, INSPECTOR GENERAL, UNITED STATES CAPITOL POLICE

Mr. RUSSO. Thank you, Chairman. Good afternoon.

My name is Ron Russo, and I was appointed inspector general of the United States Capitol Police in January 2023.

I thank you for this opportunity to appear before you today to discuss the status of recommendations made by the Office of Inspector General concerning the events of January 6th, 2021.

In accordance with our statutory authority, the Office of Inspector General began a review of the operations and programs in place prior to and during the events of January 6th. Our objectives were to determine if the department established adequate measures for ensuring the safety and security of Members of Congress, their staff, and the Capitol complex.

Over a 10-month period ending October 2021, our reviews resulted in seven specific flash reports containing 103 recommendations. The areas reviewed included Operational Planning and Intelligence, resulting in eight recommendations; the Civil Disturbance Unit and Intelligence, 26 recommendations; Countersurveillance and Threat Assessment, 10 recommendations; the Containment Emergency Response Team and First Responders Unit, 21 recommendations; Command and Coordination Bureau, resulting in 12 recommendations; Hazardous Incident Response Division and K-9 Unit, 15 recommendations; and, finally, the Dignitary Protection Division and Human Capital, resulting in 11 recommendations.

Overall, of the 103 recommendations, the department has remediated 86 percent, closing 89 of the 103, and is actively working toward closing the remaining 14 recommendations. The remaining open recommendations include nine related to updating or creating policy and procedure, two concerning reorganizing units, two regarding compliance with existing policies, and one related to training.

In addition to our oversight efforts concerning the events of January 6th, our office has also conducted several other department reviews aimed at enhancing operations in areas, such as policy and procedure, the USCP field offices, the career progression and rotation, the MP7 rifle program, Training Services Bureau, and the processes of the Intelligence and Interagency Coordination Division.

Since my appointment, I have also worked closely with the Capitol Police Board and the department to increase transparency by providing public access to inspector general reports for the first time ever. We recently published two reports with several under review, pending release.

Finally, I would like to commend the dedicated officers of the USCP for their tireless efforts to protect the U.S. Capitol Building, Members of Congress, and visitors. I would also like to recognize the Capitol Police Board and the congressional committees for their oversight and leadership.

Thank you again for the opportunity to appear before you today, and I would be happy to answer any questions.

[The prepared statement of Mr. Russo follows:]

PREPARED STATEMENT OF RON RUSSO**STATEMENT OF INSPECTOR GENERAL RONALD P. RUSSO
UNITED STATES CAPITOL POLICE
OFFICE OF INSPECTOR GENERAL**

**Committee on House Administration
United States House of Representatives
July 19, 2023**

Good afternoon. My name is Ronald P. Russo, and I was appointed as the Inspector General for the United States Capitol Police in January 2023. Thank you for this opportunity to appear before you, the Committee on House Administration, to discuss the status of recommendations made by the Office of Inspector General concerning the events of January 6, 2021.

In accordance with our statutory authority (Public Law 109-55), the Office of Inspector General began a review of the operations and programs in place prior to, and during, the events of January 6, 2021. Our objectives were to determine if the Department established adequate measures for ensuring the safety and security of Members of Congress, their staff, and the Capitol Complex, and if there were adequate internal controls and processes that complied with Department policies and procedures, laws, and regulations. Our scope included reviewing the controls, processes, and operations surrounding the security measures in place prior to the planned demonstrations and the response to the events on January 6, 2021. Our recommendations were

developed by conducting interviews, reviewing documents, and identifying best practices by other federal agencies performing similar functions.

Over a 10-month period ending October 2021, our reviews resulted in 7 specific flash reports containing 103 recommendations. The areas reviewed included (1) Operational Planning and Intelligence, resulting in 8 recommendations; (2) Civil Disturbance Unit and Intelligence, resulting in 26 recommendations; (3) Counter-Surveillance and Threat Assessment, resulting in 10 recommendations; (4) Containment Emergency Response Team and First Responders Unit, resulting in 21 recommendations; (5) Command and Coordination Bureau, resulting in 12 recommendations; (6) Hazardous Incident Response Division and Canine (K-9) Unit, resulting in 15 recommendations; and finally, (7) Dignitary Protection Division and Human Capital, resulting in 11 recommendations.

Overall, of the 103 recommendations, the Department has remediated 86 percent, closing 89 of the 103 and is actively working toward closing the remaining 14 recommendations. The remaining open recommendations include (9) nine related to updating or creating policies and procedures, (2) two concerning reorganizing operational units, (2) two regarding compliance with existing policies, and (1) one related to training.

In addition to our oversight efforts concerning the events of January 6, 2021, our office has conducted several other Department reviews aimed at enhancing operations in areas such as policies and procedures, USCP field offices, career progression and rotation, the MP7 rifle program, Training Services Bureau, and the processes of the Intelligence and Interagency Coordination Division.

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Finally, I commend the dedicated officers of USCP for their tireless efforts to protect the U.S. Capitol Building, Members of Congress, and visitors. I'd also like to recognize the Capitol Police Board and Congressional Committees for their oversight and leadership.

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

Chairman LOUDERMILK. Thank you, Mr. Russo.

I now recognize Mr. Murphy for 5 minutes for the purpose of asking questions.

Dr. MURPHY. Thank you, Mr. Chairman.

Thank you, Mr. Russo, for coming today. Appreciate your—your service to our Nation.

I am just going to run through a few questions, if I can.

It is my understanding—I am not a—I am not a bureaucrat; I have just been in Congress for a few years—inspector generals are tasked with conducting oversight, providing reports to Congress.

The report—your report—your work rather—I am sorry—should include audits, evaluations and investigations. The aim is to ensure transparency and to boost accountability, accountability to Congress and accountability to the American people. These reports give us the requisite information to better inform Congress and the American people and make changes to rules and laws.

To do this, however, the inspector general must be truly independent, independent of the department, independent of the agency that it is overseeing so that a fair, balanced analysis can be provided.

Would you—I would like to ask a series of questions regarding your independence, your relationship with the Capitol Police, as well as its board.

First of all, can you tell me what role do you play in the hiring decisions for personnel broadly at the U.S. Capitol Police?

Mr. RUSSO. As far as hiring decisions within the U.S. Capitol Police, nothing.

Dr. MURPHY. Correct.

Mr. RUSSO. Nothing.

Dr. MURPHY. Correct.

Mr. RUSSO. I am not involved with that.

Dr. MURPHY. Not involved at all.

Mr. RUSSO. No, sir.

Dr. MURPHY. All right. Thank you.

Recently the Capitol Police hired a new Chief Administrative Officer.

What role did you play, if any, in that hiring?

Mr. RUSSO. In that instance, I was asked to participate in the initial review team that looked over the first level of applicants for the sole purpose of determining if their background and accomplishments demonstrated the same as the position description for that position.

Dr. MURPHY. All right. Just screening, essentially.

Mr. RUSSO. That is all it was, the top screen.

Dr. MURPHY. All right. At the Capitol, the CAO oversees a number of offices related to financial management, human resource, IT, as well as other functions.

Can you describe what relationship you have with the CAO?

Mr. RUSSO. Only from the standpoint of that position being over the administrative functions of the agency, and we would interface as it relates to our audit work that might affect those areas, as you mentioned, finance, HR, the various administrative support functions for the police department.

Dr. MURPHY. OK. During the hiring of the new CAO, who asked to you review the résumés when you did that?

Mr. RUSSO. The chief of staff for the department.

Dr. MURPHY. OK. In what other ways did you participate in the hiring process of the new CAO?

Mr. RUSSO. That was the extent of it. After the first——

Dr. MURPHY. Did you speak with the candidate or anything like that, or did you review——

Mr. RUSSO. No, sir.

Dr. MURPHY. Just review the——

Mr. RUSSO. Just the original and there was——well, I did not sit on a board. I did not——

Dr. MURPHY. You just made a recommendation that the process could move forward. Is that correct or not?

Mr. RUSSO. We—we ended up with I think it was five candidates that met the position description and passed that on. Beyond that, I was not involved.

Dr. MURPHY. OK.

Mr. RUSSO. Yes, sir.

Dr. MURPHY. Last, just about the hiring of the new CAO, do you believe it is appropriate for the IG to participate in the process that you are stating, given the nature of your role and the oversight that you should be provided?

Mr. RUSSO. I was careful to only be involved at the very top level. I certainly did not rank or promote any one individual for that position. So——

Dr. MURPHY. How did you——how did it move forward from when you reviewed things? How did you——

Mr. RUSSO. There was——

Dr. MURPHY [continuing]. check and sign off on the——

Mr. RUSSO. Yes, sir. There was three Members doing the first review. We took a group of names, identified who matched the position description, and those, far as I know from there, the names were pushed up to the chief or to another hiring board. I am not sure the details on what went on.

Dr. MURPHY. That was your extent of it.

Mr. RUSSO. That was my extent of it, yes, sir.

Dr. MURPHY. OK. All right. Just changing gears a little bit, how often do you meet with the U.S. Capitol Police Board?

Mr. RUSSO. Monthly or as needed, if things come up, but I would say, on average, monthly and there may have been one other two off meetings based on issues that come up.

Dr. MURPHY. Are these oversight meetings? What are they? What kind of meetings are they?

Mr. RUSSO. The monthly meeting is a standard meeting that the board has every quarter. I provide a presentation.

Dr. MURPHY. Is that—is the police chief there?

Mr. RUSSO. Generally, he is, yes.

Dr. MURPHY. OK. All right.

Just a couple other questions. Do you have a legal counsel on your staff?

Mr. RUSSO. I do.

Dr. MURPHY. You do.

Mr. RUSSO. Yes, sir.

Dr. MURPHY. All right. Do you meet with him how often?

Mr. RUSSO. As needed.

Dr. MURPHY. On an ad hoc basis. OK.

Last question of mine. How often do you speak with the Capitol Police counsel's office?

Mr. RUSSO. Not often.

Dr. MURPHY. Anybody—just—can you describe that just a little bit or—

Mr. RUSSO. If there is an H.R. issue, I have talked to them. You know, if there is an emerging issue within the department, there may be some communication for familiarity purposes. That—that is about it.

Dr. MURPHY. Only on an incident-specific basis.

Mr. RUSSO. I would say.

Dr. MURPHY. Is that correct?

Mr. RUSSO. Yes, sir.

Dr. MURPHY. OK. Thank you for appearing.

Mr. Chairman, I yield back.

Chairman LOUDERMILK. The gentleman yields back.

The chair now recognizes the gentlelady from California, Mrs. Torres, for 5 minutes.

Mrs. TORRES. Thank you, Chairman.

Inspector General Russo, in May of this year, Capitol Police Chief Manger testified that, and you testified here today, that, of the 103 recommendations related to January 6th, 89 have been closed. Correct?

Mr. RUSSO. That is correct.

Mrs. TORRES. Since the chief testified—it has been 2 months—before this Committee, why have not any other recommendations been closed? Do you have an expectation as to how long it will take to close out the remaining 14 recommendations that you made?

Mr. RUSSO. I really do not. The department works fairly independent in working through those recommendations. I am familiar that they have a recommendation review committee, that they have an internal process to evaluate the recommendations and put in place measures to correct.

Mrs. TORRES. Is there a timeframe that you have given them to close out the remaining 14?

Mr. RUSSO. No, ma'am.

Mrs. TORRES. Of the—of the open recommendations that they still have, the department must seek approval from the Capitol Police Board and its congressional oversight committees to elevate and recognize its intelligence resources into a bureau-level entity.

Over—you and I talked about my visits with both the Los Angeles Police Department and the New York Police Department to get feedback from them as their—as to their assessments during civil unrest or major demonstrations.

I heard from them, from both of those departments, and others that I talked to, that communication from the top down is critical.

My concern here lies with those who are making decisions at the very top, you know, how is—how is information trickling down to rank-and-file officers and how intelligence is being shared among entities. I am also concerned how Capitol Police officers are trained

to effectively use their equipment and able to adequately gather and share intelligence within a centralized interconnected network.

I understand that the department has submitted a proposed reorganization plan to the Capitol Police Board and the Committee. How, if at all, does that proposed organization plan address your recommendations?

Mr. RUSSO. Several of our recommendations dealt with the training issue you are talking about, how do we collect, how do we—how do we discern the intelligence, make it workable, get it to all members of the agency.

The other portion is centralizing. Whenever you centralize that functionality, it helps to prevent miscommunication, ensure that intelligence does not fall through the cracks.

One of our recommendations, of course, was to elevate the Intelligence Unit to a bureau level, as you had mentioned.

Since our flash reports came out, much additional training has gone on. Strengthening of the communication, as you said, from the top down, from where—from our vantage point has been put in place. I think they are in a much better place now to both collect, share with our—with our stakeholders out—even outside the agency to deal with those intelligence issues.

Mrs. TORRES. If we do not have proper communication now as a division and, you know, your proposal is to elevate it to a bureau, and that does not seem to be happening, and I hear the K-9 Unit is not receiving their 16 monthly hours of training, we need to expedite the recommendation to make sure that, if the division is not working and we are going to move it into the bureau that the bureaucrats, as my colleague stated, move in that direction.

Do you have any idea, you know, any feedback on when that will happen?

Mr. RUSSO. I do not know when it will happen. I know they are working on it. I think the—the—the main issue with elevating that to the bureau is to centralize that chain of command and that communication, instead of having a disparate intel capacity in each unit, centralizing that.

And, as far as the K-9, yes, 16 hours of training, we suggested that they change the training, the 10-hour shifts to 10 or whatever way they could do it to ensure that training occurs.

Mrs. TORRES. My time has expired, but I will follow up with your office on this very important issue.

Mr. RUSSO. Thank you, ma'am.

Mrs. TORRES. I yield back.

Chairman LOUDERMILK. The gentlelady yields.

It is the chair's intention with consultation, agreement with the minority that we may go a second round of questions to be able to follow up. I have—I have spoken to Mr. Russo about that, as well.

At this point, I recognize Mr. Griffith for 5 minutes for the purpose of questioning the witness.

Mr. GRIFFITH. Mr. Russo, let me apologize first that I was not here earlier and that I will not be here later. I have got another markup going on in another Committee across in another building.

Can the U.S. Capitol Police Office of Professional Responsibility, OPR, investigate assistant chiefs of police, yes or no?

Mr. RUSSO. We generally handle anybody. No, I mean, they—they could if for some reason we referred it to them. Generally, we have an essentially an MOU where we would handle management positions.

Mr. GRIFFITH. All right. In practice, how does your office handle issues that would otherwise be handled by the Office of Professional Responsibility?

Mr. RUSSO. We—so, when I got there, I put in place a referral system. We have that 360 tracking. We work in—they are a dotted line to my office.

Mr. GRIFFITH. Prior to that, do you know what the policy was?

Mr. RUSSO. I am not positive.

Mr. GRIFFITH. OK. That is fair. We may—I may follow up with some written questions afterwards.

Mr. RUSSO. Sure.

Mr. GRIFFITH. Are you familiar with the separation agreement that former Assistant Chief Pittman entered into with the United States Capitol Police when she went on leave without pay for 6—5, 6 months in order to be able or to be eligible to receive her department retirement?

Mr. RUSSO. I have some understanding of it, yes, sir.

Mr. GRIFFITH. All right. Are you aware that the United States Capitol Police Board has a requirement to have a formal or standard leave policy in effect?

Mr. RUSSO. Yes, sir.

Mr. GRIFFITH. Leave policies for the department stipulate that an officer to be eligible to receive leave without pay must indeed have an expectation of returning to full-time duty. However, former Assistant Chief Pittman had accepted a job located across the country at the time she was placed on leave without pay.

Have you opened an investigation, or have you looked into this matter?

Mr. RUSSO. We did a cursory review of the matter.

Mr. GRIFFITH. Did you come up with a conclusion, or do you need to do more investigation?

Mr. RUSSO. We certainly can.

If I could, we received information that she was actually still getting a paycheck. The information that came to us was still on payroll, getting a paycheck. We looked into that. That was not the case.

In the course of our cursory review, we did determine that—that she was on leave without pay from February 1st until June I feel like it was 17th, that she had also entered into a separation agreement with the department.

We looked at the relevant policies and compared them actually with OPM, which does not have the likelihood of returning portion, but ours does. It also stipulates that the chief has the authority to alter—alter those.

I conversed with my legal counsel in the office, and it was—came to the conclusion at this point in our cursory review that they entered into a legal agreement, that the—it became a legal matter at that point. Because the chief had the—had the authority, based on the policy changes, that is where we ended up.

If it is a desire for us to look deeper, we can do that.

Mr. GRIFFITH. All right. I would express that desire on the record right now.

Now that being said, so here becomes the question. If the chief has changed the policy, does that mean any rank-and-file officer, whether they be an assistant or, you know, relatively low-ranking person, could get 5 to 6 months of time off after taking another job without any real expectation of coming back?

Let me be clear: I am not talking about a situation where somebody has a disability and maybe, you know, people are hopeful they will be able to come back but they may not be able to come back and they are within 6 months of being able to retire. That is a different animal. I understand that one.

Taking a job all the way across a country, I am having a hard time understanding how this is not some form of abuse of the system and maybe even a fraud—not by the chief of police but by others—on the U.S. Government and its system.

My time is out. Can—can you look into that for me, please?

Mr. RUSSO. Yes, sir.

Mr. GRIFFITH. I am very concerned about it.

Mr. RUSSO. Yes, sir.

Mr. GRIFFITH. All right. Thank you.

Chairman LOUDERMILK. The gentleman yields back.

Chair now recognizes Mr. D'Esposito for 5 minutes.

Mr. D'ESPOSITO. Well, thank you, Chairman.

And, Mr. Russo, thank you for being here today. I also want to thank you for your service to keeping people safe and law enforcement.

I, too, spent a career in the NYPD. Thank you for all that you have done.

Mr. RUSSO. Thank you.

Mr. D'ESPOSITO. Are you aware of the law that governs the IG's nondisclosure of the identity of an employee or member who has come forward with a complaint or information of potential Capitol Police misconduct?

Mr. RUSSO. I am familiar with it.

Mr. D'ESPOSITO. OK. I am just going to read it for the record.

U.S. code 2, U.S.C. 1901(3)(B): The inspector general shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless required by law or the inspector general determines such disclosure is otherwise unavoidable during the course of the investigation.

I think I know the answers to these questions, but I am going to ask them for the record.

Do you agree that this is important to protect rank-and-file officers and employees from receiving retribution from coming forward with potential misconduct?

Mr. RUSSO. It is of paramount importance.

Mr. D'ESPOSITO. OK. Do you interpret this section as only protecting specific individuals who specifically ask for whistleblower protections? Or does it apply to anyone, the rank and file, the men and women of the Capitol Police that come forward with a complaint or information regarding potential misconduct, and speaks to the OIG or someone from your office?

Mr. RUSSO. It applies to all.

Mr. D'ESPOSITO. OK. As inspector general, have you ever disclosed—and I know you have only been here since January 29th and—and we—we thank you for that. During your time as an inspector general here or in previous capacities, have you ever disclosed the name of an employee or member who had come forward with a complaint or any information?

Mr. RUSSO. Not that I can recall.

Mr. D'ESPOSITO. OK. Would you ever disclose this information without the individual's permission?

Mr. RUSSO. We would protect that information at all costs. It is super serious that people feel comfortable to come to us without fear of retaliation. It is a priority to make sure we handle that with great care.

Mr. D'ESPOSITO. Thank you.

Do you know of any prior IGs disclosing the names of Capitol Police employees who spoke to the OIG and made complaints about USCP leadership?

Mr. RUSSO. I do not.

Mr. D'ESPOSITO. OK. We have heard from multiple individuals in different hearings that have spoken to this Committee, alleging that the previous OIG received whistleblower information about intelligence failures on January 6th under former Acting Chief Pittman.

Subsequently, the individuals were placed on a performance improvement plan and eventually forced out of the department.

Do you, as the IG and in your previous capacities, do you consider this retaliation?

Mr. RUSSO. I am not familiar with the situation or the details. It is hard for me to make a judgment.

I would—I would submit to the Committee that it is one of the most important things we do to be able to protect these—these complainants and that any disclosure of that information is inappropriate. You want to protect them from retaliation.

Again, I cannot speak to the specifics of that issue. I can assure this Committee that is a top priority for us.

Mr. D'ESPOSITO. Well, thank you. I think—I know I agree.

Those allegations that I referenced—and I am not sure if this has happened since January 29th. Have any of these allegations of retaliation been investigated by the OIG?

Mr. RUSSO. I believe we have had some investigations related to that. It might have been prior to January, but I can certainly look into that.

Mr. D'ESPOSITO. Yes, so I guess the question I really have is: Are you committed to conducting full investigation and providing a report to this Committee of your findings?

Mr. RUSSO. Absolutely.

Mr. D'ESPOSITO. Thank you.

I just have a minute left.

Are there any practices in place in your office that would ensure that this statutory prohibition on disclosing a whistleblower's information is enforced?

Mr. RUSSO. The—the general principles of the Whistleblower Act would be the governing principle for us to ensure we keep that confidential, that information.

Mr. D'ESPOSITO. What, if any, do you think the disciplinary action should be against an IG who fails to comply with this section of the statute?

Mr. RUSSO. In Florida, I think we put in a civil penalty. It is—it is a very serious issue. I am not sure what the penalty is here. Certainly a violation of our administrative policies that would have to be dealt with in that arena.

Mr. D'ESPOSITO. I know I am just a second over time, but I think this is an important question.

In your opinion, should the United States Capitol Police adopt specific policy to protect whistleblowers?

Mr. RUSSO. Yes, if they—if they do not have a particular policy right now that speaks to that specifically, they—there should be.

Mr. D'ESPOSITO. Thank you.

Mr. RUSSO. Yes, sir.

Mr. D'ESPOSITO. My time has expired.

Chairman, I yield back.

Chairman LOUDERMILK. The gentleman yields back.

I now recognize myself for purpose of questioning our witness.

Mr. Russo, thank you for your forthrightness in the questions so far, especially with Mr. D'Esposito.

I just want to quickly follow up on his line of questioning because our goal in this Committee is to work together to make sure, as the Ranking Member alluded to, that the horrors of January 6th do not happen again. That is the ultimate goal of what we are trying to get to, and I think you would agree with that.

To do that, though, we need to be able to get questions answered. We need to work with you and, with it, the Capitol Police to make sure that we do get the information that we need to work with.

I asked these questions of the chief of police, and he agreed to this. The first question for the record is: Will you commit to make all members of your staff available for questioning by the Committee?

Mr. RUSSO. Absolutely.

Chairman LOUDERMILK. Thank you.

The second question: Will you commit this—to this Committee that you or anyone on your staff will not take retaliatory action against any officer or employee of the United States Capitol Police and any employee of the Office of Inspector General?

Mr. RUSSO. Absolutely.

Chairman LOUDERMILK. Well, thank you for that.

That is what we expected and look forward to working with you and your staff as we proceed down this path.

Your predecessor, Michael Bolton, conducted a sweeping review of the Capitol Police following January 6th that many observers view as a, let us say, a roadmap for improving Capitol Police.

Have you reexamined Mr. Bolton's recommendations since you have been in this post?

Mr. RUSSO. I have.

Chairman LOUDERMILK. What was your assessment?

Mr. RUSSO. I think they touched on all the important areas. You know, when you talk about the lack of command and control, the communication issues, the stifled intelligence gathering and coordination with outside agencies, and then you add in the—the equipment failures and lack of training, you know, all were contributing factors to the issues of January 6th.

I think the recommendations, 103 of them that focused specifically in those areas, really moved the ball downfield. I think they are—I think they are wholeheartedly trying to implement these changes and trying to raise the bar.

Chairman LOUDERMILK. When you first started as The Capitol Police Inspector General, how many outstanding recommendations from post-January 6th or, yes, the post-January 6th flash report series remained outstanding?

Mr. RUSSO. You know, I am not sure of the exact number. I think that there was—we have closed somewhere maybe just south of 20 since I have gotten here.

Chairman LOUDERMILK. How many were open when you came in?

Mr. RUSSO. Maybe 30-something.

Chairman LOUDERMILK. OK.

Mr. RUSSO. I can get back to you with a more exact—

Chairman LOUDERMILK. My recollection is maybe 37. I think you said out of 103 but if you could—if you could check on that—

Mr. RUSSO. Yes, sir.

Chairman LOUDERMILK [continuing]. we would appreciate it.

Mr. RUSSO. Yes, sir.

Chairman LOUDERMILK. Did you say 14 are outstanding as of today?

Mr. RUSSO. Yes, sir.

Chairman LOUDERMILK. OK. After going through a long period of time without much movement on these recommendations, it appears that recommendations were closed out more quickly after you arrived. Is this because you are really putting an effort into it or—or do you have an explanation for the sudden rush to close out recommendations?

Mr. RUSSO. I do not. I think that we looked over some of these findings. We worked with the department. They would have questions about how closely they were to the finish line on some of them. And, frankly, there were some of them that we could apply compensating controls. They were moving in the right direction. They met the spirit of the recommendation.

You know, we are certainly going to follow up and evaluate the thoroughness of their work. I think—I think we are able to get a few closed through that.

Chairman LOUDERMILK. Briefly explain. Capitol Police, they say that they have met a recommendation. How do you evaluate whether it has actually been completed or not?

Mr. RUSSO. They do furnish us information. Let us say it is a policy enhancement. They actually have to provide us that policy. In some cases, they show evidence that it was disseminated to the rank-and-file, whatever we need to feel comfortable that the remedy is in place.

Chairman LOUDERMILK. OK. Something you said just a moment ago just raises a red flag. You used the term "in the spirit of."

Would you—that—that rings to me as maybe it is not totally done, or maybe it was done not exactly as the recommendation said, but it was in the spirit of it.

Would you ever close a recommendation because the Capitol Police indicated they were taking steps in the spirit of the recommendation, even though they have not totally completed it or completed it as was recommended?

Mr. RUSSO. It is possible they did not fulfill the letter of the recommendation, and yet we felt comfortable enough that the risk no longer existed and it could be closed.

Chairman LOUDERMILK. I guess my question then would lead into: If there was recommendations that were there that you evaluated from Mr. Bolton that you thought were the right things to do, but yet you closed them out in the spirit of, it may not be exactly the way it is, is that what I am understanding is—

Mr. RUSSO. Well—

Chairman LOUDERMILK [continuing]. It may not have been done exactly the way that it was recommended?

Mr. RUSSO. Well, and I will give you an example.

My predecessor closed one out after he said—after it was said every member of the agency needs a top secret clearance. After discussions with the department, they acquiesced and determined that, as long as the department finds certain high—key positions that would require that and make it voluntary, they closed it out. This can happen from time to time. If the department can demonstrate to you that they are meeting that spirit, ultimately getting that security background and clearance with certain positions, sometimes you can modify your approach and get that closed.

Chairman LOUDERMILK. This will be my last question this round. I will save the others because I think this is important here.

You close out a recommendation, even though it is not precisely what the recommendation is. I understand what you are saying.

Mr. RUSSO. Yes.

Chairman LOUDERMILK. Is that a fair way of saying, "Yes, we have actually met this recommendation," or do you annotate that "we have modified the recommendation and it is not exactly the way it was"? The illustration you gave, I can agree with that.

Are there others that have been done in the spirit of that may not have actually been per the letter of the recommendation, some closed out in the spirit of the recommendation?

Mr. RUSSO. Yes, it is hard to come up with a—you know, I can—I am thinking of one that is more clerical, you know, where they had a batch of policies that were basically ready to go but they had the wrong acronym for the division. The division name had since changed.

They ended up sending out a directive to the affected parties, up—making sure everybody knew that one administrative issue, they need to follow up and cleanup those policies. In the short-term, they are able to get the—the bigger part of that guidance out to the affected people.

You know, I—I think there is a few ways to answer that question, Chairman.

Chairman LOUDERMILK. Well, my—

Mr. RUSSO. You know, for the most part, that is why I say “spirit of.” We want to try to get the corrections in place.

Chairman LOUDERMILK. OK. Thank you.

I appreciate the Ranking Member.

I was going to cut myself off because I had gone over time. As the rules say, in consultation, we give you a little more time.

I am going to continue on with that line of questioning when we come back to—to round two. I have a little bit more at this point.

I recognize the Chairman of the full Committee, Mr. Steil, for 5 minutes.

Chairman STEIL. Thank you very much, Chair Loudermilk. Appreciate your holding today’s hearing on the oversight of the U.S. Capitol Police Office of Inspector General.

As Chairman, one of my priorities has been to depoliticize the Capitol security. I think we have got to increase transparency and accountability within the Capitol Police, and it requires an independent inspector general.

I have been concerned that the OIG lacks that independence necessary to properly do its job, and I know it is in part due to OIG’s unique reporting structure.

The U.S. Capitol Police Board selects and oversees the OIG. And, as we continue to review potential reforms to the board, OIG independence must be part of that conversation.

During today’s hearing, we must also address how OIG is handling whistleblowers who come forward. There has been recent allegations made by whistleblowers against the current IG’s leadership that are highly concerning.

I want to assure all of those who are tuning in to today’s hearing that this Committee takes all whistleblower allegations seriously, and we are committing—we are committed to protecting you.

Now, Mr. Russo, can I ask. I am going to dive into a series of questions here.

How many U.S. Capitol Police Office of Inspector General reports have been made public?

Mr. RUSSO. Two, sir.

Chairman STEIL. Out of how many?

Mr. RUSSO. I think that we have—you mean the universe of all reports? We have—we have—we have completed since inception of the office about 650 reports.

Chairman STEIL. Two were made public?

Mr. RUSSO. Yes, sir.

Chairman STEIL. Are you obligated to make those reports public?

Mr. RUSSO. No, sir.

Chairman STEIL. No.

Mr. RUSSO. Previous to the newest direction to come up with a process to publicize them, there—there was actually a directive from the board, I feel like it was 2017, that instructed reports not to be published.

Chairman STEIL. In 2017, there is an instruction to not make them public. Now there is an instruction to make them public. Out of that, only two of a large number have been made public.

What—what is the process for making a U.S. Capitol Police OIG Report public?

Mr. RUSSO. When I got here, we finalized that process which—which includes our office, the IG office, looking over the reports to ensure security-sensitive information is not disseminated. We then send it to the department for them to go through and ensure there was nothing against sensitive information. Then, ultimately, it goes to the board counsel, board staff to do their evaluation. After that is complete, it comes back to my office, and it gets posted on the OIG website.

Chairman STEIL. After a report's completed, is it submitted to the Capitol Police Board? Is that the final destination of the report? Who do you submit the report to upon a—upon a report being completed?

Mr. RUSSO. Exactly. It goes to the police chief and his team for response. They have an opportunity in so many days to respond back to the recommendations in terms of discussion of corrective action plans. Then, ultimately and shortly after that, we send it off to the board, and then we send it off to the committees.

Chairman STEIL. Do you personally support making OIG reports public?

Mr. RUSSO. Yes, sir.

Chairman STEIL. You do not have a problem with—with the transparency that I think is important in contrast to what the 2017 rule was.

Mr. RUSSO. No, sir. I am—you know, in Florida, everything's opening. This is a completely different process up here.

Chairman STEIL. Do you currently feel that you have the full authority to make reports public, or does someone else control that decision?

Mr. RUSSO. The board makes the decision on a case-by-case basis.

Chairman STEIL. The board makes the decision as to whether or not an OIG report becomes public, not you.

Mr. RUSSO. Correct.

Chairman STEIL. The fact that they are required to be made public by Congress, that is a—that is a decision-making process, you are saying, by the Capitol Police Board, not a decision-making process by you?

Mr. RUSSO. Correct.

Chairman STEIL. Have you spoken to the Capitol Police Board about making OIG reports public?

Mr. RUSSO. Not outside of our process to make them public. My sense is that now we have fulfilled the guidance of—of the last Congress to get the—get these reports publicized. We developed the process. Again, as you pointed out, we have put two online. I think there is six or seven in review now. I would anticipate those becoming public more rapidly.

Chairman STEIL. Who do you have those conversations with to increase the speed at which those are becoming public?

Mr. RUSSO. Just—just through my staff who talk to the next—the contacts in the department and then—and then they converse with the contacts at the board. I have seen some group email. I think now that we have all the—the folks around the table, so to speak, that need to be part of the review, it should be a little bit more rapid.

Chairman STEIL. OK. I will come back and follow up on this in the second round of questioning.

I appreciate you being here today.

Mr. Chairman, I will yield back.

Chairman LOUDERMILK. The gentleman yields.

I now recognize Ranking Member Torres for 5 minutes.

Mrs. TORRES. Thank you.

Mr. Russo, one of the two reports that your office has publicly released is a 2022 review of the department's dispatch and call-taking process.

One of the recommendations from that report is that the department should convert dispatcher roles from sworn officers to civilian.

Changing those roles will, you know, relieve some officers to handle the field operations, you know, where they are short of personnel. It will also ensure that we have specifically 911-trained dispatchers to handle those 911 calls that come into the center and the traffic from the officers' request.

Can you tell us where that recommendation is?

Mr. RUSSO. I believe it is closed. We had discussions with the department about the challenges to hire civilian staff in the D.C. area, frankly. They, I think, have 28 dispatchers. I think 20 of them are—are sworn. We would definitely like to see that move more toward the civilian end of things but that—

Mrs. TORRES. We have received conflicting information about this specific issue.

Can you respond back to the Committee as to, are there sworn officers there? Has this department been converted to a civilian department? If not, why not?

Can you just get back to us on that?

Mr. RUSSO. Absolutely.

Mrs. TORRES. Because, again, you know, we want information that is accurate. I would also, Mr. Chairman, you know, with you want to request that you send us a list of those recommendations that were closed based on the spirit of the recommendation or spirit of the law.

Mr. RUSSO. Sure.

Mrs. TORRES. You know, we want to make sure that what you have recommended is taken seriously.

On another issue, I want to ask you about Member security. As you know, our security issues have more than quadrupled over the last few years. Capitol Police cannot be present in every single congressional district and certainly not while we are, you know, working during district work periods.

Has your office examined the department partnerships with our State and local law enforcement? Are there MOUs that have been signed? Is there a process that has been created to make—to write up those MOUs?

Mr. RUSSO. Yes, ma'am. We have not looked specifically at the process on the MOUs. In other words, how does the chief determine the best sheriff's office or city police department to coordinate with or both in some cases?

We are aware of the MOUs. We actually are releasing or have released a report that talks about field office reviews that we just

did in San Francisco and Tampa. That—and, you know, in that review we talked about the, you know, the networking they are doing with local law enforcement, intelligence community, and things of that nature.

Many of these also come from our flash reports. These recommendations are reoccurring themes, whether it is enhancing your outreach, your connections, contacts, and the dissemination of—of the intelligence.

You know, we are doing more work in that area to—to be able to evaluate the effectiveness. You are right on. As far as having to network with the local law enforcement in each of your districts is imperative.

Mrs. TORRES. It is—Tampa, it is easier to get to Tampa from the Inland Empire than it is to get to San Francisco, for example, in my district.

I want to see a process, a real process on how we reach out to, you know, local jurisdictions. For example, my home city is about 25-percent underdeployment every single day. They do not have the officers that are readily available to respond to any incidents, you know, at my home.

My district office is just the opposite. You know, it is located in an area where they are fully deployed, very, very quick responses to my staff when they have had to put the office on lockdown.

It is very important for me that, when we are coordinating with local law enforcement or State jurisdictions, that we look at their deployment needs and we look at it from, you know, a perspective: Do they have the manpower to respond? If not, what do we need in order for them to help us?

With that, Chairman, I yield back.

Chairman LOUDERMILK. The gentlelady yields.

I now recognize the Chairman of the full Committee, Mr. Steil, for purpose of questioning the witness.

Chairman STEIL. Thank you very much.

I am going to come back to—to where I was just to make sure I fully understand where we are at in your comments.

Are you aware of the language included in the Fiscal Year 2022 Appropriations Committee report that instructs the IG to make reports publicly available, whenever practical, and begin publishing reports on your website?

Mr. RUSSO. Yes, sir, I have a general understanding of the direction.

Chairman STEIL. Do you believe that that gives you the authority, or do you believe that that language still requires you to obtain the consent of the Capitol Police Board? Just making sure I understand that what your view of the chain of command, in other words, what I think is congressional intent, and figuring out where there might be a break in this so we can improve process.

Mr. RUSSO. Yes, sir. The way the process is set up includes those other bodies that I had mentioned.

Certainly want to engage the department to help review the material to make sure we are not missing something—

Chairman STEIL. Understood.

Mr. RUSSO [continuing]. or putting something out. From that standpoint, I feel comfortable with the collaborative effort that we

put together as long as we are all moving forward and getting these reports out.

Chairman STEIL. You feel—I mean, historically that has not been the case. Right? Only two have been made public——

Mr. RUSSO. Correct.

Chairman STEIL [continuing]. out of a very large volume of total reports——

Mr. RUSSO. Sure.

Chairman STEIL [continuing]. that have been done. Is that a fair——

Mr. RUSSO. That is——

Chairman STEIL [continuing]. assessment of the situation?

Mr. RUSSO. Yes, sir.

Chairman STEIL. You think that that is changing, but we just have not seen it make it all the way through the pipeline. Is that kind of how you—is that a fair characterization of how you are presenting this?

Mr. RUSSO. Yes, sir. I think the approach was, after the 2022 guidance or directive from Congress, the process was finalized. It had started before I got here, but we——

Chairman STEIL. Understood.

Mr. RUSSO [continuing]. finalized it when I got here. Got those two out. I think there is six, seven or so that are in the review period. My hope is that we are going to start seeing a steady stream of our reports coming out.

Chairman STEIL. We will definitely be looking forward to that. I think that is—that is an important piece of the puzzle here.

The Capitol Police Board, although you have described the pipeline a bit, the Capitol Police Board does not have the ability to then prevent you from complying with those specific instructions from Congress. Is that—is that true or do you disagree with that? I mean, there is a process. Right? They are invested in this. Ultimately, that authority resides with you. No?

Mr. RUSSO. They put out a—they put out a directive years ago that we do not release anything.

Chairman STEIL. Correct.

Mr. RUSSO. The current process, as I understand it, is the board, when they get to the final review, the third person, the third party in the review process, they then give—they give authority for us to then release it on a case-by-case basis.

Chairman STEIL. OK.

Mr. RUSSO. Not—not a carte blanche, everything's moving forward. It is on a case by case due to the sensitivity of the information contained.

Chairman STEIL. I understand the sensitivity but, I mean, you are also privy to the sensitivity——

Mr. RUSSO. Yes.

Chairman STEIL [continuing]. and could consult with the board. Ultimately, in your view, the board has the final says.

Mr. RUSSO. Yes, sir.

Chairman STEIL. OK. I have thoughts and comments on that, but I understand your position and appreciate you being here.

Mr. Chair, I yield back.

Chairman LOUDERMILK. The chair yields back and—there we go.

The Chairman of the full Committee yields back, and this will be the final questions of the day.

Kind of want to go back to where we were talking about the different recommendations and how they were closed. Before we do that, let me ask a couple other questions.

Is CERT, being the Containment Emergency Response Team, do you know what bureau they are currently under? Are they under OSB or PSB, the—

Mr. RUSSO. They are in the Special Operations. We requested or we suggested in a recommendation that they get moved to the Protective Operations Unit.

Chairman LOUDERMILK. OK. They are—they are still under Operation Services Bureau.

Mr. RUSSO. Yes, sir.

Chairman LOUDERMILK. I assume you are aware that recommendation from the June 2021 flash report was that the U.S. Capitol Police IG, your predecessor, recommended that they be moved from Operation Services Bureau to the Protective Services Bureau. Per the QFRs from Chief Manger's hearing, you have marked this recommendation as "complete" as of April 18th, 2023.

We have a copy. I have seen the department's proposed re-organizational chart, and it still has that CERT remains under OSB. Now this is—it is currently in OSB. It is proposed to remain in OSB, but yet that recommendation has been closed as if it was—if it was completed.

The concern that we have is that: Are the goalposts being moved to make it easier for the department to appear to be completing recommendations than actually ensuring that it is being held at a higher standard? Is—are we just seeing maybe easing up the recommendations just to be able to close them out? I mean—

Mr. RUSSO. No, I do not think so. You know, I think in the case of the, you know, the CERT team, one of the big fundamental issues was communication. When Protective Operations needed CERT present, they—or Dignitary Protection, they would show up, you know, 12 strong. The only way they were rolling—I do not want to get into numbers, but they would roll in, in a full team fashion.

Because they reported to the Special Operations Bureau, Protective Ops did not get—did not get a lot of their requests fulfilled. It became an ongoing issue.

I come from the standpoint that communication issues in an organization need to be dealt with through the chain of command, as opposed to just arbitrarily grabbing the whole unit and moving it—

Chairman LOUDERMILK. Right.

Mr. RUSSO [continuing]. to save yourself some communication issues.

Now, in my conversations with the department, they are moving toward more of a response fashion, counter-assault fashion for the Protective Ops. They are actually—I do not want to get into it here, but some of the things they are doing to support Protective Operations.

Chairman LOUDERMILK. Understand.

Mr. RUSSO. They still have that responsibility of the campus—of the campus.

Chairman LOUDERMILK. Right.

Mr. RUSSO. We want to make sure we do not take away their—their effectiveness on the campus, as well.

I think we hit a middle ground. I do not think we moved the goalpost. We got a good middle ground to build upon.

Chairman LOUDERMILK. The short answer being you did not fully agree with the recommendation from—from Mr. Bolton.

Mr. RUSSO. That is fair.

Chairman LOUDERMILK. It kind of takes me back to our previous question. If that recommendation is marked as complete but modified, how do we know that, when we, you know, we look at it as a Committee, and we are looking at, OK, they have completed this, and then we find out it was not completed.

It really only matters if they are implemented the way that it was recommended, if you are going to close that recommendation. Otherwise, the recommendation has to be modified. Undermining—otherwise, we are undermining this—the spirit of the recommendation really, if you want to use that term.

That is one of the things that I think we need to work on to improve communication between your office and the Committee and the public is, you know: What is really being done? We may have to go back and review all the recommendations, as Mrs. Torres requested. We would appreciate a list of those recommendations that were completed less than a hundred percent than the way that the recommendation was made, if that is—if that is a fair way of putting it. So—

Mr. RUSSO. That is exactly right and we have—we have that. We track that information.

Chairman LOUDERMILK. OK.

Mr. RUSSO. Be happy to provide it.

Chairman LOUDERMILK. Since the inception of the U.S. Capitol Police OIG in 2007, the OIG has made on an average 36 recommendations per fiscal year. Of course, in 2021, there was 104. That is kind of an exception there.

With only 2 months left in 2023, your tenure has yielded only two recommendations. Look, I am not one that we should just be making recommendations for making recommendations. I do not think that we do that just for the sake of, hey, we are—we are outputting product here.

It does bring to question why such a disparity when on average there were 36 recommendations per year and now we have only had two.

Mr. RUSSO. I want meaningful recommendations. We just did 103 just for J4. You know, it makes you wonder what are the other areas this office looked at all these years before. We have touched on everything, as we said, you know, training, you know, recruitment, the—you know, training—the equipment, communication. We touched almost every facet of the agency.

We actually have quite a few reports in progress right now. Some are coming out with some recommendations. I think that number's going to increase a significant amount here in the short—short term.

No, we are—we have got a lot of projects going on and I think we are, you know, of course, risk-based. We are looking at the highest priority areas.

Chairman LOUDERMILK. Well, I appreciate that.

Just for correction, you said J4. I think you meant J6.

Mr. RUSSO. I am sorry. J6.

Chairman LOUDERMILK. Yes.

Mr. RUSSO. My apologies.

Chairman LOUDERMILK. I want to make sure for the record that—

Mr. RUSSO. My apologies.

Mr. LOUDERMILK [continuing]. you know, it was correct.

As I said, we are not looking for just doing busy work to do busy work. Right?

Mr. RUSSO. Correct.

Chairman LOUDERMILK. We want to make sure that what we do is good and proper.

Who on your team is involved in determining if a recommendation has been completed?

Mr. RUSSO. Well, ultimately. It will—it would be my responsibility but I do that in coordination with my team—

Chairman LOUDERMILK. OK.

Mr. RUSSO [continuing]. my No. 2.

Chairman LOUDERMILK. There is not really a process other than just everyone agreeing that, yes, this is—making recommendation to you and you—

Mr. RUSSO. Well, it is not haphazard. We actually evaluate all the aspects or elements of the recommendation, the risk associated with it. We determine back and forth with the department audit coordinator any materials that we need. Then we will sit around and determine if that—a risk has been neutralized or, you know, are they putting in place a compensating control that will achieve that.

Chairman LOUDERMILK. General idea, how many are on this team?

Mr. RUSSO. How many are on?

Chairman LOUDERMILK. That—that you work with about closing, how many people? Just—just a ballpark.

Mr. RUSSO. Oh, on the team?

Chairman LOUDERMILK. Yes.

Mr. RUSSO. Well, my audit director and could be the auditor that did it, so maybe just two—

Chairman LOUDERMILK. OK.

Mr. RUSSO [continuing]. maybe three—

Mr. LOUDERMILK. So—

Mr. RUSSO [continuing]. maybe our coordinator in the office, as well.

Chairman LOUDERMILK. Let us say you are going to look at closing out a recommendation. Is it always unanimous, or do you occasionally have dissenters?

Mr. RUSSO. Well, I open it up. You know, everybody has outstanding backgrounds in audit and, you know, blessed to have a very professional team, experienced team. I take—take into account what they—the guidance they provide.

You know, I am—I think we have seven where we, as we say, spirit of. You know, some of them are, they are performing a function, an intelligence fusion center function. They were just waiting for furniture. The function was being done. They were waiting for final build-out. As long as they are able to furnish—furnish information, that they are actually performing the function, I am not overly concerned about what room number they sit in to do it.

Chairman LOUDERMILK. Right.

Mr. RUSSO. That would be—that is an example of one of the seven.

Chairman LOUDERMILK. There may be times that one of the team members dissents, but you still feel that it is enough has been done. I mean, and I am not trying to put words in your mouth.

Mr. RUSSO. Yes, I—

Mr. LOUDERMILK. I am just trying to get an understanding.

Mr. RUSSO. No, I do not—

Mr. LOUDERMILK. It is not always unanimous.

Mr. RUSSO. I do not know—I cannot remember a time where we had any serious difference in concluding that the controls were adequate. I mean, could it happen? Sure.

Chairman LOUDERMILK. OK.

Mr. RUSSO. You know—

Mr. LOUDERMILK. It is not a—

Mr. RUSSO [continuing]. perhaps with the CERT team issue.

Chairman LOUDERMILK. Yes.

Mr. RUSSO. Having 33 years of law enforcement, having dealt with counter-assault and CERT and all that, I had a pretty good feeling that the homogenized version that they were putting in place was sufficient for what they were trying to get at. So—

Chairman LOUDERMILK. I am just trying to get an idea because—

Mr. RUSSO. Yes, sir.

Chairman LOUDERMILK [continuing]. you know, you are talking to a body who normally never has anything we have unanimity on.

Mr. RUSSO. Yes, sir.

Chairman LOUDERMILK. Just trying to get an idea.

The moment's come. Last question. Do you—and we talked about this in private. We see that the makeup of your office and the process is out of the norm of what you would see in most inspector generals is that you report to the very people that have the power to terminate you. Right? That—that is a conflict of interest in our mind and within a lot of inspector generals. I am not trying to put you on the spot because I understand the situation you are in. You may not be able to answer this, and that is fine.

Let me put it this way. Do you—do you feel that there are times, not necessarily in yours, but when an inspector general—and being hypothetical, but we all know what I am talking about. If an inspector general is responsible for investigating the very entity that has the power to hire and fire, does that not create some level of conflict?

Mr. RUSSO. It is an ongoing challenge. In Florida, I had three IG posts. Two of them were secretaries of an agency appointed by a Governor. One was an elected official.

In all three of those occasions, I was reporting to one person, who paid my check, who provided me administrative H.R. support, training, et cetera.

That was a lot less independent than how I feel it is now where I now report to three people who have to unanimously decide to hire or fire rather than just one person. It is an ongoing challenge in the IG——

Chairman LOUDERMILK. Right.

Mr. RUSSO [continuing]. community to achieve that, you know, Utopia. I think it is a pretty good—from where I am sitting, my relationship with the board is a better, stronger, more independent relationship than if I were to have just reported to one individual.

Chairman LOUDERMILK. OK. I appreciate that.

It may be better, but I do not think it is best. We will be—we will be working with you.

Appreciate the work you are doing. We appreciate you being here. I would like to thank you for joining us.

Before we adjourn, I also want to mention the good work that was done by Mrs. Torres and the minority side relating to the psychological evaluation that was recently revealed. We really appreciate work that you will put into investigating that, as well.

Again, I would like to thank you for being here and for joining us today.

Members of the Subcommittee may have some additional questions for you, and we ask that you please respond to those questions in writing.

Mr. RUSSO. Yes, sir.

Chairman LOUDERMILK. Without objection, each Member will have 5 legislative days to insert additional material into the record or to revise and extend their remarks.

If there is no further business, I thank the Members for their participation.

Without objection, the Committee stands adjourned.

[Whereupon, at 3:09 p.m., the Subcommittee was adjourned.]

